

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1196

AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-34-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person may give an intake officer written information indicating that a child is a child in need of services. If the intake officer **completing the preliminary inquiry** has reason to believe that the child is a child in need of services, the intake officer shall:

- (1) make a preliminary inquiry to determine whether the interests of the child require further action; **and**
- (2) **complete the dual status screening tool on the child, as described in IC 31-41-1-3.**

Whenever practicable, the preliminary inquiry should include information on the child's background, current status, and school performance.

SECTION 2. IC 31-34-7-2, AS AMENDED BY P.L.146-2008, SECTION 583, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The intake officer shall send to the attorney for the department a copy of the preliminary inquiry. The intake officer shall recommend whether to:

- (1) file a petition;
- (2) **file a petition and recommend that the child be referred**

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for an assessment by a dual status assessment team as described in IC 31-41-1-5;

~~(2)~~ (3) informally adjust the case;

(4) informally adjust the case and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;

~~(3)~~ (5) refer the child to another agency; or

~~(4)~~ (6) dismiss the case.

SECTION 3. IC 31-34-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The juvenile court shall do the following:

(1) Consider the preliminary inquiry and the evidence of probable cause that is contained in the report of the preliminary inquiry or an affidavit of probable cause.

(2) Authorize the filing of a petition if the court finds probable cause to believe that the child is a child in need of services.

(3) Determine if a child should be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5.

SECTION 4. IC 31-34-10-2, AS AMENDED BY P.L.48-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition within ten (10) days after the filing of the petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, guardian ad litem, or court appointed special advocate.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

(d) If the initial hearing is not scheduled and held within the specified time as described in this section, the child shall be released to the child's parent, guardian, or custodian.

(e) The juvenile court shall determine if a child should be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5. In making its determination, the court shall consider the length of time since the delinquent act or the incident of abuse or neglect.

~~(e)~~ (f) The court may schedule an additional initial hearing on the child in need of services petition if necessary to comply with the



procedures and requirements of this chapter with respect to any person to whom a summons has been issued under this section, **including if the court refers a child to be assessed by a dual status assessment team. An additional initial hearing shall be conducted if the court refers a child to be assessed by a dual status assessment team unless the court has:**

- (1) granted an extension of time due to extraordinary circumstances; and**
- (2) stated the extraordinary circumstances in a written court order.**

~~(f)~~ **(g) Except for cases in which a child has been referred for an assessment by a dual status assessment team,** an additional initial hearing on the child in need of services petition shall be held not more than thirty (30) calendar days after the date of the first initial hearing on the child in need of services petition, unless the court has:

- (1) granted an extension of time for extraordinary circumstances; and
- (2) stated the extraordinary circumstance in a written court order.

~~(g)~~ **(h)** The department shall provide notice of the date, time, place, and purpose of the initial hearing and any additional initial hearing scheduled under this section to each foster parent or other caretaker with whom the child has been temporarily placed under IC 31-34-2.5, IC 31-34-4, or IC 31-34-5. The court shall:

- (1) provide a:
 - (A) person for whom a summons is required to be issued under subsection (b); and
 - (B) person who is required to be notified under this subsection;
 an opportunity to be heard; and
- (2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

~~(h)~~ **(i)** A petition alleging that a child is a child in need of services shall be filed before a detention hearing concerning the child is held.

~~(i)~~ **(j)** If a detention hearing is held under IC 31-34-5, the initial hearing on the child in need of services petition shall be held at the same time as the detention hearing.

~~(j)~~ **(k)** The court may schedule an additional initial hearing on a child in need of services petition if necessary to comply with the procedures and requirements of this chapter with respect to any person to whom a summons has been issued under this section.

~~(k)~~ **(l)** An additional initial hearing under subsection ~~(j)~~ **(k)** shall be



held not more than thirty (30) calendar days after the date of the first initial hearing on the child in need of services petition unless the court:

(1) grants an extension of time for extraordinary circumstances; and

(2) states the extraordinary circumstance in a written court order.

SECTION 5. IC 31-34-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** If the court finds that a child is a child in need of services, the court shall:

(1) enter judgment accordingly;

(2) order a predisposition report; and

(3) schedule a dispositional hearing; and

(4) complete a dual status screening tool on the child, as described in IC 31-41-1-3.

(b) If a court determines a child is a dual status child, the court may refer the child for an assessment by a dual status assessment team as described in IC 31-41-1-5.

SECTION 6. IC 31-34-18-6.1, AS AMENDED BY P.L.146-2008, SECTION 600, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) The predispositional report prepared by the department or caseworker must include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(4) The report and recommendations of the dual status assessment team if the child is a dual status child under IC 31-41.

(b) If the department or caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the department or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) The department or caseworker is not required to conduct a criminal history check under this section if:



(1) the department or caseworker 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.

SECTION 7. IC 31-34-19-1, AS AMENDED BY P.L.48-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The juvenile court shall complete a dispositional hearing not more than thirty (30) days after the date the court finds that a child is a child in need of services to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- (3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.
- (4) The recommendations and report of a dual status assessment team if the child is a dual status child.**

(b) If the dispositional hearing is not completed in the time set forth in subsection (a), upon a filing of a motion with the court, the court shall dismiss the case without prejudice.

SECTION 8. IC 31-34-19-10, AS AMENDED BY P.L.146-2006, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) Efforts made, if the child is a child in need of services, to:
 - (A) prevent the child's removal from; or
 - (B) reunite the child with;
 the child's parent, guardian, or custodian in accordance with federal law.
- (4) Family services that were offered and provided to:
 - (A) a child in need of services; or
 - (B) the child's parent, guardian, or custodian;
 in accordance with federal law.



(5) The court's reasons for the disposition.

(6) Whether the child is a dual status child under IC 31-41.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 9. IC 31-37-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child.

(b) If the information is given to the intake officer, the intake officer shall:

(1) immediately forward the information to the prosecuting attorney; and

(2) complete a dual status screening tool on the child, as described in IC 31-41-1-3.

(c) If the prosecuting attorney has reason to believe the child has committed a delinquent act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry to determine whether the interests of the public or of the child require further action.

SECTION 10. IC 31-37-8-2, AS AMENDED BY P.L.146-2008, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A preliminary inquiry is an informal investigation into the facts and circumstances reported to the court. Whenever practicable, the preliminary inquiry should include the following information:

(1) The child's background.

(2) The child's current status.

(3) The child's school performance.

(4) If the child has been detained:

(A) efforts made to prevent removal of the child from the child's home, including the identification of any emergency situation that prevented reasonable efforts to avoid removal;

(B) whether it is in the best interests of the child to be removed from the home environment; and

(C) whether remaining in the home would be contrary to the health and welfare of the child.

(5) The results of a dual status screening tool to determine whether the child is a dual status child, as described in IC 31-41-1-2.

SECTION 11. IC 31-37-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. If a child interview occurs, the intake officer shall advise the child and the child's parent,



guardian, or custodian of the following:

- (1) The nature of the allegations against the child.
- (2) That the intake officer is conducting a preliminary inquiry to assist the prosecuting attorney in determining whether a petition should be filed alleging that the child is a delinquent child.
- (3) That the intake officer will recommend whether to:
 - (A) file a petition;
 - (B) file a petition and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41;**
 - ~~(B)~~ (C) informally adjust the case;
 - (D) informally adjust the case and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;**
 - ~~(C)~~ (E) refer the child to another agency; or
 - ~~(D)~~ (F) dismiss the case.
- (4) That the child has a right to remain silent.
- (5) That anything the child says may be used against the child in subsequent judicial proceedings.
- (6) That the child has a right to consult with an attorney before the child talks with the intake officer.
- (7) That the child has a right to stop at any time and consult with an attorney.
- (8) That the child has a right to stop talking with the intake officer at any time.
- (9) That if the child cannot afford an attorney, the court will appoint an attorney for the child.

SECTION 12. IC 31-37-8-5, AS AMENDED BY P.L.146-2008, SECTION 627, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The intake officer shall do the following:

- (1) Send the prosecuting attorney a copy of the preliminary inquiry.
- (2) Recommend whether to:
 - (A) file a petition;
 - (B) file a petition and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5;**
 - ~~(B)~~ (C) informally adjust the case;
 - (D) informally adjust the case and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5;**



- ~~(E)~~ (E) refer the child to another agency; or
~~(F)~~ (F) dismiss the case.

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

SECTION 13. IC 31-37-12-2, AS AMENDED BY P.L.138-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

- (1) The child.
- (2) The child's parent, guardian, custodian, or guardian ad litem.
- (3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

(d) The prosecuting attorney or the probation department of the juvenile court shall provide notice of the time, place, and purpose of the initial hearing scheduled or held under this section to each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5 or IC 31-37-7. The court shall:

- (1) provide a:
 - (A) person for whom a summons is required to be issued under subsection (b); and
 - (B) person required to be notified under this subsection; an opportunity to be heard; and
- (2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

(e) The juvenile court shall determine if a child should be referred for an assessment by a dual status assessment team as described in IC 31-41. In making its determination, the court shall consider the length of time since the delinquent act or the incident of abuse or neglect.

(f) If the court refers the child for an assessment by a dual status assessment team, the court shall schedule an additional initial hearing on the petition if the court refers a child to be assessed by a dual status assessment team unless the court:

- (1) grants an extension of time due to extraordinary circumstances; and**
- (2) states the extraordinary circumstances in a written court order.**



SECTION 14. IC 31-37-13-2, AS AMENDED BY P.L.146-2008, SECTION 635, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** If the court finds that a child is a delinquent child, the court shall do the following:

- (1) Enter judgment accordingly.
- (2) Order a predispositional report.
- (3) Schedule a dispositional hearing.

(4) Complete a dual status screening tool on the child, as described in IC 31-41-1-3, and determine whether the child is a dual status child as described in IC 31-41-1-2.

(b) If a child is determined to be a dual status child, the court may refer the child for an assessment by a dual status assessment team as described in IC 31-41.

SECTION 15. IC 31-37-17-6.1, AS AMENDED BY P.L.123-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) The predispositional report prepared by a probation officer must include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.
- (4) The items required under section 1 of this chapter.

(5) The results of a dual status screening tool to determine whether the child is a dual status child as described in IC 31-41-1-2.

(b) If a probation officer is considering an out-of-home placement, including placement with a relative, the probation officer must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) A 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.

SECTION 16. IC 31-37-18-9, AS AMENDED BY P.L.48-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning approval, modification, or rejection of the dispositional recommendations submitted in the predispositional report, including the following specific findings:

(1) The needs of the child for care, treatment, rehabilitation, or placement.

(2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) Efforts made, if the child is removed from the child's parent, guardian, or custodian, to:

(A) prevent the child's removal from; or

(B) reunite the child with;

the child's parent, guardian, or custodian.

(4) Family services that were offered and provided to:

(A) the child; or

(B) the child's parent, guardian, or custodian.

(5) The court's reasons for the disposition.

(6) Whether the child is a dual status child under IC 31-41.

(b) If the department does not concur with the probation officer's recommendations in the predispositional report and the juvenile court does not follow the department's alternative recommendations, the juvenile court shall:

(1) accompany the court's dispositional decree with written findings that the department's recommendations contained in the predispositional report are:

(A) unreasonable based on the facts and circumstances of the case; or

(B) contrary to the welfare and best interests of the child; and

(2) incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (d).

(c) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

(d) If the juvenile court enters findings and a decree under subsection (b), the department may appeal the juvenile court's decree

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under any available procedure provided by the Indiana Rules of Trial Procedure or Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(e) If the department prevails on appeal, the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

- (1) any programs or services implemented during the appeal initiated under subsection (d), other than the cost of an out-of-home placement ordered by the juvenile court; and
- (2) any out-of-home placement ordered by the juvenile court and implemented after entry of the dispositional decree or modification order, if the juvenile court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the department shall file a notice with the Indiana judicial center.

SECTION 17. IC 31-41 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

ARTICLE 41. DUAL STATUS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Dual status child" means:

- (1) a child who is alleged to be or is presently adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11 and is alleged to be or is presently adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13;
- (2) a child who is presently named in an informal adjustment under IC 31-34-8 and who is adjudicated a delinquent child under IC 31-37-12 or IC 31-37-13;
- (3) a child who is presently named in an informal adjustment under IC 31-37-9 and who is adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11;
- (4) a child who:
 - (A) has been previously adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11; or
 - (B) was a participant in a program of informal adjustment under IC 31-34-8;
 and who was under a wardship that had been terminated or



was in a program of informal adjustment that had concluded before the current delinquency petition;

(5) a child who was:

(A) previously adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13 that was closed; and

(B) a participant in a program of informal adjustment under IC 31-37-9 which was concluded prior to a child in need of services proceeding; and

(6) a child:

(A) who is eligible for release from commitment of the department of correction;

(B) whose parent, guardian, or custodian:

(i) cannot be located; or

(ii) is unwilling to take custody of the child; and

(C) for whom the department of correction is requesting a modification of the dispositional decree under IC 31-30-2-4.

Sec. 3. "Dual status screening tool" means a factual review of a child's status and history conducted by the case manager under IC 31-34 or the probation officer under IC 31-37 to determine whether a child meets the criteria for being a dual status child as defined by section 2 of this chapter.

Sec. 4. "Dual status assessment" means a review by a dual status assessment team to assess a dual status child's:

(1) status;

(2) best interests;

(3) need for services; and

(4) level of needs, strengths, and risk of the child.

Sec. 5. "Dual status assessment team" means a committee assembled and convened by a juvenile court to recommend the proper legal course for a dual status child.

Chapter 2. Dual Status Assessment Team

Sec. 1. After a juvenile court has determined that a child is a dual status child, the juvenile court shall refer the child to be assessed by a dual status assessment team.

Sec. 2. (a) The dual status assessment team shall include:

(1) if the child has a department of child services case manager, the case manager;

(2) if the child does not have a department of child services case manager, a representative of the department of child services appointed by the local department of child services director;



- (3) if the child has a probation officer, that probation officer;
 - (4) if the child does not have a probation officer, a probation officer appointed by the court; and
 - (5) a meeting facilitator, who may be a member of the dual status assessment team described in subdivisions (1) through (4) or may be a person appointed by the juvenile court.
- (b) The dual status assessment team may include:
- (1) the child if the juvenile court deems the child is age appropriate;
 - (2) the child's public defender or attorney;
 - (3) the child's parent, guardian, or custodian;
 - (4) the child's parent's attorney;
 - (5) a prosecuting attorney;
 - (6) the attorney for the department;
 - (7) a court appointed special advocate or a guardian at litem;
 - (8) a representative from the department of correction;
 - (9) a school representative;
 - (10) an educator;
 - (11) a therapist;
 - (12) the child's foster parent; and
 - (13) a service provider appointed by the team or the juvenile court.

Sec. 3. (a) The dual status assessment team shall meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual status assessment team shall be convened by the facilitator described in section 2(a)(6) of this chapter.

- (c) The dual status assessment team shall consider:**
- (1) any allegations of abuse or neglect suffered by the child; and
 - (2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

Sec. 4. All statements communicated in a dual status assessment team meeting are:

- (1) not admissible as evidence against the child in any judicial proceeding; and
- (2) not discoverable in any litigation.

Sec. 5. The dual status assessment team shall consider the child's best interests and well-being, including:

- (1) the child's mental health, including any diagnosis;
- (2) the child's school records, including attendance and achievement level;
- (3) the child's statements;



- (4) the statements of the child's parent, guardian, or custodian;
- (5) the impact of the child's behavior on any victim;
- (6) the safety of the community;
- (7) the child's needs, strengths, and risk;
- (8) the need for a parent participation plan;
- (9) the efficacy and availability of services and community providers;
- (10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;
- (11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;
- (12) the child's placement needs;
- (13) restorative justice practices that may be appropriate;
- (14) whether a child in need of services petition or informal adjustment should be filed or dismissed;
- (15) whether a delinquency petition or informal adjustment should be filed or dismissed;
- (16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent child;
- (17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and
- (18) any other information considered appropriate by the team.

Sec. 6. After a dual status assessment team has met to assess a child, the team shall:

- (1) designate a member to prepare the written report for the juvenile court; and
- (2) provide recommendations including:
 - (A) whether the court should proceed with an additional initial hearing regarding the petition alleging the child is in need of services and dismiss a pending delinquency petition or informal adjustment at the conclusion of a child in need of services adjudication;
 - (B) whether the court should proceed with an additional initial hearing regarding a petition alleging that the child is a delinquent under IC 31-37-1 and dismiss a pending child in need of services petition or informal adjustment



- upon conclusion of the delinquency adjudication;
- (C) whether the court should proceed with an additional initial hearing and adjudication or informal adjustment concerning a child in need of services petition and a delinquency petition under IC 31-37-1;
- (D) what agency should be the lead agency in a child's supervision; and
- (E) any other matters relevant to the child's best interests including any services to be included in a dispositional decree.

Chapter 3. Determination of Lead Agency

Sec. 1. (a) If a child has been adjudicated to be a:

- (1) child in need of services under IC 31-34; and
- (2) delinquent child under IC 31-37;

unless the court adopts a contrary recommendation by a dual status assessment team, the court making the later adjudication may determine if the department of child services or the probation department of the juvenile court shall be the lead agency that will supervise the dual status child.

(b) In making a determination under subsection (a), the court shall consider:

- (1) the child's social and family situation;
- (2) the child's experiences with the department of child services;
- (3) the child's prior adjudications of delinquency;
- (4) the recommendations of the dual status assessment team; and
- (5) the needs, strengths, and risks of the child.

(c) The court may require the department of child services and the probation department of the juvenile court to work together in the supervision of a dual status child and for the purposes of filing a modification under IC 31-34-23 or IC 31-37-22.

(d) A court may order any service for a dual status child under this chapter that is available:

- (1) to a child in need of services under IC 31-34; or
- (2) to a delinquent child under IC 31-37.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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