

IC 31-37-19

Chapter 19. Dispositional Decrees

IC 31-37-19-1

Entry of dispositional decrees; placement in foster family home or another facility; findings and conclusions

Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department.
 - (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
 - (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
 - (4) Award wardship to a:
 - (A) person, other than the department; or
 - (B) shelter care facility.
 - (5) Partially or completely emancipate the child under section 27 of this chapter.
 - (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services.
 - (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:
- (A) approve a permanency plan for the child;
 - (B) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;
 - (C) designate responsibility for the placement and care of the child with the probation department; and
 - (D) find whether it:
 - (i) serves the best interests of the child to be removed; and
 - (ii) would be contrary to the health and welfare of the child for the child to remain in the home.
- (c) If a dispositional decree under this section:
- (1) orders or approves removal of a child from the child's home or awards wardship of the child to a:
 - (A) person other than the department; or
 - (B) shelter care facility; and
 - (2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian; the court shall include in the decree the appropriate findings and conclusions described in

IC 31-37-6-6(f) and IC 31-37-6-6(g). *As added by P.L.1-1997, SEC.20. Amended by P.L.70-2004, SEC.25; P.L.145-2006, SEC.345; P.L.146-2006, SEC.57; P.L.146-2008, SEC.647.*

IC 31-37-19-1.5

Completion of case plan; copies of case plan; elements included in case plan; review and update of case plan

Sec. 1.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.

(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

(1) A permanency plan for the child and an estimated date for achieving the goal of the plan.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative caretaker, before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and

(B) department has coordinated with local educational agencies to ensure:

(i) the child remains in the school where the child is enrolled at the time of removal; or

(ii) immediate, appropriate enrollment of the child in a different school if remaining in the same school is not in the best interests of the child.

(e) Each caretaker of a child and the probation department shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

As added by P.L.146-2008, SEC.648. Amended by P.L.131-2009, SEC.71.

IC 31-37-19-2

Dispositional decree that includes a no contact order; protective order depository; confidential form

Sec. 2. If a court enters a dispositional decree that includes a no contact order under section 1(7) of this chapter:

(1) the clerk of the court that enters a dispositional decree that includes a no contact order under section 1(7) of this chapter shall comply with IC 5-2-9; and

(2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

As added by P.L.1-1997, SEC.20. Amended by P.L.133-2002, SEC.36.

IC 31-37-19-3

Placement in shelter care facility outside county of residence; placement in home or facility outside Indiana

Sec. 3. (a) A juvenile court may not place a child who is a delinquent child under IC 31-37-2 in a shelter care facility that is located outside the child's county of residence unless:

(1) placement of the child in a shelter care facility with adequate services located in the child's county of residence is unavailable; or

(2) the child's county of residence does not have an appropriate shelter care facility with adequate services.

(b) A juvenile court may not place a child in a home or facility that is not a secure detention facility and that is located outside Indiana unless:

(1) the placement is recommended or approved by the director of the department or the director's designee; or

(2) the court makes written findings based on clear and convincing evidence that:

(A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or

(B) the location of the home or facility is within a distance not more than fifty (50) miles from the county of residence of the child.

As added by P.L.1-1997, SEC.20. Amended by P.L.146-2008, SEC.649.

IC 31-37-19-4

Invalidation of driver's license or permit of delinquent child violating compulsory school attendance law

Sec. 4. (a) This section applies if a child:

(1) is a delinquent child under IC 31-37-2 due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal); and

(2) has been previously determined to be a delinquent child under IC 31-37-2 (or IC 31-6-4-1(b)(2) before its repeal) due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal).

(b) The juvenile court shall, in addition to any other order or decree the juvenile court makes

under this chapter, order the bureau of motor vehicles to invalidate the child's driver's license or permit for a period specified by the court that is not less than ninety (90) days but not more than one (1) year. *As added by P.L.1-1997, SEC.20.*

IC 31-37-19-5

Additional dispositional decrees

Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

As added by P.L.1-1997, SEC.20. Amended by P.L.32-2000, SEC.21; P.L.238-2001, SEC.16; P.L.116-2002, SEC.19; P.L.140-2006, SEC.19 and P.L.173-2006, SEC.19; P.L.145-2006, SEC.346; P.L.1-2007, SEC.208; P.L.146-2008, SEC.650.

IC 31-37-19-6

Additional actions by court on behalf of delinquent child

Sec. 6. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) Except as provided in section 10 of this chapter and subject to section 6.5 of this chapter, the juvenile court may:

(1) enter any dispositional decree specified in section 5 of this chapter; and

(2) take any of the following actions:

(A) Award wardship to:

(i) the department of correction for housing in a correctional facility for children; or

(ii) a community based correctional facility for children.

Wardship under this subdivision does not include the right to consent to the child's adoption.

(B) If the child is less than seventeen (17) years of age, order confinement in a juvenile

detention facility for not more than the lesser of:

(i) ninety (90) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(C) If the child is at least seventeen (17) years of age, order confinement in a juvenile detention facility for not more than the lesser of:

(i) one hundred twenty (120) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(D) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(E) Award wardship to a:

(i) person, other than the department; or

(ii) shelter care facility.

Wardship under this subdivision does not include the right to consent to the child's adoption.

(F) Place the child in a secure private facility for children licensed under the laws of a state. Placement under this subdivision includes authorization to control and discipline the child.

(G) Order a person who is a respondent in a proceeding under IC 31-37-16 (before its repeal) or IC 34-26-5 to refrain from direct or indirect contact with the child.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home, or awards wardship of the child to a:

(A) person, other than the department; or

(B) shelter care facility; and

(2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian; the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

As added by P.L. 1-1997, SEC. 20. Amended by P.L. 1-2003, SEC. 79; P.L. 70-2004, SEC. 26; P.L. 146-2008, SEC. 651.

IC 31-37-19-6.5

Prohibition against approval of placement of child or awarding wardship that results in placement with certain individuals

Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed

by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that entry of a dispositional decree placing the child in another home is in the best interest of the child. However, a court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that

would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

As added by P.L.70-2004, SEC.27. Amended by P.L.234-2005, SEC.187; P.L.145-2006, SEC.347; P.L.1-2007, SEC.209; P.L.146-2008, SEC.652.

IC 31-37-19-7

Age restrictions for wardship; confinement in facilities housing persons charged with, imprisoned for, or incarcerated for crimes

Sec. 7. (a) With respect to a wardship awarded under section 6(b)(2)(A) of this chapter, a child may not be awarded to the department of correction, if the child:

(1) except as provided by subsection (b), is:

(A) less than twelve (12) years of age; or

(B) at least eighteen (18) years of age;

at the time of the dispositional decree; or

(2) was determined to be a delinquent child because the child violated IC 7.1-5-7.

(b) A wardship may be awarded to the department of correction if the child:

(1) is ten (10) or eleven (11) years of age; and

(2) is found to have committed an act that would have been murder if committed by an adult.

(c) The department of correction may not confine a delinquent child, except as provided in IC 11-10-2-10, at:

(1) an adult correctional facility; or

(2) a shelter care facility;

that houses persons charged with, imprisoned for, or incarcerated for crimes unless the child is restricted to an area of the facility where the child may have not more than haphazard or incidental sight or sound contact with persons charged with, imprisoned for, or incarcerated for crimes. *As added by P.L.1-1997, SEC.20.*

IC 31-37-19-8

Continuous or intermittent confinement; substandard juvenile detention facilities

Sec. 8. (a) Confinement under section 6(b)(2)(B) of this chapter may be continuous or intermittent, including confinement at night or on weekends.

(b) A child may not be sent to a juvenile detention facility that fails to meet standards established by law.

As added by P.L.1-1997, SEC.20.

IC 31-37-19-9

Confinement of delinquent child at least 13 but less than 16 years of age committing act

that would be murder, kidnapping, rape, criminal deviate conduct, or robbery if committed by adult

Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under IC 11-8-8-5, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

(1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and

(2) committed an act that, if committed by an adult, would be:

(A) murder (IC 35-42-1-1);

(B) kidnapping (IC 35-42-3-2);

(C) rape (IC 35-42-4-1);

(D) criminal deviate conduct (IC 35-42-4-2); or

(E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

As added by P.L.1-1997, SEC.20. Amended by P.L.238-2001, SEC.17; P.L.140-2006, SEC.20 and P.L.173-2006, SEC.20.

IC 31-37-19-10

Confinement of delinquent child at least 14 years of age committing act that would be felony against person, Class A or Class B controlled substances felony, or burglary and two prior unrelated adjudications that would be felonies if committed by an adult

Sec. 10. (a) This section applies to a child who:

(1) is adjudicated a delinquent child for an act that if committed by an adult would be:

(A) a felony against a person;

(B) a Class A or Class B felony that is a controlled substances offense under IC 35-48-4-1 through IC 35-48-4-5; or

(C) burglary as a Class A or Class B felony under IC 35-43-2-1;

(2) is at least fourteen (14) years of age at the time the child committed the act for which the child is being placed; and

(3) has two (2) unrelated prior adjudications of delinquency for acts that would be felonies if committed by an adult.

(b) A court may place the child in a facility authorized under this chapter for not more than two (2) years.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(n) before its repeal).

As added by P.L.1-1997, SEC.20.

IC 31-37-19-11

Confinement imposed under departmental classification system; limitation

Sec. 11. If a child:

(1) is adjudicated a delinquent child for a delinquent act; and
(2) becomes a ward of the department of correction under this chapter (or IC 31-6-4-15.9 before its repeal);
the department of correction may not at any time during the child's confinement impose a departmental classification system on the child that would cause the child to be confined in a correctional facility for longer than the period of confinement under a departmental classification system that existed on the date that the child committed the delinquent act.
As added by P.L. 1-1997, SEC.20.

IC 31-37-19-12

HIV testing of delinquent child; reporting; notice to and counseling of victims

Sec. 12. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) an offense relating to a criminal sexual act (as defined in IC 35-41-1-19.3) and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(2) an offense relating to controlled substances (as defined in IC 35-41-1-19.4) if the offense involved:

(A) the delivery by a person to another person; or

(B) the use by a person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to undergo a screening test for the human immunodeficiency virus (HIV).

(c) If the screening test indicates the presence of antibodies to HIV, the court shall order the child to undergo a confirmatory test.

(d) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health.

(e) The state department of health shall do the following:

(1) Notify potentially affected victims of the offense relating to a criminal sexual act (as defined in IC 35-41-1-19.3) or offense relating to controlled substances (as defined in IC 35-41-1-19.4) of the HIV screening results.

(2) Provide counseling regarding HIV and a referral for appropriate health care to the victims. *As added by P.L. 1-1997, SEC.20. Amended by P.L. 125-2007, SEC.2.*

IC 31-37-19-13

Delinquent acts involving controlled or counterfeit substances or prescription drugs; invalidation of operator's license or permit

Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or (2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

As added by P.L. 1-1997, SEC. 20.

IC 31-37-19-14

Delinquent acts involving controlled or counterfeit substances or prescription drugs; prior adjudication of act on or near school property; invalidation of operator's license or permit

Sec. 14. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or

(2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

As added by P.L. 1-1997, SEC. 20.

IC 31-37-19-15

Delinquent acts involving controlled or counterfeit substances or prescription drugs; denial of learner's permit

Sec. 15. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or (2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

As added by P.L.1-1997, SEC.20.

IC 31-37-19-16

Delinquent acts involving controlled or counterfeit substances or prescription drugs; prior adjudication of act on or near school property; denial of learner's permit

Sec. 16. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal); or

(2) the delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

As added by P.L.1-1997, SEC.20.

IC 31-37-19-17

Delinquent acts involving criminal mischief or use of graffiti; suspension of operator's license or invalidation of learner's permit

Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's operator's license; or

(2) invalidate the child's learner's permit;

for one (1) year beginning the date of the order.

As added by P.L.1-1997, SEC.20.

IC 31-37-19-17.2

Fuel theft by delinquent child

Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal

conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

- (1) suspend the child's operator's license; or
- (2) invalidate the child's learner's permit;

under IC 9-25-6-21 in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft. *As added by P.L.117-2001, SEC.5.*

IC 31-37-19-17.3

Suspension of child's driving privileges; reinstatement; probationary privileges; termination

Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

- (1) Remove any record of the suspension from the bureau's record keeping system.
- (2) Reinstate the privileges without cost to the person.

(e) If:

(1) a juvenile court recommends suspension of a child's driving privileges under this section; and

(2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the

delinquent act that would be an offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.
As added by P.L.32-2000, SEC.22.

IC 31-37-19-17.4

Court may order a delinquent child to receive counseling

Sec. 17.4. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense relating to a criminal sexual act (as defined in IC 35-41-1-19.3).

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order:

- (1) the child; and
- (2) the child's parent or guardian;

to receive psychological counseling as directed by the court, subject to the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9. *As added by P.L.70-2004, SEC.28. Amended by P.L.125-2007, SEC.3; P.L.146-2008, SEC.653.*

IC 31-37-19-18

Surrendering and forwarding driver's licenses or permits

Sec. 18. If the court orders invalidation or denial of issuance of a driver's license or permit as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

(1) the bureau of motor vehicles shall comply with the order for invalidation or denial of issuance; and

(2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), and IC 9-30-6-12(d) apply to the child's driving privileges. *As added by P.L.1-1997, SEC.20. Amended by P.L.32-2000, SEC.23.*

IC 31-37-19-19

Period of invalidation or denial of license or permit; maximum; order to allow receipt of license or permit before completion of period

Sec. 19. The juvenile court may:

(1) enter an order for the maximum period of invalidation or denial of issuance under sections 13, 14, 15, and 16 of this chapter; and

(2) following a determination that the child has committed no further delinquent acts, enter an order to allow the child to receive a license or permit before the period of invalidation or denial is completed. *As added by P.L.1-1997, SEC.20.*

IC 31-37-19-20

Restitution or removal of graffiti; rescission of order suspending or invalidating operator's license or learner's permit

Sec. 20. (a) This section applies if the juvenile court has entered an order for suspension or invalidation of an operator's license or a learner's permit under section 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).

(b) Following a determination by the juvenile court that the child has removed or painted over the graffiti or has made other suitable restitution, the court may:

- (1) rescind the order for suspension or invalidation; and
- (2) allow the child to receive a license or permit before the period of suspension or invalidation ends. *As added by P.L. 1-1997, SEC.20.*

IC 31-37-19-21

Juvenile detention facility confining child for more than 30 days; criteria

Sec. 21. As part of a dispositional decree, a child may only be confined in a juvenile detention facility for more than thirty (30) days if the facility meets the following criteria:

- (1) The facility provides to delinquent children a program that includes recreation, education, counseling, and health care.
- (2) The program provides services and treatment to:
 - (A) meet the individual needs of the delinquent child;
 - (B) involve the delinquent child's family if possible; and
 - (C) provide transitional services for delinquent children returning to community placement.
- (3) The program must be administered and operated by staff who are qualified through education and training to provide rehabilitation and treatment.
- (4) The juvenile detention facility must meet the state standards and licensing requirements established by 210 IAC 6. *As added by P.L. 1-1997, SEC.20.*

IC 31-37-19-22

Dispositional decree containing a no contact order for child needing care, treatment, or rehabilitation; protective order depository; confidential form

Sec. 22. If a court issues a dispositional decree that includes a no contact order under section 6(b)(2)(G) of this chapter:

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk. *As added by P.L. 1-1997, SEC.20. Amended by P.L.133-2002, SEC.37.*

IC 31-37-19-23

Placement in facility located outside child's county of residence

Sec. 23. A court may not place a child who is a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) in:

- (1) a community based correctional facility for children;
- (2) a juvenile detention facility;

- (3) a secure facility;
- (4) a secure private facility; or
- (5) a shelter care facility;

that is located outside the child's county of residence unless placement of the child in a comparable facility with adequate services located in the child's county of residence is unavailable or the child's county of residence does not have an appropriate comparable facility with adequate services. *As added by P.L. 1-1997, SEC. 20.*

IC 31-37-19-24

Order for participation by parent, guardian, or custodian in program of care, treatment, or rehabilitation for child

Sec. 24. If the juvenile court determines that a parent, guardian, or custodian should participate in a program of care, treatment, or rehabilitation for the child, the court may order the parent, guardian, or custodian to:

- (1) obtain assistance in fulfilling the obligations as a parent, guardian, or custodian;
- (2) provide specified care, treatment, or supervision for the child;
- (3) work with a person providing care, treatment, or rehabilitation for the child; and
- (4) participate in a program operated by or through the department of correction.

As added by P.L. 1-1997, SEC. 20.

IC 31-37-19-25

Decree limiting contact with child; copies to parties and law enforcement agencies

Sec. 25. (a) The clerk of the court that enters a dispositional decree under this article that requires a person to refrain from direct or indirect contact with a child shall provide a copy of the decree to the following:

- (1) Each party.
- (2) The sheriff.
- (3) The law enforcement agency of the municipality, if any, in which the child resides.

(b) Each sheriff and law enforcement agency that receives a decree under subsection (a) shall maintain a copy of the decree in the depository established by IC 5-2-9. The decree may be removed from the depository after the later of the following occurs:

- (1) The lapse of one (1) year after the decree is entered.
- (2) The date specified in the decree if any.

As added by P.L. 1-1997, SEC. 20.

IC 31-37-19-26

Determination and reporting of legal settlement

Sec. 26. (a) This section applies if a juvenile court:

- (1) places a child;
- (2) changes the placement of a child; or
- (3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its

repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

- (1) Make findings of fact concerning the legal settlement of the child.
- (2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.
- (3) Include the findings of fact required by this section in the:
 - (A) dispositional order;
 - (B) modification order; or
 - (C) other decree;making or changing the placement of the child.
- (c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under IC 20-26-11-8(d).
- (d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.
- (e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

As added by P.L.1-1997, SEC.20. Amended by P.L.1-2005, SEC.211; P.L.13-2006, SEC.6; P.L.159-2007, SEC.6.

IC 31-37-19-27

Emancipation of child

Sec. 27. (a) The juvenile court may emancipate a child under section 1(5) or 5(b)(5) of this chapter if the court finds that the child:

- (1) wishes to be free from parental control and protection and no longer needs that control and protection;
 - (2) has sufficient money for the child's own support;
 - (3) understands the consequences of being free from parental control and protection; and
 - (4) has an acceptable plan for independent living.
- (b) Whenever the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:
- (1) Suspension of the parent's or guardian's duty to support the child. In this case the judgment of emancipation supersedes the support order of a court.
 - (2) Suspension of:
 - (A) the parent's or guardian's right to the control or custody of the child; and
 - (B) the parent's right to the child's earnings.
 - (3) Empowering the child to consent to marriage.
 - (4) Empowering the child to consent to military enlistment.
 - (5) Empowering the child to consent to:
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social;services.
 - (6) Empowering the child to contract.

- (7) Empowering the child to own property.
- (c) An emancipated child remains subject to:
 - (1) IC 20-33-2 concerning compulsory school attendance; and
 - (2) the continuing jurisdiction of the court.

As added by P.L.1-1997, SEC.20. Amended by P.L.1-2005, SEC.212.

IC 31-37-19-28

Copy of dispositional decree of a Medicaid recipient child by court to division of family resources

Sec. 28. (a) This section applies if a predispositional report indicates that a child receives Medicaid and a court places the child in:

- (1) a juvenile detention facility; or
- (2) a secure facility, not including a facility licensed as a child caring institution under IC 31-27.

(b) The court shall immediately provide a copy of the dispositional decree to the division of family resources.

As added by P.L.114-2009, SEC.3.