

HOUSE BILL No. 1359

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-36; IC 5-2-6-3; IC 11-13-1-9; IC 31-9-2; IC 31-37; IC 31-40; IC 33-24-6; IC 33-37-8-5; IC 33-38-9.5-6.

Synopsis: Juvenile law matters. Provides that the commission on improving the status of children in Indiana (commission) shall create a statewide oversight body to do the following: (1) Develop a plan to collect and report statewide juvenile justice data. (2) Establish procedures and policies related to the use of certain screening tools and assessments. (3) Develop a statewide plan to address the provision of broader behavioral health services to children in the juvenile justice system. (4) Develop a plan for the provision of transitional services for a child who is a ward of the department of correction. (5) Develop a plan for the juvenile diversion and community alternatives grant program. Requires the statewide oversight body to, not later than January 1, 2023, submit a data collection plan, a plan for the use of certain screening tools and assessments, and a grant program plan to the commission and the legislative council. Requires the judicial conference of Indiana to develop statewide juvenile probation standards that are aligned with research based practices. Requires the board of directors of the judicial conference of Indiana to approve the standards by July 1, 2023. Defines "detention screening tool", "diagnostic assessment", "juvenile diversion", "restorative justice services", "risk and needs assessment tool", and "risk screening tool". Requires the use of a risk and needs assessment tool, a risk screening tool, and a diagnostic assessment when evaluating a child at specific points in the juvenile justice system to identify the child's risk for reoffense. Requires an intake officer and the juvenile court to use the results of a detention screening tool to inform the use of secure detention and document the reason for the use of detention if the tool
(Continued next page)

Effective: Upon passage; July 1, 2022; July 1, 2023.

**McNamara, Cook, Davis,
Shackleford**

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



is overridden. Requires a court to: (1) after use of a detention screening tool, include in its juvenile court order the reason for a juvenile detention override; and (2) submit details of the juvenile detention override to the office of judicial administration (office). Requires the office to provide an annual report to the governor, chief justice, and the legislative council before December 1 of each year that includes information about a court's use of a detention screening tool and reasons for a juvenile detention override. Provides that a child less than 12 years of age cannot be detained unless detention is essential to protect the community and no reasonable alternatives exist to reduce the risk. Establishes a procedure for juvenile diversion. Requires the office to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes data on any child diverted through the juvenile diversion program. Repeals provisions requiring a child who participates in a program of informal adjustment to pay an informal adjustment program fee. Provides that a child who is a ward of the department of correction shall receive at least three months of transitional services to support reintegration back into the community and to reduce recidivism. Requires the department of correction to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes data collected that will help assess the impact of reintegration improvements for juveniles, including tracking recidivism beyond incarceration and into the adult system. Provides that a juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment. Beginning July 1, 2023, establishes the juvenile diversion and community alternatives grant programs, juvenile diversion and community alternatives programs fund, juvenile behavioral health competitive grant pilot program, and the juvenile behavioral health competitive grant pilot program fund. Requires the Indiana criminal justice institute (institute) to administer each program and fund. Requires the local or regional justice reinvestment advisory council or another local collaborative body to oversee certain juvenile community alternatives grants awarded to a county. Requires the institute to prepare an annual report to the governor, chief justice, and the legislative council before December 1 of each year that details certain performance measures that counties receiving grants must collect and report. Requires the office to administer the statewide juvenile justice data aggregation plan. Makes conforming changes. Makes a technical correction.



Introduced

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. 1359

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

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

- 1 SECTION 1. IC 2-5-36-9, AS AMENDED BY P.L.103-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. The commission shall do the following:
4 (1) Study and evaluate the following:
5 (A) Access to services for vulnerable youth.
6 (B) Availability of services for vulnerable youth.
7 (C) Duplication of services for vulnerable youth.
8 (D) Funding of services available for vulnerable youth.
9 (E) Barriers to service for vulnerable youth.
10 (F) Communication and cooperation by agencies concerning
11 vulnerable youth.
12 (G) Implementation of programs or laws concerning
13 vulnerable youth.
14 (H) The consolidation of existing entities that serve vulnerable
15 youth.



- 1 (I) Data from state agencies relevant to evaluating progress,
 2 targeting efforts, and demonstrating outcomes.
 3 (J) Crimes of sexual violence against children.
 4 (K) The impact of social networking web sites, cellular
 5 telephones and wireless communications devices, digital
 6 media, and new technology on crimes against children.
 7 (2) Review and make recommendations concerning pending
 8 legislation.
 9 (3) Promote information sharing concerning vulnerable youth
 10 across the state.
 11 (4) Promote best practices, policies, and programs.
 12 (5) Cooperate with:
 13 (A) other child focused commissions;
 14 (B) the judicial branch of government;
 15 (C) the executive branch of government;
 16 (D) stakeholders; and
 17 (E) members of the community.
 18 **(6) Create a statewide juvenile justice oversight body, which**
 19 **may incorporate members of an existing subcommittee**
 20 **formed under the commission, as described in section 9.3 of**
 21 **this chapter, to do the following:**
 22 (A) **Develop a plan to collect and report statewide juvenile**
 23 **justice data.**
 24 (B) **Establish procedures and policies related to the use of:**
 25 (i) **a validated risk screening tool and a validated risk**
 26 **and needs assessment tool; and**
 27 (ii) **a detention screening tool to inform the use of secure**
 28 **detention.**
 29 (C) **Develop criteria for the use of diagnostic assessments**
 30 **as described in IC 31-37-19-11.7.**
 31 (D) **Develop a statewide plan to address the provision of**
 32 **broader behavioral health services to children in the**
 33 **juvenile justice system.**
 34 (E) **Develop a plan for the provision of transitional services**
 35 **for a child who is a ward of the department of correction**
 36 **as described in IC 31-37-19-11.5.**
 37 (F) **Develop a plan for grant programs described in section**
 38 **9.3 of this chapter.**
 39 **The initial appointments and designations to the statewide**
 40 **juvenile justice oversight body described in this subdivision**
 41 **shall be made not later than May 31, 2022. The initial meeting**
 42 **of the oversight body shall be held not later than July 1, 2022.**



1 (6) (7) Submit a report not later than September 1 of each year
 2 regarding the commission's work during the previous year. The
 3 report shall be submitted to the legislative council, the governor,
 4 and the chief justice of Indiana. The report to the legislative
 5 council must be in an electronic format under IC 5-14-6.

6 SECTION 2. IC 2-5-36-9.3 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2022]: **Sec. 9.3. (a) In addition to the duties prescribed to the
 9 commission under section 9 of this chapter, the commission shall
 10 form and establish a statewide juvenile justice oversight body that
 11 will oversee implementation of the assigned duties described in this
 12 section.**

13 **(b) The statewide juvenile justice oversight body, which may
 14 incorporate members of an existing subcommittee formed under
 15 the commission, shall develop a plan to collect and report statewide
 16 juvenile justice data that includes the following:**

- 17 **(1) Provides goals for the collection of juvenile justice data.**
 18 **(2) Creates shared definitions concerning juvenile justice
 19 data.**
 20 **(3) Sets standard protocols and procedures for data collection
 21 and quality assurance, including a plan to track data across
 22 the juvenile justice continuum.**
 23 **(4) Establishes a minimum set of performance and data
 24 measures that counties shall collect and report annually,
 25 including equity measures.**
 26 **(5) Establishes how data should be reported and to whom.**
 27 **(6) Establishes a research agenda to evaluate the effectiveness
 28 of interventions.**
 29 **(7) Devises a calculation of the fiscal cost of collecting and
 30 reporting data described in this subsection.**

31 **(c) The statewide juvenile justice oversight body shall do the
 32 following:**

- 33 **(1) Establish procedures, policies, and a statewide
 34 implementation plan related to the use of:**
 35 **(A) a validated risk and screening tool to inform statewide
 36 diversion decisions and the establishment of pretrial
 37 diversion programs and practices;**
 38 **(B) a validated risk and needs assessment tool to inform
 39 statewide dispositional decisions and using the tool to
 40 inform such decisions, especially the use of out-of-home
 41 placement; and**
 42 **(C) a detention screening tool to inform the initial and**



- 1 ongoing use of secure detention.
- 2 **(2) Develop criteria for the use of diagnostic assessments as**
- 3 **described in IC 31-37-19-11.7.**
- 4 **(3) Develop a statewide plan to address the provision of**
- 5 **broader behavioral health services to a child in the juvenile**
- 6 **justice system.**
- 7 **(4) Develop policies, protocols, and a statewide**
- 8 **implementation plan to guide the provision of transitional**
- 9 **services for a child who is the ward of the department of**
- 10 **correction, as described in IC 31-37-19-11.5.**
- 11 **(d) The statewide juvenile justice oversight body shall develop**
- 12 **and submit a plan for grant programs described in IC 31-40-5. The**
- 13 **oversight body shall determine:**
- 14 **(1) the amount of money dedicated to each grant;**
- 15 **(2) the funding formula, accounting for the needs of both**
- 16 **more rural and more populated communities;**
- 17 **(3) the required set of performance measures that counties**
- 18 **receiving the grants must collect and report; and**
- 19 **(4) the process to streamline and manage the entire grant life**
- 20 **cycle for all programs described in IC 31-40-5.**
- 21 **The planning process shall define the parameters of using the**
- 22 **funds, with allowance for a proportion of the funding to be used for**
- 23 **staffing, training, and administrative expenses to support the needs**
- 24 **of rural communities with limited service capacity.**
- 25 **(e) Not later than January 1, 2023, the oversight body shall**
- 26 **have:**
- 27 **(1) the juvenile justice data collection plan described in**
- 28 **subsection (b);**
- 29 **(2) the plan for the use of screening tools, assessments, and**
- 30 **services as described in subsection (c); and**
- 31 **(3) the plan for the grant programs described in subsection**
- 32 **(d);**
- 33 **submitted to the commission and the legislative council in an**
- 34 **electronic format under IC 5-14-6.**
- 35 **(f) This section expires December 31, 2025.**
- 36 SECTION 3. IC 5-2-6-3, AS AMENDED BY P.L.217-2021,
- 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2023]: Sec. 3. The institute is established to do the following:
- 39 (1) Evaluate state and local programs associated with:
- 40 (A) the prevention, detection, and solution of criminal
- 41 offenses;
- 42 (B) law enforcement; and



- 1 (C) the administration of criminal and juvenile justice.
- 2 (2) Participate in statewide collaborative efforts to improve all
- 3 aspects of law enforcement, juvenile justice, and criminal justice
- 4 in this state.
- 5 (3) Stimulate criminal and juvenile justice research.
- 6 (4) Develop new methods for the prevention and reduction of
- 7 crime.
- 8 (5) Prepare applications for funds under the Omnibus Act and the
- 9 Juvenile Justice Act.
- 10 (6) Administer victim and witness assistance funds.
- 11 (7) Administer the traffic safety functions assigned to the institute
- 12 under IC 9-27-2.
- 13 (8) Compile and analyze information and disseminate the
- 14 information to persons who make criminal justice decisions in this
- 15 state.
- 16 (9) Serve as the criminal justice statistical analysis center for this
- 17 state.
- 18 (10) Identify grants and other funds that can be used by the
- 19 department of correction to carry out its responsibilities
- 20 concerning sex or violent offender registration under IC 11-8-8.
- 21 (11) Administer the application and approval process for
- 22 designating an area of a consolidated or second class city as a
- 23 public safety improvement area under IC 36-8-19.5.
- 24 (12) Administer funds for the support of any sexual offense
- 25 services.
- 26 (13) Administer funds for the support of domestic violence
- 27 programs.
- 28 (14) Administer funds to support assistance to victims of human
- 29 sexual trafficking offenses as provided in IC 35-42-3.5-4.
- 30 (15) Administer the domestic violence prevention and treatment
- 31 fund under IC 5-2-6.7.
- 32 (16) Administer the family violence and victim assistance fund
- 33 under IC 5-2-6.8.
- 34 (17) Monitor and evaluate criminal code reform under
- 35 IC 5-2-6-24.
- 36 ~~(18) Administer the enhanced enforcement drug mitigation area~~
- 37 ~~fund and pilot program established under IC 5-2-11.5.~~
- 38 ~~(19)~~ (18) Administer the ignition interlock inspection account
- 39 established under IC 9-30-8-7.
- 40 ~~(20)~~ (19) Identify any federal, state, or local grants that can be
- 41 used to assist in the funding and operation of regional holding
- 42 facilities under IC 11-12-6.5.



1 ~~(21)~~ **(20)** Coordinate with state and local criminal justice agencies
 2 for the collection and transfer of data from sheriffs concerning
 3 jail:

4 (A) populations; and

5 (B) statistics;

6 for the purpose of providing jail data to the management
 7 performance hub established by IC 4-3-26-8.

8 ~~(22)~~ **(21)** Establish and administer the Indiana crime guns task
 9 force fund under IC 36-8-25.5-8.

10 **(22) Establish and administer:**

11 **(A) the juvenile diversion and community alternatives**
 12 **grant program fund under IC 31-40-5; and**

13 **(B) the juvenile behavioral health competitive grant pilot**
 14 **program fund under IC 31-40-6.**

15 SECTION 4. IC 11-13-1-9, AS AMENDED BY P.L.24-2014,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2022]: Sec. 9. (a) The judicial conference of Indiana shall:

18 (1) keep informed of the work of all probation departments;

19 (2) compile and publish statistical and other information that may
 20 be of value to the probation service;

21 (3) inform courts and probation departments of legislation
 22 concerning probation and of other developments in probation;

23 (4) submit to the general assembly before January 15 of each year
 24 a report in an electronic format under IC 5-14-6 compiling the
 25 statistics provided to the judicial conference by probation
 26 departments under section 4(b) of this chapter; and

27 (5) require probation departments to submit a community
 28 supervision collaboration plan as described in IC 11-12-2-4.

29 **(b) The conference, in consultation with the oversight committee**
 30 **described in IC 2-5-36-9(6), shall develop statewide juvenile**
 31 **probation standards for juvenile probation supervision and**
 32 **services that are aligned with research based practices and based**
 33 **on a child's risk of reoffending as measured by a validated risk and**
 34 **needs assessment tool. The board shall approve the standards, as**
 35 **described in section 8 of this chapter, not later than July 1, 2023.**

36 **The conference shall do the following:**

37 **(1) Develop guidelines for establishing:**

38 **(A) consistent use of:**

39 **(i) a validated risk and needs assessment tool; and**

40 **(ii) a validated risk screening tool;**

41 **(B) conditions of probation supervision:**

42 **(i) for informal adjustment and formal probation; and**



- 1 (ii) that tailors conditions to a child's individualized risk
2 and needs; and
3 (C) standards for case contacts with a child and the child's
4 family members.
5 (2) Develop common elements for case planning that are
6 informed by the results of a risk and needs assessment, among
7 other factors.
8 (3) Develop guidelines for engaging youth, families, and
9 service providers in case planning processes.
10 (4) Develop common criteria for recommending the use of
11 out-of-home placement and commitment to the department of
12 correction.
13 (5) Develop a graduated system of response and incentives to
14 reward and motivate positive behavior and address violations
15 of conditions of probation supervision.
16 (6) Ensure that adequate training concerning the use of risk
17 and needs assessment tools, risk screening tools, and juvenile
18 probation standards are provided to all probation officers.
19 (b) (c) The conference may:
20 (1) visit and inspect any probation department and confer with
21 probation officers and judges administering probation; and
22 (2) require probation departments to submit periodic reports of
23 their work on forms furnished by the conference.
24 SECTION 5. IC 31-9-2-39.7 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2022]: **Sec. 39.7. "Detention screening tool" means a research
27 based instrument that:**
28 (1) assesses a child's risk for failing to appear in court or
29 reoffending preadjudication; and
30 (2) is designed to inform decisions on the use of secure
31 detention.
32 SECTION 6. IC 31-9-2-39.8 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2022]: **Sec. 39.8. "Diagnostic assessment" means a clinical
35 evaluation provided by a certified professional in order to gather
36 information to determine appropriate behavioral health treatment
37 for a child.**
38 SECTION 7. IC 31-9-2-71.5 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2022]: **Sec. 71.5. "Juvenile diversion" has the meaning set forth
41 in IC 31-37-8.5-1.**
42 SECTION 8. IC 31-9-2-112.3 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2022]: **Sec. 112.3. "Restorative justice**
 3 **services" has the meaning set forth in IC 31-37-8.5-1.**

4 SECTION 9. IC 31-9-2-112.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2022]: **Sec. 112.5. "Risk and needs**
 7 **assessment tool" means a validated instrument used to identify**
 8 **specific risk factors and needs shown to be statistically related to**
 9 **a child's risk of reoffending, and when properly addressed, can**
 10 **reduce a child's risk of reoffending.**

11 SECTION 10. IC 31-9-2-112.8 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2022]: **Sec. 112.8. "Risk screening tool"**
 14 **means a validated screening instrument that:**

- 15 (1) **measures a child's risk to reoffend; and**
 16 (2) **is used to inform a child's eligibility to participate in**
 17 **juvenile diversion and informal adjustment.**

18 SECTION 11. IC 31-37-5-5, AS AMENDED BY P.L.28-2016,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: **Sec. 5. (a) If the child was not taken into custody under**
 21 **an order of the court, an intake officer shall investigate the reasons for**
 22 **the child's detention and use a validated detention screening tool**
 23 **prior to a decision being made. The results of the detention**
 24 **screening tool shall be used by the intake officer to inform**
 25 **decisions around the use of secure detention and release conditions.**
 26 The intake officer may release the child to the child's parent, guardian,
 27 or custodian upon the person's written promise to bring the child before
 28 the juvenile court at a time specified and may impose additional
 29 conditions upon the child, including:

- 30 (1) home detention;
 31 (2) electronic monitoring;
 32 (3) a curfew restriction;
 33 (4) a directive to avoid contact with specified individuals until the
 34 child's return to the juvenile court at a specified time;
 35 (5) a directive to comply with Indiana law; or
 36 (6) any other reasonable conditions on the child's actions or
 37 behavior.

38 (b) **After use of a detention screening tool**, if the intake officer
 39 imposes additional conditions upon the child under subsection (a), the
 40 court shall hold a detention hearing under IC 31-37-6 within forty-eight
 41 (48) hours of the imposition of the additional conditions, excluding
 42 Saturdays, Sundays, and legal holidays.



1 (c) The intake officer may place the child in detention if the intake
2 officer reasonably believes that the child is a delinquent child and that:

3 **The intake officer shall place a child in secure detention only after:**

- 4 (1) a detention screening tool has been administered and the
5 child scored eligible for detention; or
6 (2) there are grounds to override the results of the detention
7 screening tool.

8 (d) The intake officer shall use the results of the detention
9 screening tool to inform the use of secure detention. If, after use of
10 the detention screening tool, the intake officer believes that the
11 child needs to be detained under subsection (c)(2), the intake
12 officer shall document the override reason for the use of detention,
13 including the following:

- 14 (1) the child is unlikely to appear before the juvenile court for
15 subsequent proceedings;
16 (2) the child has committed an act that would be murder or a
17 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
18 if committed by an adult;
19 (3) detention is essential to protect the child or the community;
20 (4) 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 (5) the child has a reasonable basis for requesting that the child
24 not be released.

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

28 (f) Results of the detention screening tool shall be made
29 available to the court and any legal parties to the case prior to the
30 detention hearing.

31 (g) Any information concerning a child that is obtained during
32 the administration of the detention screening tool described in this
33 section must be used solely for the purpose of making a
34 recommendation to the court regarding the continued detention of
35 the child. The information is not subject to subpoena or other court
36 process, or for use in any other proceedings not related to
37 detention.

38 SECTION 12. IC 31-37-6-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) This chapter
40 applies only to a child alleged to be a delinquent child.

41 (b) This chapter does not apply to a child less than twelve (12)
42 years of age unless:



1 (1) the child poses an imminent risk of harm to the
2 community; or

3 (2) the court makes a written finding that detention is
4 essential to protect the community and no reasonable
5 alternatives exist to reduce the risk.

6 SECTION 13. IC 31-37-6-6, AS AMENDED BY P.L.146-2008,
7 SECTION 624, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2023]: Sec. 6. **(a) The juvenile court shall use
9 the results of the detention screening tool to assist with making a
10 determination as to the detention or temporary detention of a child
11 taken into custody under IC 31-37-5.**

12 ~~(a)~~ **(b)** The juvenile court shall release the child on the child's own
13 recognizance or to the child's parent, guardian, or custodian upon the
14 person's written promise to bring the child before the court at a time
15 specified. However, the court may order the child detained if the court
16 finds probable cause to believe the child is a delinquent child and that:

17 (1) the child is unlikely to appear for subsequent proceedings;

18 (2) detention is essential to protect the child or the community;

19 (3) the parent, guardian, or custodian:

20 (A) cannot be located; or

21 (B) is unable or unwilling to take custody of the child;

22 (4) return of the child to the child's home is or would be:

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

24 (B) harmful to the safety or health of the child; or

25 (5) the child has a reasonable basis for requesting that the child
26 not be released.

27 However, the findings under this subsection are not required if the
28 child is ordered to be detained in the home of the child's parent,
29 guardian, or custodian or is released subject to any condition listed in
30 subsection ~~(d)~~: **(e)**.

31 ~~(b)~~ **(c)** If a child is detained for a reason specified in subsection
32 ~~(a)(3)~~, **(b)(3)**, ~~(a)(4)~~, **(b)(4)**, or ~~(a)(5)~~; **(b)(5)**, the child shall be detained
33 under IC 31-37-7-1.

34 ~~(e)~~ **(d)** If a child is detained for a reason specified in subsection
35 ~~(a)(4)~~; **(b)(4)**, the court shall make written findings and conclusions
36 that include the following:

37 (1) The factual basis for the finding specified in subsection ~~(a)(4)~~;
38 **(b)(4)**.

39 (2) A description of the family services available and efforts made
40 to provide family services before removal of the child.

41 (3) The reasons why efforts made to provide family services did
42 not prevent removal of the child.



- 1 (4) Whether efforts made to prevent removal of the child were
 2 reasonable.
- 3 ~~(d)~~ (e) Whenever the court releases a child under this section, the
 4 court may impose conditions upon the child, including:
- 5 (1) home detention;
 6 (2) electronic monitoring;
 7 (3) a curfew restriction;
 8 (4) a protective order;
 9 (5) a no contact order;
 10 (6) an order to comply with Indiana law; or
 11 (7) an order placing any other reasonable conditions on the child's
 12 actions or behavior.
- 13 ~~(e)~~ (f) If the juvenile court releases a child to the child's parent,
 14 guardian, or custodian under this section, the court may impose
 15 conditions on the child's parent, guardian, or custodian to ensure:
- 16 (1) the safety of the child's physical or mental health;
 17 (2) the public's physical safety; or
 18 (3) that any combination of subdivisions (1) and (2) is satisfied.
- 19 ~~(f)~~ (g) The juvenile court shall include in any order approving or
 20 requiring detention of a child or approving temporary detention of a
 21 child taken into custody under IC 31-37-5 all findings and conclusions
 22 required under:
- 23 (1) the applicable provisions of Title IV-E of the federal Social
 24 Security Act (42 U.S.C. 670 et seq.); or
 25 (2) any applicable federal regulation, including 45 CFR 1356.21;
 26 as a condition of eligibility of a delinquent child for assistance under
 27 Title IV-E or any other federal law.
- 28 ~~(g)~~ (h) Inclusion in a juvenile court order of language approved and
 29 recommended by the judicial conference of Indiana, in relation to:
- 30 (1) removal from the child's home; or
 31 (2) detention;
 32 of a child who is alleged to be, or adjudicated as, a delinquent child
 33 constitutes compliance with subsection ~~(f)~~: (g).
- 34 **(i) The order described in subsection (g) shall also include:**
- 35 **(1) the rationale and reasoning for approving or requiring**
 36 **detention of a child if the detention screening tool did not**
 37 **indicate that the child should be detained; and**
 38 **(2) the child's detention screening results.**
- 39 **(j) The juvenile court shall send information related to:**
- 40 **(1) the use of secure detention; and**
 41 **(2) the number and justification of overrides of the detention**
 42 **screening tool;**



1 to the office of judicial administration on an annual basis.

2 (k) The office of judicial administration shall develop an annual
3 report that includes the information described in subsection (j).
4 The report shall be provided to the governor, chief justice, and the
5 legislative council before December 1 of each year. The report
6 provided to the legislative council must be in an electronic format
7 under IC 5-14-6.

8 SECTION 14. IC 31-37-8-1, AS AMENDED BY P.L.66-2015,
9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 1. (a) A person may give an intake officer or a
11 prosecuting attorney written information indicating that a child is a
12 delinquent child.

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

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

17 (2) complete a dual status screening tool on the child, as
18 described in IC 31-41-1-3; **and**

19 **(3) complete a risk screening tool on the child.**

20 (c) If the prosecuting attorney has reason to believe the child has
21 committed a delinquent act, the prosecuting attorney shall instruct the
22 intake officer to make a preliminary inquiry, **which includes the use**
23 **of a risk screening tool**, to determine whether the interests of the
24 public or of the child require further action.

25 SECTION 15. IC 31-37-8-2, AS AMENDED BY P.L.66-2015,
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2023]: Sec. 2. A preliminary inquiry is an informal
28 investigation into the facts and circumstances reported to the court.
29 Whenever practicable, the preliminary inquiry should include the
30 following information:

31 (1) The child's background.

32 (2) The child's current status.

33 (3) The child's school performance.

34 (4) If the child has been detained:

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

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

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

42 (5) The results of a dual status screening tool to determine



1 whether the child is a dual status child, as described in
2 IC 31-41-1-2.

3 **(6) The results of a risk screening tool conducted on the child**
4 **to inform diversion decisions.**

5 SECTION 16. IC 31-37-8-4, AS AMENDED BY P.L.66-2015,
6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2023]: Sec. 4. If a child interview occurs, the intake officer
8 shall advise the child and the child's parent, guardian, or custodian of
9 the following:

- 10 (1) The nature of the allegations against the child.
11 (2) That the intake officer is conducting a preliminary inquiry to
12 assist the prosecuting attorney in determining whether a petition
13 should be filed alleging that the child is a delinquent child.
14 (3) That the intake officer will recommend whether to:
15 (A) file a petition;
16 (B) file a petition and recommend that the child be referred for
17 an assessment by a dual status assessment team as described
18 in IC 31-41;
19 **(C) refer the child to juvenile diversion as described in**
20 **IC 31-37-8.5;**
21 ~~(D)~~ **(D)** informally adjust the case;
22 ~~(E)~~ **(E)** informally adjust the case and recommend that the
23 child be referred for an assessment by the dual status
24 assessment team as described in IC 31-41-1-5;
25 ~~(F)~~ **(F)** refer the child to another agency; or
26 ~~(G)~~ **(G)** dismiss the case.
27 (4) That the child has a right to remain silent.
28 (5) That anything the child says may be used against the child in
29 subsequent judicial proceedings.
30 (6) That the child has a right to consult with an attorney before the
31 child talks with the intake officer.
32 (7) That the child has a right to stop at any time and consult with
33 an attorney.
34 (8) That the child has a right to stop talking with the intake officer
35 at any time.
36 (9) That if the child cannot afford an attorney, the court will
37 appoint an attorney for the child.

38 SECTION 17. IC 31-37-8-5, AS AMENDED BY P.L.66-2015,
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2023]: Sec. 5. (a) The intake officer shall do the following:

- 41 (1) Send the prosecuting attorney a copy of the preliminary
42 inquiry.



- 1 (2) Recommend whether to:
- 2 (A) file a petition;
- 3 (B) file a petition and recommend that the child be referred for
- 4 an assessment by a dual status assessment team as described
- 5 in IC 31-41-1-5;
- 6 **(C) refer the child to juvenile diversion;**
- 7 ~~(D)~~ **(D)** informally adjust the case;
- 8 ~~(E)~~ **(E)** informally adjust the case and recommend that the
- 9 child be referred for an assessment by a dual status assessment
- 10 team as described in IC 31-41-1-5;
- 11 ~~(F)~~ **(F)** refer the child to another agency; or
- 12 ~~(G)~~ **(G)** dismiss the case.

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

15 SECTION 18. IC 31-37-8.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]:

18 **Chapter 8.5. Juvenile Diversion**

19 **Sec. 1. (a) As used in this chapter, "juvenile diversion" means:**

- 20 **(1) a decision made by a person with authority or the person's**
- 21 **designee that results in legal action not being taken against a**
- 22 **child, and instead provides or refers a child to individually**
- 23 **designed services provided by juvenile probation or a**
- 24 **community based organization, if necessary; and**
- 25 **(2) an effort to prevent further involvement of the child in the**
- 26 **formal legal system.**

27 **(b) As used in this chapter, "restorative justice services" means**
 28 **services focused on repairing the harm caused to victims and the**
 29 **community as a result of a child's behavior.**

30 **(c) As part of the preliminary inquiry described in IC 31-37-8,**
 31 **the intake officer shall use a validated risk screening tool to inform**
 32 **its recommendation to the prosecutor.**

33 **(d) Results from the risk screening tool and the intake officer's**
 34 **recommendation described in subsection (c) shall be made**
 35 **available to the prosecutor to inform a recommendation for**
 36 **participation in juvenile diversion.**

37 **(e) After the preliminary inquiry, which includes use of a risk**
 38 **screening tool, and prior to a petition being filed, the intake officer**
 39 **may recommend to the prosecuting attorney that the child**
 40 **participate in juvenile diversion if the intake officer has probable**
 41 **cause to believe that the child is a delinquent child.**

42 **(f) Information obtained:**



1 (1) from the risk screening tool described in subsection (c);
2 and

3 (2) in the course of any screening, including any admission,
4 confession, or incriminating evidence;

5 from a child in the course of any screening or assessment in
6 conjunction with the proceedings under this chapter is not
7 admissible into evidence in any factfinding hearing in which the
8 child is accused. The child is not subject to subpoena, any other
9 court proceeding, or any other purpose described in this section.

10 (g) If the prosecuting attorney approves a child's participation
11 in juvenile diversion described in subsection (a), juvenile
12 probation, as part of a child's juvenile diversion program, may:

13 (1) refer a child to community based programs or service
14 providers, if necessary;

15 (2) provide case management and service coordination;

16 (3) provide assistance with barriers to completion;

17 (4) progress monitor; and

18 (5) enter into a diversion agreement, as necessary;

19 so the child can complete the terms of juvenile diversion offered to
20 the child.

21 **Sec. 2. The child and the child's parent, guardian, custodian, or**
22 **attorney must consent to the child's participation in juvenile**
23 **diversion.**

24 **Sec. 3. Juvenile diversion may not exceed six (6) months.**

25 **Sec. 4. Juvenile diversion may include restorative justice**
26 **services.**

27 **Sec. 5. (a) If the child successfully completes the terms of**
28 **diversion, a petition shall not be filed with the court and no further**
29 **action shall be taken.**

30 **(b) If the child fails to complete the terms of diversion, juvenile**
31 **probation shall inform the prosecuting attorney at least fourteen**
32 **(14) days prior to the end of the child's juvenile diversion.**

33 **(c) The prosecuting attorney may file a petition if the child fails**
34 **to complete the terms of the juvenile diversion described in this**
35 **chapter.**

36 **(d) Unless the prosecuting attorney has filed the complaint as a**
37 **petition as described in subsection (c), the prosecutor shall close the**
38 **child's file in regard to the diverted matter not later than six (6)**
39 **months after the date the diversion was initiated.**

40 **Sec. 6. (a) A local probation department shall collect individual**
41 **data on any child diverted through juvenile diversion described in**
42 **this chapter, including:**



- 1 (1) demographic data on age, race, ethnicity, and gender;
 2 (2) risk screening information;
 3 (3) offense;
 4 (4) service participation; and
 5 (5) outcome and completion data;

6 and report the information to the office of judicial administration
 7 on an annual basis.

8 (b) The office of judicial administration shall provide an annual
 9 report that includes the information described in subsection (a).
 10 The report shall be provided to the governor, chief justice, and the
 11 legislative council before December 1 of each year. The report
 12 provided to the legislative council must be in an electronic format
 13 under IC 5-14-6.

14 SECTION 19. IC 31-37-9-1, AS AMENDED BY P.L.46-2016,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 1. (a) After the preliminary inquiry and upon
 17 approval by the juvenile court, the intake officer may implement a
 18 program of informal adjustment if the officer has probable cause to
 19 believe that the child is a delinquent child. **Results of a risk screening**
 20 **tool shall be used to inform recommendations for the use of**
 21 **informal adjustment.**

22 (b) If the program of informal adjustment includes services
 23 requiring payment by the department under IC 31-40-1, the intake
 24 officer shall submit a copy of the proposed program to the department
 25 before submitting it to the juvenile court for approval. Upon receipt of
 26 the proposed program, the department may submit its comments and
 27 recommendations, if any, to the intake officer and the juvenile court.

28 SECTION 20. IC 31-37-9-7, AS AMENDED BY P.L.146-2008,
 29 SECTION 632, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2023]: Sec. 7. A program of informal
 31 adjustment may not exceed six (6) months. ~~except by approval of the~~
 32 ~~juvenile court. The juvenile court may extend a program of informal~~
 33 ~~adjustment an additional three (3) months.~~

34 SECTION 21. IC 31-37-9-9 IS REPEALED [EFFECTIVE JULY 1,
 35 2023]. Sec. 9: The juvenile court may order each child who participates
 36 in a program of informal adjustment or the child's parents to pay an
 37 informal adjustment program fee of:

- 38 (1) at least five dollars (\$5); but
 39 (2) not more than fifteen dollars (\$15);

40 for each month that the child participates in the program instead of the
 41 court cost fees prescribed by IC 33-37-4-3.

42 SECTION 22. IC 31-37-9-10 IS REPEALED [EFFECTIVE JULY



1 1, 2023]. Sec. 10: (a) The probation department for the juvenile court
2 shall do the following:

3 (1) Collect the informal adjustment program fee set under section
4 9 of this chapter; and

5 (2) Transfer the collected informal adjustment program fees to the
6 county auditor not later than thirty (30) days after the fees are
7 collected:

8 (b) The county auditor shall deposit the fees in the county user fee
9 fund established by IC 33-37-8-5.

10 SECTION 23. IC 31-37-17-1, AS AMENDED BY P.L.1-2010,
11 SECTION 127, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Upon finding that a child is
13 a delinquent child:

14 (1) **the probation officer shall conduct a validated risk and**
15 **needs assessment tool on the child and provide the results of**
16 **the validated risk and needs assessment tool to the juvenile**
17 **court and any legal party to the case; or**

18 (2) the juvenile court shall order a probation officer to prepare a
19 predispositional report that contains:

20 (1) **(A) results of the validated risk and needs assessment**
21 **tool;**

22 **(B) a statement of the needs of the child for care, treatment,**
23 **rehabilitation, or placement;**

24 (2) **(C) a recommendation for the care, treatment,**
25 **rehabilitation, or placement of the child;**

26 (3) **(D) if the recommendation includes an out-of-home**
27 **placement other than a secure detention facility, information**
28 **that the department requires to determine whether the child is**
29 **eligible for assistance under Title IV-E of the federal Social**
30 **Security Act (42 U.S.C. 670 et seq.);**

31 (4) **(E) a statement of the department's concurrence with or its**
32 **alternative proposal to the probation officer's predispositional**
33 **report, as provided in section 1.4 of this chapter; and**

34 (5) **(F) a statement of whether the child receives Medicaid.**

35 (b) Any of the following may prepare an alternative report for
36 consideration by the court:

37 (1) The child.

38 (2) The child's:

39 (A) parent;

40 (B) guardian;

41 (C) guardian ad litem;

42 (D) court appointed special advocate; or



1 (E) custodian.
 2 (c) **The results of the predispositional report compiled under**
 3 **subsection (a) shall, as soon as practicable, be shared with:**
 4 **(1) the juvenile court;**
 5 **(2) the prosecuting attorney;**
 6 **(3) the defense attorney; and**
 7 **(4) any other party to the case;**
 8 **to ensure that the safety and best interest of the child and the**
 9 **community are addressed.**
 10 (d) **The juvenile court shall make a written finding that includes**
 11 **the results of the risk and needs assessment if the court**
 12 **recommends an out-of-home placement.**
 13 SECTION 24. IC 31-37-17-4, AS AMENDED BY P.L.161-2018,
 14 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 4. (a) If consistent with the safety and best interest
 16 of the child and the community, the probation officer preparing the
 17 report shall recommend care, treatment, rehabilitation, or placement
 18 that:
 19 (1) **is based on the results of a validated risk and needs**
 20 **assessment;**
 21 (2) is:
 22 (A) in the least restrictive (most family like) and most
 23 appropriate setting available; and
 24 (B) close to the parents' home, consistent with the best interest
 25 and special needs of the child;
 26 ~~(2)~~ (3) least interferes with family autonomy;
 27 ~~(3)~~ (4) is least disruptive of family life;
 28 ~~(4)~~ (5) imposes the least restraint on the freedom of the child and
 29 the child's parent, guardian, or custodian; and
 30 ~~(5)~~ (6) provides a reasonable opportunity for participation by the
 31 child's parent, guardian, or custodian.
 32 ~~(b)~~ If the report recommends a placement or services for which the
 33 department will be responsible for payment under IC 31-40-1, the
 34 report must include a risk assessment and needs assessment for the
 35 child. The probation officer shall submit to the department a copy of
 36 the report and the financial report prepared by the probation officer.
 37 ~~(c)~~ (b) If the report does not include the:
 38 (1) risk assessment and needs assessment required in subsection
 39 ~~(b)~~; (a); or
 40 (2) information required to be provided under section ~~1(a)(3)~~
 41 **1(a)(1) or 1(a)(2)(D)** of this chapter;
 42 the department shall file a notice with the office of judicial



1 administration.

2 SECTION 25. IC 31-37-17-6.1, AS AMENDED BY P.L.66-2015,
 3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2023]: Sec. 6.1. (a) The predispositional report prepared by a
 5 probation officer must include the following information:

6 (1) **A validated risk and needs assessment as described in**
 7 **section 1 of this chapter.**

8 (2) A description of all dispositional options considered in
 9 preparing the report.

10 (2) (3) An evaluation of each of the options considered in relation
 11 to the plan of care, treatment, rehabilitation, or placement
 12 recommended under the guidelines described in section 4 of this
 13 chapter.

14 (3) (4) The name, occupation and position, and any relationship
 15 to the child of each person with whom the preparer of the report
 16 conferred as provided in section 1.1 of this chapter.

17 (4) (5) The items required under section 1 of this chapter.

18 (5) (6) The results of a dual status screening tool to determine
 19 whether the child is a dual status child as described in
 20 IC 31-41-1-2.

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

27 (c) A probation officer is not required to conduct a criminal history
 28 check under this section if:

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

31 (A) is not a residence (as defined in IC 3-5-2-42.5); or
 32 (B) is licensed by the state; or

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

35 SECTION 26. IC 31-37-19-1, AS AMENDED BY P.L.85-2017,
 36 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Subject to section 6.5 of this
 38 chapter, if a child is a delinquent child under IC 31-37-2, the juvenile
 39 court may enter one (1) or more of the following dispositional decrees:

40 (1) Order supervision of the child by the probation department.
 41 (2) Order the child to receive outpatient treatment:
 42 (A) at a social service agency or a psychological, a psychiatric,



- 1 a medical, or an educational facility; or
 2 (B) from an individual practitioner.
 3 (3) Remove the child from the child's home and place the child in
 4 another home or a shelter care facility, child caring institution,
 5 group home, or secure private facility. Placement under this
 6 subdivision includes authorization to control and discipline the
 7 child.
 8 (4) Award wardship to a:
 9 (A) person, other than the department; or
 10 (B) shelter care facility.
 11 (5) Partially or completely emancipate the child under section 27
 12 of this chapter.
 13 (6) Order:
 14 (A) the child; or
 15 (B) the child's parent, guardian, or custodian;
 16 to receive family services.
 17 (7) Order a person who is a party to refrain from direct or indirect
 18 contact with the child.
 19 (b) If the child is removed from the child's home and placed in a
 20 foster family home or another facility, the juvenile court shall:
 21 (1) approve a permanency plan for the child;
 22 (2) find whether or not reasonable efforts were made to prevent
 23 or eliminate the need for the removal;
 24 (3) designate responsibility for the placement and care of the child
 25 with the probation department; and
 26 (4) find whether it:
 27 (A) serves the best interests of the child to be removed; and
 28 (B) would be contrary to the health and welfare of the child for
 29 the child to remain in the home.
 30 (c) If a dispositional decree under this section:
 31 (1) orders or approves removal of a child from the child's home or
 32 awards wardship of the child to a:
 33 (A) person other than the department; or
 34 (B) shelter care facility; and
 35 (2) is the first court order in the delinquent child proceeding that
 36 authorizes or approves removal of the child from the child's
 37 parent, guardian, or custodian;
 38 the court shall include in the decree the appropriate findings and
 39 conclusions described in ~~IC 31-37-6-6(f)~~ **IC 31-37-6-6(g)** and
 40 ~~IC 31-37-6-6(g)~~ **IC 31-37-6-6(h)**.
 41 (d) If the juvenile court orders supervision of the child by the
 42 probation department under subsection (a)(1), the child or the child's



1 parent, guardian, or custodian is responsible for any costs resulting
 2 from the participation in a rehabilitative service or educational class
 3 provided by the probation department. Any costs collected for services
 4 provided by the probation department shall be deposited in the county
 5 supplemental juvenile probation services fund.

6 SECTION 27. IC 31-37-19-6, AS AMENDED BY P.L.146-2008,
 7 SECTION 651, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) This section applies if a child
 9 is a delinquent child under IC 31-37-1.

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

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

14 (2) take any of the following actions:

15 (A) Award wardship to:

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

18 (ii) a community based correctional facility for children.

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

21 (B) If the child is less than seventeen (17) years of age, order
 22 confinement in a juvenile detention facility for not more than
 23 the lesser of:

24 (i) ninety (90) days; or

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

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

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

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

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

41 (E) Award wardship to a:

42 (i) person, other than the department; or



- 1 (ii) shelter care facility.
 2 Wardship under this subdivision does not include the right to
 3 consent to the child's adoption.
 4 (F) Place the child in a secure private facility for children
 5 licensed under the laws of a state. Placement under this
 6 subdivision includes authorization to control and discipline the
 7 child.
 8 (G) Order a person who is a respondent in a proceeding under
 9 IC 31-37-16 (before its repeal) or IC 34-26-5 to refrain from
 10 direct or indirect contact with the child.
- 11 (c) If a dispositional decree under this section:
 12 (1) orders or approves removal of a child from the child's home,
 13 or awards wardship of the child to a:
 14 (A) person, other than the department; or
 15 (B) shelter care facility; and
 16 (2) is the first court order in the delinquent child proceeding that
 17 authorizes or approves removal of the child from the child's
 18 parent, guardian, or custodian;
 19 the juvenile court shall include in the decree the appropriate findings
 20 and conclusions described in ~~IC 31-37-6-6(f)~~ **IC 31-37-6-6(g)** and
 21 ~~IC 31-37-6-6(g)~~ **IC 31-37-6-6(h)**.
- 22 SECTION 28. IC 31-37-19-11.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2022]: **Sec. 11.5. (a) A child who is a ward of**
 25 **the department of correction shall receive at least three (3) months**
 26 **of transitional services to support reintegration back into the**
 27 **community and to reduce recidivism.**
- 28 (b) A county, in conjunction with the department of correction,
 29 is required to:
 30 (1) maintain monthly contact with the child and the child's
 31 family during the child's duration in placement and monthly
 32 contact with the department of correction;
 33 (2) engage in case management with the child; and
 34 (3) develop a formal reintegration plan for the child.
- 35 (c) A county has the discretion whether to:
 36 (1) formally place a child back under county jurisdiction;
 37 (2) provide formal probation supervision upon release; or
 38 (3) provide informal reintegration services and support;
 39 for a child described in this section.
- 40 (d) The department of correction shall provide an annual report
 41 that includes data collected under this section that will help assess
 42 the impact of reintegration improvements, including tracking



1 **recidivism beyond reincarceration and into the adult system. The**
 2 **report shall be provided to the governor, chief justice, and the**
 3 **legislative council before December 1 of each year. The report**
 4 **provided to the legislative council must be in an electronic format**
 5 **under IC 5-14-6.**

6 **(e) The expense of administering the transitional services shall**
 7 **be paid from the division of youth services transitional services**
 8 **fund established by IC 11-10-2-11.**

9 SECTION 29. IC 31-37-19-11.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2022]: **Sec. 11.7. A juvenile court may**
 12 **recommend telehealth services (as defined in IC 25-1-9.5-6) as an**
 13 **alternative to a child receiving a diagnostic assessment under this**
 14 **section.**

15 SECTION 30. IC 31-40-1-3, AS AMENDED BY P.L.182-2009(ss),
 16 SECTION 388, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A parent or guardian of the
 18 estate of

19 ~~(1) a child adjudicated a delinquent child or a child in need of~~
 20 ~~services or~~

21 ~~(2) a participant in a program of informal adjustment approved by~~
 22 ~~a juvenile court under IC 31-34-8 or IC 31-37-9;~~

23 is financially responsible as provided in this chapter (or
 24 IC 31-6-4-18(e) before its repeal) for any services provided by or
 25 through the department.

26 (b) Each person described in subsection (a) shall, before a hearing
 27 under subsection (c) concerning payment or reimbursement of costs,
 28 furnish the court and the department with an accurately completed and
 29 current child support obligation worksheet on the same form that is
 30 prescribed by the Indiana supreme court for child support orders.

31 (c) At:

32 (1) a detention hearing;

33 (2) a hearing that is held after the payment of costs by the
 34 department under section 2 of this chapter (or IC 31-6-4-18(b)
 35 before its repeal);

36 (3) the dispositional hearing; or

37 (4) any other hearing to consider modification of a dispositional
 38 decree;

39 the juvenile court shall order the child's parents or the guardian of the
 40 child's estate to pay for, or reimburse the department for the cost of
 41 services provided to the child or the parent or guardian unless the court
 42 makes a specific finding that the parent or guardian is unable to pay or



1 that justice would not be served by ordering payment from the parent
2 or guardian.

3 (d) Any parental reimbursement obligation under this section shall
4 be paid directly to the department and not to the local court clerk so
5 long as the child in need of services case ~~or juvenile delinquency case~~
6 ~~or juvenile status offense case~~ is open. The department shall keep track
7 of all payments made by each parent and shall provide a receipt for
8 each payment received. At the end of the child in need of services ~~or~~
9 juvenile delinquency ~~or juvenile status~~ action, the department shall
10 provide an accounting of payments received, and the court may
11 consider additional evidence of payment activity and determine the
12 amount of parental reimbursement obligation that remains unpaid. The
13 court shall reduce the unpaid balance to a final judgment that may be
14 enforced in any court having jurisdiction over such matters.

15 (e) After a judgment for unpaid parental reimbursement obligation
16 is rendered, payments made toward satisfaction of the judgment shall
17 be made to the clerk of the court in the county where the enforcement
18 action is filed and shall be promptly forwarded to the department in the
19 same manner as any other judgment payment.

20 SECTION 31. IC 31-40-5 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]:

23 **Chapter 5. Juvenile Diversion and Community Alternatives**
24 **Grant Programs**

25 **Sec. 1. As used in this chapter, "program" refers to:**

- 26 (1) **the juvenile diversion grant program; and**
27 (2) **the juvenile community alternatives grant program;**

28 **established by section 2 of this chapter.**

29 **Sec. 2. (a) The juvenile diversion grant program and the**
30 **juvenile community alternatives grant program are established.**

31 **(b) The Indiana criminal justice institute (as described in**
32 **IC 5-2-6) shall administer the programs described in this chapter.**

33 **Sec. 3. (a) The purpose of the juvenile diversion grant program**
34 **is as follows:**

- 35 (1) **Prevent further involvement of the child in the formal**
36 **legal system.**
37 (2) **Provide eligible children with alternatives to adjudication**
38 **that require the least amount of supervision and conditions**
39 **necessary consistent with the protection of the community and**
40 **the child's risk of reoffending, as determined by a risk**
41 **screening tool.**
42 (3) **Emphasize the use of restorative justice practices.**



1 (4) Reduce recidivism and improve positive outcomes for a
2 child through the provision of research based services, if
3 warranted, that address the child's needs.

4 (b) The purpose of the juvenile community alternatives grant
5 program is as follows:

6 (1) Provide cost effective, research based alternatives in lieu
7 of the use of secure detention, out-of-home placement, and
8 department of correction facilities in the community.

9 (2) Reduce the use of secure confinement and out-of-home
10 placement.

11 (3) Reduce recidivism and improve positive outcomes for
12 children.

13 Sec. 4. (a) The Indiana criminal justice institute (as described in
14 IC 5-2-6) shall be allocated funds to strengthen the agency's grant
15 management capacity to:

16 (1) serve as an efficient pass through to counties;

17 (2) provide quality assurance and technical assistance to
18 counties; and

19 (3) support and coordinate data collection.

20 (b) The Indiana criminal justice institute shall prepare an
21 annual report that details the performance measures collected and
22 reported under IC 2-5-36-9.3(b)(4), including an analysis of the
23 performance measures by race, ethnicity, gender, and other
24 demographic factors. The report shall be provided to the governor,
25 chief justice, and the legislative council before December 1 of each
26 year. The report provided to the legislative council must be in an
27 electronic format under IC 5-14-6.

28 Sec. 5. A county participating in any program described in this
29 chapter is required to have its local or regional justice
30 reinvestment advisory council (as described in IC 33-38-9.5-4), or
31 another local collaborative body that includes stakeholders across
32 the juvenile justice system, oversee each grant awarded to the
33 county and engage in collaborative service planning for the county.

34 Sec. 6. Money appropriated for a program described in this
35 chapter may be used for the costs of administering this chapter.

36 Sec. 7. (a) The juvenile diversion and community alternatives
37 grant program fund is established to provide grants under this
38 chapter. The fund shall be administered by the Indiana criminal
39 justice institute (as described in IC 5-2-6).

40 (b) The fund consists of:

41 (1) money appropriated to the fund by the general assembly;

42 (2) money received from state or federal grants or programs



1 that concern alternative detention and recidivism reduction
2 for juveniles; and
3 (3) donations, gifts, and money received from any other
4 source, including transfers from other funds or accounts.
5 (c) The treasurer of state shall invest the money in the fund not
6 currently needed to meet the obligations of the fund in the same
7 manner as other public funds may be invested.
8 (d) Money in the fund at the end of a state fiscal year does not
9 revert to the state general fund but remains in the fund to be used
10 exclusively for purposes of this chapter.
11 (e) Money in the fund is continuously appropriated for the
12 purposes of this chapter.
13 SECTION 32. IC 31-40-6 IS ADDED TO THE INDIANA CODE
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2023]:
16 **Chapter 6. Juvenile Behavioral Health Competitive Grant Pilot**
17 **Program**
18 **Sec. 1.** As used in this chapter, "program" refers to the juvenile
19 behavioral health competitive grant pilot program established by
20 section 2 of this chapter.
21 **Sec. 2. (a)** The juvenile behavioral health competitive grant pilot
22 program is established.
23 **(b)** The program shall be administered by the Indiana criminal
24 justice institute (as described in IC 5-2-6).
25 **Sec. 3. (a)** The purpose of the juvenile behavioral health
26 competitive grant pilot program is to support jurisdictions,
27 particularly in rural areas, to evaluate a child's behavioral health
28 needs and divert the child from formal court involvement and
29 out-of-home placement into community or school based mental
30 health treatment.
31 **(b)** Grant recipients shall use a validated mental health
32 screening tool, and a full mental health assessment tool, if
33 necessary, and may use the funds to conduct the following
34 activities:
35 **(1)** Partnering with law enforcement to implement a program
36 to divert a child from formal court proceedings.
37 **(2)** Creating crisis stabilization services and a mobile crisis
38 unit.
39 **(3)** Providing comprehensive case management for a child or
40 family in crisis.
41 **(4)** Identifying and strengthening community based intensive
42 treatment and management services.



1 (5) Establishing telehealth services (as defined in
2 IC 25-1-9.5-6) and programs.

3 (6) Supporting mental health evaluations, which include the
4 use of telehealth services (as defined in IC 25-1-9.5-6).

5 Sec. 4. The local or regional justice reinvestment advisory
6 council (as described in IC 33-38-9.5-4), or another local
7 collaborative body that includes stakeholders across the juvenile
8 justice system, shall:

9 (1) manage grant solicitation, with support for rural
10 communities as a required funding priority; and

11 (2) determine how funding and programming could be used
12 more effectively.

13 Sec. 5. Money appropriated for a program described in this
14 chapter may be used for the costs of administering this chapter.

15 Sec. 6. (a) The juvenile behavioral health competitive grant pilot
16 program fund is established to provide grants under this chapter.
17 The fund shall be administered by the Indiana criminal justice
18 institute (as described in IC 5-2-6).

19 (b) The fund consists of:

20 (1) money appropriated to the fund by the general assembly;

21 (2) money received from state or federal grants or programs
22 that concern alternative detention and recidivism reduction
23 for juveniles; and

24 (3) donations, gifts, and money received from any other
25 source, including transfers from other funds or accounts.

26 (c) The treasurer of state shall invest the money in the fund not
27 currently needed to meet the obligations of the fund in the same
28 manner as other public funds may be invested.

29 (d) Money in the fund at the end of a state fiscal year does not
30 revert to the state general fund but remains in the fund to be used
31 exclusively for purposes of this chapter.

32 (e) Money in the fund is continuously appropriated for the
33 purposes of this chapter.

34 SECTION 33. IC 33-24-6-3, AS AMENDED BY P.L.115-2021,
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2022]: Sec. 3. (a) The office of judicial administration shall
37 do the following:

38 (1) Examine the administrative and business methods and systems
39 employed in the offices of the clerks of court and other offices
40 related to and serving the courts and make recommendations for
41 necessary improvement.

42 (2) Collect and compile statistical data and other information on



1 the judicial work of the courts in Indiana. All justices of the
 2 supreme court, judges of the court of appeals, judges of all trial
 3 courts, and any city or town courts, whether having general or
 4 special jurisdiction, court clerks, court reporters, and other
 5 officers and employees of the courts shall, upon notice by the
 6 chief administrative officer and in compliance with procedures
 7 prescribed by the chief administrative officer, furnish the chief
 8 administrative officer the information as is requested concerning
 9 the nature and volume of judicial business. The information must
 10 include the following:

- 11 (A) The volume, condition, and type of business conducted by
 12 the courts.
 13 (B) The methods of procedure in the courts.
 14 (C) The work accomplished by the courts.
 15 (D) The receipt and expenditure of public money by and for
 16 the operation of the courts.
 17 (E) The methods of disposition or termination of cases.
 18 (3) Prepare and publish reports, not less than one (1) or more than
 19 two (2) times per year, on the nature and volume of judicial work
 20 performed by the courts as determined by the information
 21 required in subdivision (2).
 22 (4) Serve the judicial nominating commission and the judicial
 23 qualifications commission in the performance by the commissions
 24 of their statutory and constitutional functions.
 25 (5) Administer the civil legal aid fund as required by IC 33-24-12.
 26 (6) Administer the court technology fund established by section
 27 12 of this chapter.
 28 (7) By December 31, 2013, develop and implement a standard
 29 protocol for sending and receiving court data:
 30 (A) between the protective order registry, established by
 31 IC 5-2-9-5.5, and county court case management systems;
 32 (B) at the option of the county prosecuting attorney, for:
 33 (i) a prosecuting attorney's case management system;
 34 (ii) a county court case management system; and
 35 (iii) a county court case management system developed and
 36 operated by the office of judicial administration;
 37 to interface with the electronic traffic tickets, as defined by
 38 IC 9-30-3-2.5; and
 39 (C) between county court case management systems and the
 40 case management system developed and operated by the office
 41 of judicial administration.

42 The standard protocol developed and implemented under this



1 subdivision shall permit private sector vendors, including vendors
 2 providing service to a local system and vendors accessing the
 3 system for information, to send and receive court information on
 4 an equitable basis and at an equitable cost.

5 (8) Establish and administer an electronic system for receiving
 6 information that relates to certain individuals who may be
 7 prohibited from possessing a firearm for the purpose of:

8 (A) transmitting this information to the Federal Bureau of
 9 Investigation for inclusion in the NICS; and

10 (B) beginning July 1, 2021, compiling and publishing certain
 11 statistics related to the confiscation and retention of firearms
 12 as described under section 14 of this chapter.

13 (9) Establish and administer an electronic system for receiving
 14 drug related felony conviction information from courts. The office
 15 of judicial administration shall notify NPLeX of each drug related
 16 felony entered after June 30, 2012, and do the following:

17 (A) Provide NPLeX with the following information:

18 (i) The convicted individual's full name.

19 (ii) The convicted individual's date of birth.

20 (iii) The convicted individual's driver's license number, state
 21 personal identification number, or other unique number, if
 22 available.

23 (iv) The date the individual was convicted of the felony.

24 Upon receipt of the information from the office of judicial
 25 administration, a stop sale alert must be generated through
 26 NPLeX for each individual reported under this clause.

27 (B) Notify NPLeX if the felony of an individual reported under
 28 clause (A) has been:

29 (i) set aside;

30 (ii) reversed;

31 (iii) expunged; or

32 (iv) vacated.

33 Upon receipt of information under this clause, NPLeX shall
 34 remove the stop sale alert issued under clause (A) for the
 35 individual.

36 (10) After July 1, 2018, establish and administer an electronic
 37 system for receiving from courts felony conviction information for
 38 each felony described in IC 20-28-5-8(c). The office of judicial
 39 administration shall notify the department of education at least
 40 one (1) time each week of each felony described in
 41 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

42 (A) Provide the department of education with the following



- 1 information:
- 2 (i) The convicted individual's full name.
- 3 (ii) The convicted individual's date of birth.
- 4 (iii) The convicted individual's driver's license number, state
- 5 personal identification number, or other unique number, if
- 6 available.
- 7 (iv) The date the individual was convicted of the felony.
- 8 (B) Notify the department of education if the felony of an
- 9 individual reported under clause (A) has been:
- 10 (i) set aside;
- 11 (ii) reversed; or
- 12 (iii) vacated.
- 13 (11) Perform legal and administrative duties for the justices as
- 14 determined by the justices.
- 15 (12) Provide staff support for the judicial conference of Indiana
- 16 established in IC 33-38-9.
- 17 (13) Work with the United States Department of Veterans Affairs
- 18 to identify and address the needs of veterans in the court system.
- 19 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
- 20 judicial officer an identification card identifying the retired
- 21 judicial officer as a retired judicial officer.
- 22 **(15) Establish and administer the statewide juvenile justice**
- 23 **data aggregation plan established under section 12.5 of this**
- 24 **chapter.**
- 25 (b) All forms to be used in gathering data must be approved by the
- 26 supreme court and shall be distributed to all judges and clerks before
- 27 the start of each period for which reports are required.
- 28 (c) The office of judicial administration may adopt rules to
- 29 implement this section.
- 30 SECTION 34. IC 33-24-6-12.5 IS ADDED TO THE INDIANA
- 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2022]: **Sec. 12.5. The office of judicial**
- 33 **administration shall establish and administer a plan that will**
- 34 **ensure that the juvenile justice data in each county is collected and**
- 35 **shared with the office of judicial administration so that the office**
- 36 **can compile and aggregate the data.**
- 37 SECTION 35. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
- 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2023]: Sec. 5. (a) A county user fee fund is established in each
- 40 county to finance various program services. The county fund is
- 41 administered by the county auditor.
- 42 (b) The county fund consists of the following fees collected by a



1 clerk under this article: ~~and by the probation department for the~~
 2 ~~juvenile court under IC 31-37-9-9:~~

- 3 (1) The pretrial diversion program fee.
 4 ~~(2) The informal adjustment program fee.~~
 5 ~~(3) (2) The marijuana eradication program fee.~~
 6 ~~(4) (3) The alcohol and drug services program fee.~~
 7 ~~(5) (4) The law enforcement continuing education program fee.~~
 8 ~~(6) (5) The deferral program fee.~~
 9 ~~(7) (6) The jury fee.~~
 10 ~~(8) (7) The problem solving court fee.~~

11 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
 12 collected under IC 33-37-4-2(e) shall be deposited by the county
 13 auditor in the jury pay fund established under IC 33-37-11.

14 SECTION 36. IC 33-38-9.5-6, AS ADDED BY P.L.30-2021,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 6. A local or regional advisory council shall do the
 17 following:

- 18 (1) Review, evaluate, and make recommendations for local:
 19 (A) criminal justice systems and corrections programs;
 20 (B) pretrial services;
 21 (C) behavioral health treatment and recovery services;
 22 (D) community corrections; and
 23 (E) county jail and probation services.
 24 (2) Promote state and local collaboration between the advisory
 25 council and the local or regional advisory council.
 26 (3) Review and evaluate local jail overcrowding and recommend
 27 a range of possible overcrowding solutions.
 28 (4) Compile reports regarding local criminal sentencing as
 29 directed by the advisory council.
 30 (5) Establish committees to inform the work of the local or
 31 regional advisory council.
 32 (6) Communicate with the advisory council in order to establish
 33 and implement best practices and to ensure consistent collection
 34 and reporting of data as requested by the advisory council.
 35 **(7) Oversee and manage grants awarded under IC 31-40-5**
 36 **and IC 31-40-6, unless another local collaborative body in the**
 37 **county is tasked with overseeing the grant awarded.**
 38 ~~(7) (8) Prepare and submit an annual report to the advisory~~
 39 ~~council not later than March 31 of each year.~~

40 SECTION 37. **An emergency is declared for this act.**

