

HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-7; IC 20-33-2; IC 22-11-14-6; IC 31-30-1-11; IC 31-37; IC 35-38-1-22.

Synopsis: Juvenile delinquency and detention. Provides that a child less than 12 years of age may be prosecuted for juvenile delinquency only for commission of certain, specified offenses. Provides that a child who is less than 12 years of age may not be held in a juvenile detention facility, unless: (1) the child is at least 10 years of age and less than 12 years of age; and (2) the court finds that: (A) there is probable cause to believe the child committed an act that would be murder if committed by an adult; and (B) it is in the best interests of the child or the community that a petition be filed alleging that the child is a delinquent child. Requires a court that orders a child at least 10 years of age and less than 12 years of age to be detained in a juvenile facility to make specified written findings and conclusions.

Effective: July 1, 2022.

Pryor

January 11, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1324

A BILL FOR 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:

1 SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.159-2014,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. It is a ~~Class C misdemeanor for a minor to A~~
4 **person who:**
5 (1) **is at least twelve (12) years of age and less than twenty-one**
6 **(21) years of age; and**
7 (2) knowingly or intentionally: ~~make~~
8 (A) **makes** a false statement of the ~~minor's person's~~ age; or ~~to~~
9 **present**
10 (B) **presents** or ~~offer~~ **offers** false or fraudulent evidence of
11 majority or identity;
12 to a permittee for the purpose of ordering, purchasing, attempting
13 to purchase, or otherwise procuring or attempting to procure an
14 alcoholic beverage;
15 **commits a Class C misdemeanor.**

16 SECTION 2. IC 7.1-5-7-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. It is a ~~Class C~~



1 infraction for a minor to have **A person who:**

2 **(1) is at least twelve (12) years of age and less than twenty-one**

3 **(21) years of age; and**

4 **(2) has in his the person's** possession false or fraudulent
5 evidence of majority or identity with the intent to violate a
6 provision of this title;

7 **commits a Class C infraction.**

8 SECTION 3. IC 7.1-5-7-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. **(a)** A permittee shall
10 have the right to demand of a customer a signed written statement, on
11 a form prescribed by the commission, that the customer is not a minor.
12 ~~It is~~

13 **(b) A person who:**

14 **(1) is at least twelve (12) years of age and less than twenty-one**

15 **(21) years of age; and**

16 **(2) misrepresents the person's age on a statement described in**
17 **subsection (a);**

18 **commits a Class C infraction.** ~~for a minor to misrepresent his age on~~
19 ~~the statement:~~

20 SECTION 4. IC 7.1-5-7-7, AS AMENDED BY P.L.159-2014,
21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, ~~it is a Class C~~
23 ~~misdemeanor for a minor to a person who:~~

24 **(1) is at least twelve (12) years of age and less than twenty-one**

25 **(21) years of age; and**

26 **(2) knowingly:**

27 ~~(1) (A) possess~~ **possesses** an alcoholic beverage;

28 ~~(2) (B) consume~~ **consumes** an alcoholic beverage; or

29 ~~(3) (C) transport~~ **transports** an alcoholic beverage on a public
30 highway when not accompanied by at least one (1) of the
31 ~~minor's~~ **person's** parents or guardians;

32 **commits a Class C misdemeanor.**

33 (b) If a ~~minor person~~ **person** is found to have violated subsection ~~(a)(2)~~
34 **(a)(2)(B)** or ~~(a)(3)~~ **(a)(2)(C)** while operating a vehicle, the court may
35 order the ~~minor's~~ **person's** driving privileges suspended for up to one
36 (1) year. However, if the ~~minor person~~ **person** is less than eighteen (18) years
37 of age, the court shall order the ~~minor's~~ **person's** driving privileges
38 suspended for at least sixty (60) days.

39 (c) The court shall deliver any order suspending a ~~minor's~~ **person's**
40 driving privileges under this section to the bureau of motor vehicles,
41 which shall suspend the ~~minor's~~ **person's** driving privileges under
42 IC 9-24-18-12.2 for the period ordered by the court.



1 SECTION 5. IC 7.1-5-7-10, AS AMENDED BY P.L.159-2014,
 2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 10. (a) ~~It is a Class C infraction for a minor to A~~
 4 **person who:**

5 **(1) is at least twelve (12) years of age and less than twenty-one**
 6 **(21) years of age; and**

7 **(2) is knowingly or intentionally be present** in a tavern, bar, or
 8 other public place where alcoholic beverages are sold, bartered,
 9 exchanged, given away, provided, or furnished;

10 **commits a Class C infraction.**

11 (b) It is a Class C misdemeanor for a permittee to recklessly permit
 12 a minor to be in the prohibited place beyond a reasonable time in which
 13 an ordinary prudent person can check identification to confirm the age
 14 of a patron.

15 SECTION 6. IC 20-33-2-4, AS AMENDED BY P.L.32-2019,
 16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2022]: Sec. 4. Subject to the specific exceptions under this
 18 chapter, a student shall attend either:

19 (1) a public school that the student is entitled to attend under
 20 IC 20-26-11; or

21 (2) another school taught in the English language.

22 A person who **is at least twelve (12) years of age and** knowingly or
 23 intentionally violates this section commits a Class C infraction.
 24 However, the violation is a Class C misdemeanor if the person has a
 25 prior unrelated adjudication or conviction for a violation of this section
 26 within the previous five (5) years.

27 SECTION 7. IC 20-33-2-44, AS AMENDED BY P.L.174-2021,
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 44. (a) This section does not apply to section 18
 30 or 47 of this chapter.

31 (b) Except as otherwise provided, a person who **is at least twelve**
 32 **(12) years of age and** knowingly violates this chapter commits a Class
 33 B misdemeanor.

34 SECTION 8. IC 22-11-14-6, AS AMENDED BY P.L.32-2019,
 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 6. (a) A person who recklessly, knowingly, or
 37 intentionally violates section 2(f), 4.5, 5(c), 5(d), 7, 8(a), 8(c), 8(d), 10,
 38 or 11(c) of this chapter commits a Class C infraction. However, the
 39 offense is a Class A misdemeanor if the person has a prior unrelated
 40 judgment or conviction within the previous five (5) years.

41 (b) A person who ignites, discharges, or uses consumer fireworks at
 42 a site other than:



- 1 (1) a special discharge location;
 2 (2) the property of the person; or
 3 (3) the property of another who has given permission to use the
 4 consumer fireworks;
 5 commits a Class C infraction. However, if a person recklessly,
 6 knowingly, or intentionally takes an action described in this subsection
 7 within five (5) years after the person previously took an action
 8 described in this subsection, whether or not there has been a judgment
 9 that the person committed an infraction in taking the previous action,
 10 the person commits a Class C misdemeanor.
- 11 (c) A person **at least twelve (12) years of age and** less than
 12 eighteen (18) years of age who possesses or uses a firework when an
 13 adult is not present and responsible at the location of the possession or
 14 use commits a Class C infraction. However, if a person possesses or
 15 uses a firework when an adult is not present and responsible at the
 16 location of the possession or use within five (5) years after a previous
 17 possession or use by the person as described in this subsection, whether
 18 or not there has been a judgment that the person committed an
 19 infraction in the previous possession or use, the person commits a
 20 delinquent act under IC 31-37.
- 21 (d) A person who ignites, discharges, or uses consumer fireworks:
 22 (1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a))
 23 or December 31, on which dates consumer fireworks may not be
 24 ignited, discharged, or used after midnight; or
 25 (2) before 9 a.m.;
- 26 commits a Class C infraction. However, if a person recklessly,
 27 knowingly, or intentionally takes an action described in this subsection
 28 within five (5) years after the person previously took an action
 29 described in this subsection, whether or not there has been a judgment
 30 that the person committed an infraction in taking the previous action,
 31 the person commits a Class C misdemeanor.
- 32 (e) A person who recklessly, knowingly, or intentionally uses
 33 consumer fireworks and the violation causes harm to the property of a
 34 person commits a Class A misdemeanor.
- 35 (f) A person who recklessly, knowingly, or intentionally uses
 36 consumer fireworks and the violation results in serious bodily injury to
 37 a person commits a Level 6 felony.
- 38 (g) A person who recklessly, knowingly, or intentionally uses
 39 consumer fireworks and the violation results in the death of a person
 40 commits a Level 5 felony.
- 41 (h) A person who knowingly or intentionally fails to collect or remit
 42 to the state the public safety fees due under section 12 of this chapter



1 commits a Level 6 felony.

2 SECTION 9. IC 31-30-1-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. (a) Except as
4 provided in section 9 of this chapter, if a court having criminal
5 jurisdiction determines that a defendant is alleged to have committed
6 a crime before the defendant is eighteen (18) years of age, the court
7 shall immediately transfer the case, together with certified copies of all
8 papers, documents, and testimony, to the juvenile court. The juvenile
9 court shall proceed as if it had received a referral under IC 31-37-8.

10 (b) The court having criminal jurisdiction shall release the child on
11 the child's own recognizance or to the child's parent, guardian, or
12 custodian upon that person's written promise to bring the child before
13 the juvenile court at a specified time. However, **subject to**
14 **IC 31-37-7-2.1**, the court may order the child detained if the court finds
15 probable cause to believe that the child committed an act that would be
16 a crime if committed by an adult and that:

- 17 (1) the child is unlikely to appear before the juvenile court for
18 subsequent proceedings;
19 (2) detention is essential to protect the child or the community;
20 (3) the parent, guardian, or custodian:
21 (A) cannot be located; or
22 (B) is unable or unwilling to take custody of the child; or
23 (4) the child has a reasonable basis for requesting that ~~he or she~~
24 **the child** not be released.

25 If the child is detained for a reason specified by subdivision (3) or (4),
26 the child must be detained in accordance with IC 31-37-7-1.

27 (c) If the child is not released, the child shall be delivered to a place
28 designated by the juvenile court. The court having criminal jurisdiction
29 shall promptly notify the child's parent, guardian, or custodian and an
30 intake officer of where the child is being held and the reasons for the
31 child's detention.

32 (d) A child transferred to the juvenile court under this section (or
33 IC 31-6-2-2 before its repeal) may not be released on bail.

34 SECTION 10. IC 31-37-1-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. A child is a
36 delinquent child if: ~~before becoming~~

- 37 **(1) the child:**
38 **(A) is at least twelve (12) years of age and less than** eighteen
39 **(18) years of age; ~~the child and~~**
40 **(B) commits a delinquent act described in this chapter; or**
41 **(2) the child:**
42 **(A) is less than twelve (12) years of age; and**



- 1 **(B) commits an act described in IC 31-30-3-5(1).**
 2 SECTION 11. IC 31-37-1-2, AS AMENDED BY P.L.84-2021,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2022]: Sec. 2. A child commits a delinquent act if:
 5 **(1) the child: before becoming**
 6 **(A) is at least twelve (12) years of age and less than** eighteen
 7 (18) years of age; ~~the child and~~
 8 **(B) commits an act:**
 9 (+) **(i)** that would be an offense if committed by an adult;
 10 (2) **(ii)** in violation of IC 35-45-4-6; or
 11 (3) **(iii)** in violation of IC 35-47-10-5;
 12 except an act committed by a person over which the juvenile court
 13 lacks jurisdiction under IC 31-30-1; **or**
 14 **(2) the child:**
 15 **(A) is less than twelve (12) years of age; and**
 16 **(B) commits an act described in IC 31-30-3-5(1).**
 17 SECTION 12. IC 31-37-2-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. A child is a
 19 delinquent child if ~~before becoming the child:~~
 20 **(1) is at least twelve (12) years of age and less than** eighteen
 21 (18) years of age; ~~the child:~~
 22 (+) **(2)** commits a delinquent act described in this chapter; and
 23 (2) **(3)** needs care, treatment, or rehabilitation that:
 24 (A) the child is not receiving;
 25 (B) the child is unlikely to accept voluntarily; and
 26 (C) is unlikely to be provided or accepted without the coercive
 27 intervention of the court.
 28 SECTION 13. IC 31-37-2-2, AS AMENDED BY P.L.187-2015,
 29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2022]: Sec. 2. A child commits a delinquent act if ~~before~~
 31 ~~becoming the child:~~
 32 **(1) is at least twelve (12) years of age and less than** eighteen
 33 (18) years of age; ~~the child and~~
 34 **(2) leaves home or a specific location previously designated by**
 35 the child's parent, guardian, or custodian:
 36 (+) **(A)** without reasonable cause; and
 37 (2) **(B)** without permission of the parent, guardian, or
 38 custodian, who requests the child's return.
 39 SECTION 14. IC 31-37-2-3, AS AMENDED BY P.L.1-2005,
 40 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2022]: Sec. 3. A child commits a delinquent act
 42 if ~~before becoming the child:~~



- 1 **(1) is at least twelve (12) years of age and less than** eighteen
 2 (18) years of age; ~~the child and~~
 3 **(2) violates IC 20-33-2 concerning compulsory school attendance.**
 4 SECTION 15. IC 31-37-2-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. A child commits a
 6 delinquent act if ~~before becoming the child:~~
 7 **(1) is at least twelve (12) years of age and less than** eighteen
 8 (18) years of age; ~~the child and~~
 9 **(2) habitually disobeys the reasonable and lawful commands of**
 10 the child's parent, guardian, or custodian.
 11 SECTION 16. IC 31-37-2-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. A child commits a
 13 delinquent act if ~~before becoming the child:~~
 14 **(1) is at least twelve (12) years of age and less than** eighteen
 15 (18) years of age; ~~the child and~~
 16 **(2) commits a curfew violation under IC 31-37-3.**
 17 SECTION 17. IC 31-37-2-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. A child commits a
 19 delinquent act if ~~before becoming the child:~~
 20 **(1) is at least twelve (12) years of age and less than** eighteen
 21 (18) years of age; ~~the child and~~
 22 **(2) violates IC 7.1-5-7 concerning minors and alcoholic**
 23 beverages.
 24 SECTION 18. IC 31-37-2-7, AS ADDED BY P.L.187-2006,
 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 7. A child commits a delinquent act if ~~before~~
 27 ~~becoming the child:~~
 28 **(1) is at least twelve (12) years of age and less than** eighteen
 29 (18) years of age; ~~the child and~~
 30 **(2) violates IC 22-11-14-6(c) concerning minors and fireworks.**
 31 SECTION 19. IC 31-37-3-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) It is a curfew
 33 violation for a child less than fifteen (15) years of age to be in a public
 34 place after 11 p.m. or before 5 a.m. on any day.
 35 (b) A law enforcement officer may not detain a child or take a child
 36 into custody based on a violation of this section unless the law
 37 enforcement officer, after making a reasonable determination and
 38 considering the facts and surrounding circumstances, reasonably
 39 believes that:
 40 (1) the child has violated this section; and
 41 (2) there is no legal defense to the violation.
 42 **(c) A child who is less than twelve (12) years of age may be**



1 **detained under this section to protect the safety of the child.**
 2 **However, a child who is less than twelve (12) years of age:**
 3 **(1) may not be taken into custody under IC 31-37-4; and**
 4 **(2) is not subject to adjudication as a delinquent child;**
 5 **for a violation of this section.**

6 SECTION 20. IC 31-37-5-3, AS AMENDED BY P.L.158-2013,
 7 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) If a child is not taken into
 9 custody under an order of the court, the law enforcement officer may
 10 release the child or may release the child to the child's parent, guardian,
 11 or custodian upon the person's written promise to bring the child before
 12 the juvenile court at a time specified. Subject to subsection (c) **and**
 13 **IC 31-37-7-2.1**, the law enforcement officer may place the child in
 14 detention if the law enforcement officer reasonably believes that:

- 15 (1) the child is unlikely to appear before the juvenile court for
 16 subsequent proceedings;
 17 (2) the child has committed an act that would be murder or a
 18 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
 19 if committed by an adult;
 20 (3) detention is essential to protect the child or the community;
 21 (4) the parent, guardian, or custodian:
 22 (A) cannot be located; or
 23 (B) is unable or unwilling to take custody of the child; or
 24 (5) the child has a reasonable basis for requesting that the child
 25 not be released.

26 (b) If a child is detained for a reason specified in subsection (a)(4)
 27 or (a)(5), the child shall be detained under IC 31-37-7-1.

28 (c) Unless a law enforcement officer determines that detention is
 29 essential to protect a child or the community, the law enforcement
 30 officer who detains a child for a violation of the curfew law under
 31 IC 31-37-3 shall make a good faith effort to release the child to the
 32 child's parent, guardian, or custodian within a reasonable time after the
 33 child is detained.

34 SECTION 21. IC 31-37-5-5, AS AMENDED BY P.L.28-2016,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 5. (a) If the child was not taken into custody under
 37 an order of the court, an intake officer shall investigate the reasons for
 38 the child's detention. The intake officer may release the child to the
 39 child's parent, guardian, or custodian upon the person's written promise
 40 to bring the child before the juvenile court at a time specified and may
 41 impose additional conditions upon the child, including:

- 42 (1) home detention;



- 1 (2) electronic monitoring;
 2 (3) a curfew restriction;
 3 (4) a directive to avoid contact with specified individuals until the
 4 child's return to the juvenile court at a specified time;
 5 (5) a directive to comply with Indiana law; or
 6 (6) any other reasonable conditions on the child's actions or
 7 behavior.
- 8 (b) If the intake officer imposes additional conditions upon the child
 9 under subsection (a), the court shall hold a detention hearing under
 10 IC 31-37-6 within forty-eight (48) hours of the imposition of the
 11 additional conditions, excluding Saturdays, Sundays, and legal
 12 holidays.
- 13 (c) **Subject to subsection (d) and IC 31-37-7-2.1**, the intake officer
 14 may place the child in detention if the intake officer reasonably
 15 believes that the child is a delinquent child and that:
- 16 (1) the child is unlikely to appear before the juvenile court for
 17 subsequent proceedings;
 18 (2) the child has committed an act that would be murder or a
 19 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
 20 if committed by an adult;
 21 (3) detention is essential to protect the child or the community;
 22 (4) the parent, guardian, or custodian:
 23 (A) cannot be located; or
 24 (B) is unable or unwilling to take custody of the child; or
 25 (5) the child has a reasonable basis for requesting that the child
 26 not be released.
- 27 (d) If a child is detained for a reason specified in subsection (c)(4)
 28 or (c)(5), the child shall be detained under IC 31-37-7-1.
- 29 SECTION 22. IC 31-37-6-6, AS AMENDED BY P.L.146-2008,
 30 SECTION 624, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) The juvenile court shall
 32 release the child on the child's own recognizance or to the child's
 33 parent, guardian, or custodian upon the person's written promise to
 34 bring the child before the court at a time specified. However, **subject**
 35 **to subsection (b) and IC 31-37-7-2.1**, the court may order the child
 36 detained if the court finds probable cause to believe the child is a
 37 delinquent child and that:
- 38 (1) the child is unlikely to appear for subsequent proceedings;
 39 (2) detention is essential to protect the child or the community;
 40 (3) the parent, guardian, or custodian:
 41 (A) cannot be located; or
 42 (B) is unable or unwilling to take custody of the child;



- 1 (4) return of the child to the child's home is or would be:
 2 (A) contrary to the best interests and welfare of the child; and
 3 (B) harmful to the safety or health of the child; or
 4 (5) the child has a reasonable basis for requesting that the child
 5 not be released.
- 6 However, the findings under this subsection are not required if the
 7 child is ordered to be detained in the home of the child's parent,
 8 guardian, or custodian or is released subject to any condition listed in
 9 subsection (d).
- 10 (b) If a child is detained for a reason specified in subsection (a)(3),
 11 (a)(4), or (a)(5), the child shall be detained under IC 31-37-7-1.
- 12 (c) If a child is detained for a reason specified in subsection (a)(4),
 13 the court shall make written findings and conclusions that include the
 14 following:
- 15 (1) The factual basis for the finding specified in subsection (a)(4).
 16 (2) A description of the family services available and efforts made
 17 to provide family services before removal of the child.
 18 (3) The reasons why efforts made to provide family services did
 19 not prevent removal of the child.
 20 (4) Whether efforts made to prevent removal of the child were
 21 reasonable.
- 22 (d) Whenever the court releases a child under this section, the court
 23 may impose conditions upon the child, including:
- 24 (1) home detention;
 25 (2) electronic monitoring;
 26 (3) a curfew restriction;
 27 (4) a protective order;
 28 (5) a no contact order;
 29 (6) an order to comply with Indiana law; or
 30 (7) an order placing any other reasonable conditions on the child's
 31 actions or behavior.
- 32 (e) If the juvenile court releases a child to the child's parent,
 33 guardian, or custodian under this section, the court may impose
 34 conditions on the child's parent, guardian, or custodian to ensure:
- 35 (1) the safety of the child's physical or mental health;
 36 (2) the public's physical safety; or
 37 (3) that any combination of subdivisions (1) and (2) is satisfied.
- 38 (f) The juvenile court shall include in any order approving or
 39 requiring detention of a child or approving temporary detention of a
 40 child taken into custody under IC 31-37-5 all findings and conclusions
 41 required under:
- 42 (1) the applicable provisions of Title IV-E of the federal Social



1 Security Act (42 U.S.C. 670 et seq.); or
 2 (2) any applicable federal regulation, including 45 CFR 1356.21;
 3 as a condition of eligibility of a delinquent child for assistance under
 4 Title IV-E or any other federal law.

5 (g) Inclusion in a juvenile court order of language approved and
 6 recommended by the judicial conference of Indiana, in relation to:

7 (1) removal from the child's home; or

8 (2) detention;

9 of a child who is alleged to be, or adjudicated as, a delinquent child
 10 constitutes compliance with subsection (f).

11 SECTION 23. IC 31-37-7-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. A child alleged to be
 13 a delinquent child under IC 31-37-1 may be held in either of the
 14 following:

15 (1) A secure facility for not more than six (6) hours upon arrest
 16 for the limited purposes of:

17 (A) identification;

18 (B) processing;

19 (C) interrogation;

20 (D) transfer to a juvenile detention facility; or

21 (E) release to parents.

22 If the child is detained in a secure facility, the child shall be
 23 restricted to an area of the facility in which the child has not more
 24 than haphazard or incidental sight or sound contact with persons
 25 charged with, imprisoned for, or incarcerated for crimes.

26 (2) A juvenile detention facility, **except as provided by section**
 27 **2.1 of this chapter.**

28 SECTION 24. IC 31-37-7-2.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2022]: **Sec. 2.1. (a) Except as provided in**
 31 **subsection (b), a child who is less than twelve (12) years of age may**
 32 **not be held in a juvenile detention facility.**

33 **(b) A child who is at least ten (10) years of age and less than**
 34 **twelve (12) years of age may be held in a juvenile detention facility**
 35 **if a court finds that:**

36 **(1) there is probable cause to believe the child committed an**
 37 **act that would be murder (IC 35-42-1-1) if committed by an**
 38 **adult; and**

39 **(2) it is in the best interests of the child or the community that**
 40 **a petition be filed alleging that the child is a delinquent child.**

41 **(c) If a child is held in a juvenile facility under subsection (b),**
 42 **the court shall make written findings and conclusions that include**



1 **the following:**

- 2 (1) **The factual basis for the court's findings under subsection**
 3 **(b).**
 4 (2) **A description of the family services available and efforts**
 5 **made to provide family services before removal of the child.**
 6 (3) **The reason efforts made to provide family services did not**
 7 **prevent removal of the child.**
 8 (4) **Whether efforts made to prevent removal of the child were**
 9 **reasonable.**

10 SECTION 25. IC 31-37-7-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. **Subject to section**
 12 **2.1 of this chapter**, a child alleged to be a delinquent child because of
 13 an act under IC 31-37-2-2 may be held in a juvenile detention facility
 14 for:

- 15 (1) not more than twenty-four (24) hours before; and
 16 (2) not more than twenty-four (24) hours immediately after;
 17 the initial court appearance, not including Saturdays, Sundays, and
 18 nonjudicial days.

19 SECTION 26. IC 31-37-19-1, AS AMENDED BY P.L.85-2017,
 20 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) Subject to section 6.5 of this
 22 chapter **and IC 31-37-7-2.1**, if a child is a delinquent child under
 23 IC 31-37-2, the juvenile court may enter one (1) or more of the
 24 following dispositional decrees:

- 25 (1) Order supervision of the child by the probation department.
 26 (2) Order the child to receive outpatient treatment:
 27 (A) at a social service agency or a psychological, a psychiatric,
 28 a medical, or an educational facility; or
 29 (B) from an individual practitioner.
 30 (3) Remove the child from the child's home and place the child in
 31 another home or a shelter care facility, child caring institution,
 32 group home, or secure private facility. Placement under this
 33 subdivision includes authorization to control and discipline the
 34 child.
 35 (4) Award wardship to a:
 36 (A) person, other than the department; or
 37 (B) shelter care facility.
 38 (5) Partially or completely emancipate the child under section 27
 39 of this chapter.
 40 (6) Order:
 41 (A) the child; or
 42 (B) the child's parent, guardian, or custodian;



- 1 to receive family services.
- 2 (7) Order a person who is a party to refrain from direct or indirect
- 3 contact with the child.
- 4 (b) If the child is removed from the child's home and placed in a
- 5 foster family home or another facility, the juvenile court shall:
- 6 (1) approve a permanency plan for the child;
- 7 (2) find whether or not reasonable efforts were made to prevent
- 8 or eliminate the need for the removal;
- 9 (3) designate responsibility for the placement and care of the child
- 10 with the probation department; and
- 11 (4) find whether it:
- 12 (A) serves the best interests of the child to be removed; and
- 13 (B) would be contrary to the health and welfare of the child for
- 14 the child to remain in the home.
- 15 (c) If a dispositional decree under this section:
- 16 (1) orders or approves removal of a child from the child's home or
- 17 awards wardship of the child to a:
- 18 (A) person other than the department; or
- 19 (B) shelter care facility; and
- 20 (2) is the first court order in the delinquent child proceeding that
- 21 authorizes or approves removal of the child from the child's
- 22 parent, guardian, or custodian;
- 23 the court shall include in the decree the appropriate findings and
- 24 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).
- 25 (d) If the juvenile court orders supervision of the child by the
- 26 probation department under subsection (a)(1), the child or the child's
- 27 parent, guardian, or custodian is responsible for any costs resulting
- 28 from the participation in a rehabilitative service or educational class
- 29 provided by the probation department. Any costs collected for services
- 30 provided by the probation department shall be deposited in the county
- 31 supplemental juvenile probation services fund.
- 32 SECTION 27. IC 31-37-19-6, AS AMENDED BY P.L.146-2008,
- 33 SECTION 651, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies if a child
- 35 is a delinquent child under IC 31-37-1.
- 36 (b) Except as provided in section 10 of this chapter and subject to
- 37 section 6.5 of this chapter **and IC 31-37-7-2.1**, the juvenile court may:
- 38 (1) enter any dispositional decree specified in section 5 of this
- 39 chapter; and
- 40 (2) take any of the following actions:
- 41 (A) Award wardship to:
- 42 (i) the department of correction for housing in a correctional



- 1 facility for children; or
 2 (ii) a community based correctional facility for children.
 3 Wardship under this subdivision does not include the right to
 4 consent to the child's adoption.
 5 (B) If the child is **at least twelve (12) years of age and less**
 6 **than seventeen (17) years of age**, order confinement in a
 7 juvenile detention facility for not more than the lesser of:
 8 (i) ninety (90) days; or
 9 (ii) the maximum term of imprisonment that could have
 10 been imposed on the child if the child had been convicted as
 11 an adult offender for the act that the child committed under
 12 IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).
 13 (C) If the child is at least seventeen (17) years of age, order
 14 confinement in a juvenile detention facility for not more than
 15 the lesser of:
 16 (i) one hundred twenty (120) days; or
 17 (ii) the maximum term of imprisonment that could have
 18 been imposed on the child if the child had been convicted as
 19 an adult offender for the act that the child committed under
 20 IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).
 21 (D) Remove the child from the child's home and place the
 22 child in another home or shelter care facility. Placement under
 23 this subdivision includes authorization to control and
 24 discipline the child.
 25 (E) Award wardship to a:
 26 (i) person, other than the department; or
 27 (ii) shelter care facility.
 28 Wardship under this subdivision does not include the right to
 29 consent to the child's adoption.
 30 (F) Place the child in a secure private facility for children
 31 licensed under the laws of a state. Placement under this
 32 subdivision includes authorization to control and discipline the
 33 child.
 34 (G) Order a person who is a respondent in a proceeding under
 35 IC 31-37-16 (before its repeal) or IC 34-26-5 to refrain from
 36 direct or indirect contact with the child.
 37 (c) If a dispositional decree under this section:
 38 (1) orders or approves removal of a child from the child's home,
 39 or awards wardship of the child to a:
 40 (A) person, other than the department; or
 41 (B) shelter care facility; and
 42 (2) is the first court order in the delinquent child proceeding that



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

5 SECTION 28. IC 31-37-19-21 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 21. As part of a
 7 dispositional decree, a **delinquent** child may only be confined in a
 8 juvenile detention facility for more than thirty (30) days if the facility
 9 meets the following criteria:

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

22 SECTION 29. IC 35-38-1-22 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 22. A court that
 24 imposes a sentence for conviction of a misdemeanor upon a person
 25 who is less than eighteen (18) years of age may, **subject to**
 26 **IC 31-37-7-2.1**, enter an order requiring that the convicted person
 27 serve the sentence in a juvenile detention facility established under
 28 IC 31-31-8 (or IC 31-6-9-5 before its repeal). However, before an order
 29 may be entered under this section, the court must secure the written
 30 approval of the judge of the juvenile court allowing the detention of the
 31 person in the juvenile detention facility.

