



February 25, 2022

ENGROSSED HOUSE BILL No. 1359

DIGEST OF HB 1359 (Updated February 24, 2022 12:55 pm - DI 129)

Citations Affected: IC 2-5; IC 5-2; IC 11-13; IC 31-9; IC 31-37; IC 31-40; IC 33-24; IC 33-37; IC 33-38.

Synopsis: Juvenile law matters. Requires the commission on improving the status of children in Indiana (commission) to create a statewide juvenile justice oversight body (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 juvenile diversion and community alternatives grant programs. Provides that the oversight body shall, not later than July 1, 2023,
(Continued next page)

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

McNamara, Cook, Davis, Shackleford

(SENATE SPONSORS — CRIDER, FORD JON, ROGERS, WALKER K,
QADDOURA, CRANE, MELTON)

January 11, 2022, read first time and referred to Committee on Courts and Criminal Code.
January 20, 2022, amended, reported favorably — Do Pass.
January 24, 2022, read second time, ordered engrossed. Engrossed.
January 25, 2022, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Family and Children Services.
February 15, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 24, 2022, amended, reported favorably — Do Pass.

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submit to the commission and the legislative council: (1) the plan for the juvenile diversion and community alternatives grant programs; and (2) the juvenile justice data collection plan and the plan for the use of screening tools, assessments, and services. Requires the judicial conference of Indiana to develop statewide juvenile probation standards that are aligned with research based practices, and requires the board of directors of the judicial conference of Indiana to approve the standards by July 1, 2023. 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 tool to inform the use of secure detention and document the reason for the use of detention if the tool is overridden. Requires a court to: (1) after use of a detention tool, include in a 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 legislative council before December 1 of each year that includes information about a court's use of a detention tool and reasons for overriding the results of the detention tool. 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 juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment. Establishes: (1) the juvenile diversion and community alternatives grant programs and grant programs fund; and (2) the juvenile behavioral health competitive grant pilot program and grant pilot program fund; as of July 1, 2023. 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 legislative council before December 1 of each year that details certain performance measures that counties receiving grants must collect and report. Requires the office of judicial administration to administer the statewide juvenile justice data aggregation plan. Makes conforming changes. Makes a technical correction.



February 25, 2022

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.

ENGROSSED 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.

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- 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 to carry**
 19 **out the following duties described in section 9.3 of this**
 20 **chapter:**
 21 **(A) Develop a plan to collect and report statewide juvenile**
 22 **justice data.**
 23 **(B) Establish procedures and policies related to the use of:**
 24 **(i) a validated risk screening tool and a validated risk**
 25 **and needs assessment tool;**
 26 **(ii) a detention tool to inform the use of secure detention;**
 27 **(iii) a plan to determine how information from the tools**
 28 **described in this clause is compiled and shared and with**
 29 **whom the information will be shared; and**
 30 **(iv) a plan to provide training to judicial officers on the**
 31 **implementation of the tools described in this clause.**
 32 **(C) Develop criteria for the use of diagnostic assessments**
 33 **as described in IC 31-37-19-11.7.**
 34 **(D) Develop a statewide plan to address the provision of**
 35 **broader behavioral health services to children in the**
 36 **juvenile justice system.**
 37 **(E) 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 chief justice of**
 42 **the supreme court shall designate the chair of the statewide**



1 juvenile justice oversight body and shall make the initial
 2 appointments and designations to the statewide juvenile
 3 justice oversight body, which may incorporate members of an
 4 existing committee or subcommittee formed under the
 5 commission. The initial meeting of the oversight body shall be
 6 held not later than July 1, 2022.

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

12 SECTION 2. IC 2-5-36-9.3 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2022]: **Sec. 9.3. (a) In addition to the duties prescribed to the
 15 commission under section 9 of this chapter, the commission shall
 16 form and establish a statewide juvenile justice oversight body that
 17 will oversee implementation of the assigned duties described in this
 18 section.**

19 **(b) Not later than July 1, 2023, the statewide juvenile justice
 20 oversight body shall develop a plan to collect and report statewide
 21 juvenile justice data. The plan shall be submitted to the
 22 commission and the legislative council in an electronic format
 23 under IC 5-14-6. The plan shall include the following:**

- 24 **(1) Provide goals for the collection of juvenile justice data.**
- 25 **(2) Create shared definitions concerning juvenile justice data.**
- 26 **(3) Set standard protocols and procedures for data collection
 27 and quality assurance, including a plan to track data across
 28 the juvenile justice continuum.**
- 29 **(4) Establish a minimum set of performance and data
 30 measures that counties shall collect and report annually,
 31 including equity measures.**
- 32 **(5) Establish how data should be reported and to whom.**
- 33 **(6) Establish a research agenda to evaluate the effectiveness
 34 of interventions.**
- 35 **(7) Determine the costs of collecting and reporting data
 36 described in this subsection.**

37 **(c) Not later than July 1, 2023, the statewide juvenile justice
 38 oversight body shall do the following:**

- 39 **(1) Review and establish statewide procedures, policies, and
 40 an implementation plan related to the use of:**
 - 41 **(A) a validated risk screening tool to inform statewide
 42 diversion decisions;**



- 1 **(B) a validated risk and needs assessment tool to inform**
 2 **statewide dispositional decisions, especially the use of**
 3 **out-of-home placement; and**
 4 **(C) a detention tool to inform the initial and ongoing use of**
 5 **secure detention, while considering factors related to**
 6 **public safety and failure to appear for court.**
 7 **(2) Develop criteria for the use of diagnostic assessments as**
 8 **described in IC 31-37-19-11.7.**
 9 **(3) Develop a statewide plan to address the provision of**
 10 **broader behavioral health services to a child in the juvenile**
 11 **justice system.**
 12 **(4) Establish policies and protocols for research based pretrial**
 13 **diversion and informal adjustment programs and practices.**
 14 **(5) Any other activities as identified by the oversight body.**
 15 **(d) Not later than January 1, 2023, the statewide juvenile justice**
 16 **oversight body shall develop and submit a plan for grant programs**
 17 **described in IC 31-40-5 to the commission and the legislative**
 18 **council in an electronic format under IC 5-14-6. The oversight**
 19 **body shall determine:**
 20 **(1) the amount of money dedicated to each grant;**
 21 **(2) the funding formula, accounting for the needs of both**
 22 **more rural and more populated communities;**
 23 **(3) the required set of performance measures that counties**
 24 **receiving the grants must collect and report; and**
 25 **(4) the process to streamline and manage the entire grant life**
 26 **cycle for all programs described in IC 31-40-5.**
 27 **The planning process shall define the parameters of using the**
 28 **funds, with allowance for a proportion of the funding to be used for**
 29 **staffing, training, and administrative expenses to support the needs**
 30 **of rural communities with limited service capacity.**
 31 SECTION 3. IC 5-2-6-3, AS AMENDED BY P.L.217-2021,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 3. The institute is established to do the following:
 34 (1) Evaluate state and local programs associated with:
 35 (A) the prevention, detection, and solution of criminal
 36 offenses;
 37 (B) law enforcement; and
 38 (C) the administration of criminal and juvenile justice.
 39 (2) Participate in statewide collaborative efforts to improve all
 40 aspects of law enforcement, juvenile justice, and criminal justice
 41 in this state.
 42 (3) Stimulate criminal and juvenile justice research.



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



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

3 ~~(22)~~ **(21)** Establish and administer the Indiana crime guns task
 4 force fund under IC 36-8-25.5-8.

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

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

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

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

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

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

16 (3) inform courts and probation departments of legislation
 17 concerning probation and of other developments in probation;

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

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

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

32 **(1) Guidelines for establishing consistent use of a validated**
 33 **risk and needs assessment tool and a validated risk screening**
 34 **tool.**

35 **(2) Guidelines for establishing conditions of probation**
 36 **supervision for informal adjustment and formal probation**
 37 **that are tailored to a child's individual risk and needs,**
 38 **including standards for case contacts.**

39 **(3) Common case planning elements based on risk principles**
 40 **and guidelines for engaging youth, families, and providers in**
 41 **case planning.**

42 **(4) Common criteria for recommending the use of**



1 out-of-home placement and commitment to the department of
2 correction.

3 **(5) A system of graduated responses and incentives to reward**
4 **and motivate positive behavior and address violations of**
5 **supervision.**

6 **The conference shall also ensure that adequate training is provided**
7 **to all juvenile probation officers on the use of a risk and needs**
8 **assessment tool, the use of a risk screening tool, and the updated**
9 **juvenile probation standards.**

10 ~~(b)~~ (c) The conference may:

11 (1) visit and inspect any probation department and confer with
12 probation officers and judges administering probation; and

13 (2) require probation departments to submit periodic reports of
14 their work on forms furnished by the conference.

15 SECTION 5. IC 31-9-2-39.7 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2022]: **Sec. 39.7. "Detention tool" means a validated instrument**
18 **that assesses a child's risk for rearrest in order to inform a decision**
19 **on the use of secure detention.**

20 SECTION 6. IC 31-9-2-39.8 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2022]: **Sec. 39.8. "Diagnostic assessment" means a clinical**
23 **evaluation provided by a certified professional in order to gather**
24 **information to determine appropriate behavioral health treatment**
25 **for a child.**

26 SECTION 7. IC 31-9-2-71.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2022]: **Sec. 71.5. "Juvenile diversion" has the meaning set forth**
29 **in IC 31-37-8.5-1.**

30 SECTION 8. IC 31-9-2-112.3 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2022]: **Sec. 112.3. "Restorative justice**
33 **services" has the meaning set forth in IC 31-37-8.5-1.**

34 SECTION 9. IC 31-9-2-112.5 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2022]: **Sec. 112.5. "Risk and needs**
37 **assessment tool" means a validated instrument approved by the**
38 **judicial conference of Indiana for use at appropriate stages in the**
39 **juvenile justice system to identify specific risk factors and needs**
40 **shown to be statistically related to a child's risk of reoffending, and**
41 **that when properly addressed may reduce a child's risk of**
42 **reoffending.**



1 SECTION 10. IC 31-9-2-112.8 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2022]: **Sec. 112.8. "Risk screening tool"**
 4 **means a validated screening instrument approved by the judicial**
 5 **conference of Indiana that:**

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

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

- 21 (1) home detention;
 22 (2) electronic monitoring;
 23 (3) a curfew restriction;
 24 (4) a directive to avoid contact with specified individuals until the
 25 child's return to the juvenile court at a specified time;
 26 (5) a directive to comply with Indiana law; or
 27 (6) any other reasonable conditions on the child's actions or
 28 behavior.

29 (b) **After considering the detention tool results,** if the intake
 30 officer imposes additional conditions upon the child under subsection
 31 (a), the court shall hold a detention hearing under IC 31-37-6 within
 32 forty-eight (48) hours of the imposition of the additional conditions,
 33 excluding Saturdays, Sundays, and legal holidays.

34 (c) The intake officer may place the child in detention if the intake
 35 officer reasonably believes that the child is a delinquent child and ~~that~~
 36 **only:**

- 37 (1) **after a detention tool has been administered; and**
 38 (2) **if there are grounds to support the use of secure detention**
 39 **if the child does not score as high risk on the detention tool.**

40 (d) **The intake officer shall use the results of the detention tool**
 41 **to inform the use of secure detention. If, after considering the**
 42 **results of the detention tool and other information determined by**



1 **local policy, the intake officer believes that the child needs to be**
 2 **detained under subsection (c)(2), the intake officer shall document**
 3 **the reason for the use of detention, including:**

- 4 (1) the child is unlikely to appear before the juvenile court for
 5 subsequent proceedings;
 6 (2) the child has committed an act that would be murder or a
 7 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
 8 if committed by an adult;
 9 (3) detention is essential to protect the child or the community;
 10 (4) the parent, guardian, or custodian:
 11 (A) cannot be located; or
 12 (B) is unable or unwilling to take custody of the child; or
 13 (5) the child has a reasonable basis for requesting that the child
 14 not be released.

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

18 (f) Results of the detention tool shall be made available to the
 19 court and any legal party to the case prior to the detention hearing.

20 (g) Evidence of a child's statements and evidence derived from
 21 those statements made for use in preparing an authorized evidence
 22 based detention tool, for purposes of making a recommendation to
 23 the court regarding continued detention of a child, are not
 24 admissible against the child in any other court proceeding.

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

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

- 30 (1) the child poses an imminent risk of harm to the
 31 community; or
 32 (2) the court makes a written finding that detention is
 33 essential to protect the community and no reasonable
 34 alternatives exist to reduce the risk.

35 SECTION 13. IC 31-37-6-6, AS AMENDED BY P.L.146-2008,
 36 SECTION 624, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The juvenile court shall use
 38 the results of the detention tool to inform decisions regarding the
 39 detention or temporary detention of a child taken into custody
 40 under IC 31-37-5.

41 ~~(a)~~ (b) The juvenile court shall release the child on the child's own
 42 recognizance or to the child's parent, guardian, or custodian upon the



1 person's written promise to bring the child before the court at a time
 2 specified. However, the court may order the child detained if the court
 3 finds probable cause to believe the child is a delinquent child and that:

- 4 (1) the child is unlikely to appear for subsequent proceedings;
 5 (2) detention is essential to protect the child or the community;
 6 (3) the parent, guardian, or custodian:
 7 (A) cannot be located; or
 8 (B) is unable or unwilling to take custody of the child;
 9 (4) return of the child to the child's home is or would be:
 10 (A) contrary to the best interests and welfare of the child; and
 11 (B) harmful to the safety or health of the child; or
 12 (5) the child has a reasonable basis for requesting that the child
 13 not be released.

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

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

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

- 24 (1) The factual basis for the finding specified in subsection ~~(a)(4)~~;
 25 **(b)(4)**.
 26 (2) A description of the family services available and efforts made
 27 to provide family services before removal of the child.
 28 (3) The reasons why efforts made to provide family services did
 29 not prevent removal of the child.
 30 (4) Whether efforts made to prevent removal of the child were
 31 reasonable.

32 ~~(d)~~ **(e)** Whenever the court releases a child under this section, the
 33 court may impose conditions upon the child, including:

- 34 (1) home detention;
 35 (2) electronic monitoring;
 36 (3) a curfew restriction;
 37 (4) a protective order;
 38 (5) a no contact order;
 39 (6) an order to comply with Indiana law; or
 40 (7) an order placing any other reasonable conditions on the child's
 41 actions or behavior.

42 ~~(e)~~ **(f)** If the juvenile court releases a child to the child's parent,



1 guardian, or custodian under this section, the court may impose
2 conditions on the child's parent, guardian, or custodian to ensure:

- 3 (1) the safety of the child's physical or mental health;
- 4 (2) the public's physical safety; or
- 5 (3) that any combination of subdivisions (1) and (2) is satisfied.

6 ~~(f)~~ **(g)** The juvenile court shall include in any order approving or
7 requiring detention of a child or approving temporary detention of a
8 child taken into custody under IC 31-37-5 all findings and conclusions
9 required under:

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

15 ~~(g)~~ **(h)** Inclusion in a juvenile court order of language approved and
16 recommended by the judicial conference of Indiana, in relation to:

- 17 (1) removal from the child's home; or
- 18 (2) detention;

19 of a child who is alleged to be, or adjudicated as, a delinquent child
20 constitutes compliance with subsection ~~(f)~~: **(g)**.

21 **(i) The order described in subsection (g) shall also include:**

- 22 **(1) the rationale and reasoning for approving or requiring**
23 **detention of a child if the child did not score as high risk on**
24 **the detention tool; and**
- 25 **(2) the child's detention screening results.**

26 **(j) The juvenile court shall send information related to:**

- 27 **(1) local policies and procedures regarding the use of secure**
28 **detention; and**
- 29 **(2) the detention tool results and justification of overrides of**
30 **the tool;**

31 **to the office of judicial administration on an annual basis.**

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

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



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

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

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

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

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

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

19 (1) The child's background.

20 (2) The child's current status.

21 (3) The child's school performance.

22 (4) If the child has been detained:

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

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

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

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

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

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

40 (1) The nature of the allegations against the child.

41 (2) That the intake officer is conducting a preliminary inquiry to
42 assist the prosecuting attorney in determining whether a petition



- 1 should be filed alleging that the child is a delinquent child.
 2 (3) That the intake officer will recommend whether to:
 3 (A) file a petition;
 4 (B) file a petition and recommend that the child be referred for
 5 an assessment by a dual status assessment team as described
 6 in IC 31-41;
 7 **(C) refer the child to juvenile diversion as described in**
 8 **IC 31-37-8.5;**
 9 **(D) refer the child to juvenile diversion as described in**
 10 **IC 31-37-8.5 and recommend that the child be referred for**
 11 **an assessment by the dual status assessment team as**
 12 **described in IC 31-41-1-5;**
 13 ~~(E)~~ (E) informally adjust the case;
 14 ~~(F)~~ (F) informally adjust the case and recommend that the
 15 child be referred for an assessment by the dual status
 16 assessment team as described in IC 31-41-1-5;
 17 ~~(G)~~ (G) refer the child to another agency; or
 18 ~~(H)~~ (H) dismiss the case.
 19 (4) That the child has a right to remain silent.
 20 (5) That anything the child says may be used against the child in
 21 subsequent judicial proceedings.
 22 (6) That the child has a right to consult with an attorney before the
 23 child talks with the intake officer.
 24 (7) That the child has a right to stop at any time and consult with
 25 an attorney.
 26 (8) That the child has a right to stop talking with the intake officer
 27 at any time.
 28 (9) That if the child cannot afford an attorney, the court will
 29 appoint an attorney for the child.
 30 SECTION 17. IC 31-37-8-5, AS AMENDED BY P.L.66-2015,
 31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]: Sec. 5. (a) The intake officer shall do the following:
 33 (1) Send the prosecuting attorney a copy of the preliminary
 34 inquiry.
 35 (2) Recommend whether to:
 36 (A) file a petition;
 37 (B) file a petition and recommend that the child be referred for
 38 an assessment by a dual status assessment team as described
 39 in IC 31-41-1-5;
 40 **(C) refer the child to juvenile diversion;**
 41 **(D) refer the child to juvenile diversion as described in**
 42 **IC 31-37-8.5 and recommend that the child be referred for**



- 1 **an assessment by the dual status assessment team as**
 2 **described in IC 31-41-1-5;**
 3 ~~(E)~~ **(E)** informally adjust the case;
 4 ~~(F)~~ **(F)** informally adjust the case and recommend that the
 5 child be referred for an assessment by a dual status assessment
 6 team as described in IC 31-41-1-5;
 7 ~~(G)~~ **(G)** refer the child to another agency; or
 8 ~~(H)~~ **(H)** dismiss the case.
- 9 (b) The prosecuting attorney and the court may agree to alter the
 10 procedure described in subsection (a).
- 11 SECTION 18. IC 31-37-8.5 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]:
- 14 **Chapter 8.5. Juvenile Diversion**
- 15 **Sec. 1. (a) As used in this chapter, under the policies on juvenile**
 16 **diversion established by the statewide juvenile justice oversight**
 17 **body described in IC 2-5-36-9.3, "juvenile diversion" means:**
- 18 **(1) a decision made by the prosecutor that results in legal**
 19 **action not being taken against a child, and instead provides or**
 20 **refers a child to juvenile probation or a community based**
 21 **organization for supervision and services, as necessary; and**
 22 **(2) an effort to prevent further involvement of the child in the**
 23 **formal legal system.**
- 24 **(b) As used in this chapter, "restorative justice services" means**
 25 **services focused on repairing the harm caused to victims and the**
 26 **community as a result of a child's behavior.**
- 27 **(c) As part of the preliminary inquiry described in IC 31-37-8,**
 28 **the intake officer shall use a validated risk screening tool to inform**
 29 **its recommendation to the prosecutor.**
- 30 **(d) Results from the risk screening tool and the intake officer's**
 31 **recommendation described in subsection (c) shall be made**
 32 **available to the prosecutor to inform a recommendation for**
 33 **participation in juvenile diversion.**
- 34 **(e) After the preliminary inquiry, which includes use of a risk**
 35 **screening tool, and prior to a petition being filed, the intake officer**
 36 **may recommend to the prosecuting attorney that the child**
 37 **participate in juvenile diversion if the intake officer has probable**
 38 **cause to believe that the child is a delinquent child.**
- 39 **(f) Information obtained:**
- 40 **(1) from the risk screening tool described in subsection (c);**
 41 **and**
 42 **(2) in the course of any screening, including any admission,**



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

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

- 10 (1) refer a child to community based programs or service
- 11 providers, if necessary;
- 12 (2) provide case management and service coordination;
- 13 (3) provide assistance with barriers to completion; and
- 14 (4) monitor progress;

15 so the child can complete the terms of juvenile diversion offered to
 16 the child.

17 **Sec. 2.** The child and the child's parent, guardian, custodian, or
 18 attorney must consent to the child's participation in juvenile
 19 diversion.

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

21 **Sec. 4.** Juvenile diversion may include restorative justice
 22 services.

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

26 (b) If the child fails to complete the terms of diversion or
 27 commits a new offense, juvenile probation shall inform the
 28 prosecuting attorney at least fourteen (14) days prior to the end of
 29 the child's juvenile diversion.

30 (c) If the child fails to complete the terms of the juvenile
 31 diversion described in this chapter, the prosecuting attorney may
 32 petition the juvenile court for authorization to file a delinquency
 33 petition.

34 (d) Unless a delinquency petition is filed as described in
 35 subsection (c), the prosecuting attorney shall close the child's file
 36 in regard to the diverted matter not later than six (6) months after
 37 the date the diversion is initiated.

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

- 41 (1) demographic data on age, race, ethnicity, and gender;
- 42 (2) risk screening information;



1 (3) offense;
 2 (4) service participation; and
 3 (5) outcome and completion data;
 4 and report the information to the office of judicial administration
 5 on an annual basis.

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

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

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

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

32 SECTION 21. IC 31-37-9-9 IS REPEALED [EFFECTIVE JULY 1,
 33 2023]. Sec. 9. The juvenile court may order each child who participates
 34 in a program of informal adjustment or the child's parents to pay an
 35 informal adjustment program fee of:

- 36 (1) at least five dollars (\$5); but
 - 37 (2) not more than fifteen dollars (\$15);
- 38 for each month that the child participates in the program instead of the
 39 court cost fees prescribed by IC 33-37-4-3.

40 SECTION 22. IC 31-37-9-10 IS REPEALED [EFFECTIVE JULY
 41 1, 2023]. Sec. 10: (a) The probation department for the juvenile court
 42 shall do the following:



1 (1) Collect the informal adjustment program fee set under section
2 9 of this chapter; and

3 (2) Transfer the collected informal adjustment program fees to the
4 county auditor not later than thirty (30) days after the fees are
5 collected.

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

8 SECTION 23. IC 31-37-17-1, AS AMENDED BY P.L.1-2010,
9 SECTION 127, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Upon finding that a child is
11 a delinquent child, the juvenile court shall order a probation officer to
12 prepare a predispositional report that contains:

13 (1) a statement of the needs of the child for care, treatment,
14 rehabilitation, or placement;

15 (2) a recommendation for the care, treatment, rehabilitation, or
16 placement of the child;

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

22 (4) a statement of the department's concurrence with or its
23 alternative proposal to the probation officer's predispositional
24 report, as provided in section 1.4 of this chapter; and

25 (5) a statement of whether the child receives Medicaid; and

26 **(6) the results of the validated risk and needs assessment tool**
27 **the probation officer conducted on the child.**

28 **If the juvenile court waives the preparation of a predispositional**
29 **report under this section, the results of the validated risk and needs**
30 **assessment tool shall still be provided to the juvenile court and any**
31 **legal party to the case.**

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

34 (1) The child.

35 (2) The child's:

36 (A) parent;

37 (B) guardian;

38 (C) guardian ad litem;

39 (D) court appointed special advocate; or

40 (E) custodian.

41 (c) **The results of the predispositional report compiled under**
42 **subsection (a) shall, as soon as practicable, be shared with:**



- 1 **(1) the juvenile court;**
- 2 **(2) the prosecuting attorney;**
- 3 **(3) the defense attorney; and**
- 4 **(4) any other party to the case;**
- 5 **to ensure that the safety and best interest of the child and the**
- 6 **community are addressed.**

7 **(d) The juvenile court shall make a written finding that includes**
 8 **the results of the risk and needs assessment if the court orders an**
 9 **out-of-home placement.**

10 SECTION 24. IC 31-37-17-4, AS AMENDED BY P.L.161-2018,
 11 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 4. (a) If consistent with the safety and best interest
 13 of the child and the community, the probation officer preparing the
 14 report shall recommend care, treatment, rehabilitation, or placement
 15 that:

- 16 **(1) is based on the results of a validated risk and needs**
 17 **assessment tool;**
- 18 **(2) is:**
 - 19 (A) in the least restrictive (most family like) and most
 - 20 appropriate setting available; and
 - 21 (B) close to the parents' home, consistent with the best interest
 - 22 and special needs of the child;
- 23 ~~(3)~~ **(3) least interferes with family autonomy;**
- 24 ~~(4)~~ **(4) is least disruptive of family life;**
- 25 ~~(5)~~ **(5) imposes the least restraint on the freedom of the child and**
 26 **the child's parent, guardian, or custodian; and**
- 27 ~~(6)~~ **(6) provides a reasonable opportunity for participation by the**
 28 **child's parent, guardian, or custodian.**

29 (b) If the report recommends a placement or services for which the
 30 department will be responsible for payment under IC 31-40-1, the
 31 report must include a risk assessment and needs assessment for the
 32 child. The probation officer shall submit to the department a copy of
 33 the report and the financial report prepared by the probation officer.

- 34 (c) If the report does not include the:
 - 35 (1) risk assessment and needs assessment required in subsection
 - 36 (b); or
 - 37 (2) information required to be provided under section 1(a)(3) of
 - 38 this chapter;

39 the department shall file a notice with the office of judicial
 40 administration.

41 SECTION 25. IC 31-37-17-6.1, AS AMENDED BY P.L.66-2015,
 42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2023]: Sec. 6.1. (a) The predispositional report prepared by a
 2 probation officer must include the following information:
 3 (1) **A validated risk and needs assessment as described in**
 4 **section 1 of this chapter.**
 5 (2) A description of all dispositional options considered in
 6 preparing the report.
 7 ~~(2)~~ (3) An evaluation of each of the options considered in relation
 8 to the plan of care, treatment, rehabilitation, or placement
 9 recommended under the guidelines described in section 4 of this
 10 chapter.
 11 ~~(3)~~ (4) The name, occupation and position, and any relationship
 12 to the child of each person with whom the preparer of the report
 13 conferred as provided in section 1.1 of this chapter.
 14 ~~(4)~~ (5) The items required under section 1 of this chapter.
 15 ~~(5)~~ (6) The results of a dual status screening tool to determine
 16 whether the child is a dual status child as described in
 17 IC 31-41-1-2.
 18 (b) If a probation officer is considering an out-of-home placement,
 19 including placement with a relative, the probation officer must conduct
 20 a criminal history check (as defined in IC 31-9-2-22.5) for each person
 21 who is currently residing in the location designated as the out-of-home
 22 placement. The results of the criminal history check must be included
 23 in the predispositional report.
 24 (c) A probation officer is not required to conduct a criminal history
 25 check under this section if:
 26 (1) the probation officer is considering only an out-of-home
 27 placement to an entity or a facility that:
 28 (A) is not a residence (as defined in IC 3-5-2-42.5); or
 29 (B) is licensed by the state; or
 30 (2) placement under this section is undetermined at the time the
 31 predispositional report is prepared.
 32 SECTION 26. IC 31-37-19-1, AS AMENDED BY P.L.85-2017,
 33 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Subject to section 6.5 of this
 35 chapter, if a child is a delinquent child under IC 31-37-2, the juvenile
 36 court may enter one (1) or more of the following dispositional decrees:
 37 (1) Order supervision of the child by the probation department.
 38 (2) Order the child to receive outpatient treatment:
 39 (A) at a social service agency or a psychological, a psychiatric,
 40 a medical, or an educational facility; or
 41 (B) from an individual practitioner.
 42 (3) Remove the child from the child's home and place the child in



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



1 provided by the probation department shall be deposited in the county
2 supplemental juvenile probation services fund.

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

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

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

11 (2) take any of the following actions:

12 (A) Award wardship to:

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

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

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

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

21 (i) ninety (90) days; or

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

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

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

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

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

38 (E) Award wardship to a:

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

40 (ii) shelter care facility.

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



- 1 (F) Place the child in a secure private facility for children
 2 licensed under the laws of a state. Placement under this
 3 subdivision includes authorization to control and discipline the
 4 child.
 5 (G) Order a person who is a respondent in a proceeding under
 6 IC 31-37-16 (before its repeal) or IC 34-26-5 to refrain from
 7 direct or indirect contact with the child.
- 8 (c) If a dispositional decree under this section:
 9 (1) orders or approves removal of a child from the child's home,
 10 or awards wardship of the child to a:
 11 (A) person, other than the department; or
 12 (B) shelter care facility; and
 13 (2) is the first court order in the delinquent child proceeding that
 14 authorizes or approves removal of the child from the child's
 15 parent, guardian, or custodian;
 16 the juvenile court shall include in the decree the appropriate findings
 17 and conclusions described in ~~IC 31-37-6-6(f)~~ **IC 31-37-6-6(g)** and
 18 ~~IC 31-37-6-6(g)~~; **IC 31-37-6-6(h)**.
- 19 SECTION 28. IC 31-37-19-11.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2022]: **Sec. 11.7. A juvenile court may**
 22 **recommend telehealth services (as defined in IC 25-1-9.5-6) as an**
 23 **alternative to a child receiving a diagnostic assessment under this**
 24 **section.**
- 25 SECTION 29. IC 31-40-1-3, AS AMENDED BY P.L.182-2009(ss),
 26 SECTION 388, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A parent or guardian of the
 28 estate of
 29 (†) a child adjudicated a delinquent child or a child in need of
 30 services ~~or~~
 31 (2) a participant in a program of informal adjustment approved by
 32 a juvenile court under ~~IC 31-34-8 or IC 31-37-9;~~
 33 is financially responsible as provided in this chapter (or
 34 IC 31-6-4-18(e) before its repeal) for any services provided by or
 35 through the department.
 36 (b) Each person described in subsection (a) shall, before a hearing
 37 under subsection (c) concerning payment or reimbursement of costs,
 38 furnish the court and the department with an accurately completed and
 39 current child support obligation worksheet on the same form that is
 40 prescribed by the Indiana supreme court for child support orders.
 41 (c) At:
 42 (1) a detention hearing;



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

4 (3) the dispositional hearing; or

5 (4) any other hearing to consider modification of a dispositional
 6 decree;

7 the juvenile court shall order the child's parents or the guardian of the
 8 child's estate to pay for, or reimburse the department for the cost of
 9 services provided to the child or the parent or guardian unless the court
 10 makes a specific finding that the parent or guardian is unable to pay or
 11 that justice would not be served by ordering payment from the parent
 12 or guardian.

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

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

30 SECTION 30. IC 31-40-5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]:

33 **Chapter 5. Juvenile Diversion and Community Alternatives**
 34 **Grant Programs**

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

36 (1) the juvenile diversion grant program; and

37 (2) the juvenile community alternatives grant program;

38 established by section 2 of this chapter.

39 **Sec. 2. (a) The juvenile diversion grant program and the**
 40 **juvenile community alternatives grant program may be**
 41 **established, subject to available funding.**

42 (b) The Indiana criminal justice institute (as described in



1 **IC 5-2-6) shall administer the programs described in this chapter.**

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

4 **(1) Prevent further involvement of the child in the formal**
 5 **legal system.**

6 **(2) Provide eligible children with alternatives to adjudication**
 7 **that require the least amount of supervision and conditions**
 8 **necessary consistent with the protection of the community and**
 9 **the child's risk of reoffending, as determined by a risk**
 10 **screening tool.**

11 **(3) Emphasize the use of restorative justice practices.**

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

15 **(b) The purpose of the juvenile community alternatives grant**
 16 **program is as follows:**

17 **(1) Provide cost effective, research based alternatives in lieu**
 18 **of the use of secure detention, out-of-home placement, and**
 19 **department of correction facilities in the community.**

20 **(2) Reduce the use of secure confinement and out-of-home**
 21 **placement.**

22 **(3) Reduce recidivism and improve positive outcomes for**
 23 **children.**

24 **Sec. 4. (a) The Indiana criminal justice institute (as described in**
 25 **IC 5-2-6) may use available funds to strengthen the agency's grant**
 26 **management capacity to:**

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

28 **(2) provide quality assurance and technical assistance to**
 29 **counties; and**

30 **(3) support and coordinate data collection.**

31 **(b) The Indiana criminal justice institute shall prepare an**
 32 **annual report that details the performance measures collected and**
 33 **reported under IC 2-5-36-9.3(b)(4), including an analysis of the**
 34 **performance measures by race, ethnicity, gender, and other**
 35 **demographic factors. The report shall be provided to the governor,**
 36 **the chief justice, and the legislative council before December 1 of**
 37 **each year. The report provided to the legislative council must be in**
 38 **an electronic format under IC 5-14-6.**

39 **Sec. 5. A county participating in any program described in this**
 40 **chapter is required to have its local or regional justice**
 41 **reinvestment advisory council (as described in IC 33-38-9.5-4), or**
 42 **another local collaborative body that includes stakeholders across**



1 the juvenile justice system, oversee each grant awarded to the
2 county and engage in collaborative service planning for the county.

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

7 **(b) The fund consists of:**

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

9 **(2) money received from state or federal grants or programs**
10 **that concern alternative detention and recidivism reduction**
11 **for juveniles; and**

12 **(3) donations, gifts, and money received from any other**
13 **source, including transfers from other funds or accounts.**

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

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

20 **(e) Money in the fund is continuously appropriated for the**
21 **purposes of this chapter.**

22 SECTION 31. IC 31-40-6 IS ADDED TO THE INDIANA CODE
23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2023]:

25 **Chapter 6. Juvenile Behavioral Health Competitive Grant Pilot**
26 **Program**

27 **Sec. 1. As used in this chapter, "program" refers to the juvenile**
28 **behavioral health competitive grant pilot program established by**
29 **section 2 of this chapter.**

30 **Sec. 2. (a) The juvenile behavioral health competitive grant pilot**
31 **program may be established, subject to available funding.**

32 **(b) The program shall be administered by the Indiana criminal**
33 **justice institute (as described in IC 5-2-6).**

34 **Sec. 3. (a) The purpose of the juvenile behavioral health**
35 **competitive grant pilot program is to support jurisdictions,**
36 **particularly in rural areas, to evaluate a child's behavioral health**
37 **needs and divert the child from formal court involvement and**
38 **out-of-home placement into community or school based mental**
39 **health treatment.**

40 **(b) Grant recipients shall use a validated mental health**
41 **screening tool, and a full mental health assessment tool, if**
42 **necessary, and may use the funds to conduct the following**



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activities:

- (1) Partnering with law enforcement to implement a program to divert a child from formal court proceedings.**
- (2) Creating crisis stabilization services and a mobile crisis unit.**
- (3) Providing comprehensive case management for a child or family in crisis.**
- (4) Identifying and strengthening community based intensive treatment and management services.**
- (5) Establishing telehealth services (as defined in IC 25-1-9.5-6) and programs.**
- (6) Supporting mental health evaluations, which include the use of telehealth services (as defined in IC 25-1-9.5-6).**

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

- (1) manage grant solicitation, with support for rural communities as a required funding priority; and**
- (2) determine how funding and programming could be used more effectively.**

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

(b) The fund consists of:

- (1) money appropriated to the fund by the general assembly;**
- (2) money received from state or federal grants or programs that concern alternative detention and recidivism reduction for juveniles; and**
- (3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.**

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

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

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

SECTION 32. IC 33-24-6-3, AS AMENDED BY P.L.115-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 3. (a) The office of judicial administration shall
 2 do the following:

3 (1) Examine the administrative and business methods and systems
 4 employed in the offices of the clerks of court and other offices
 5 related to and serving the courts and make recommendations for
 6 necessary improvement.

7 (2) Collect and compile statistical data and other information on
 8 the judicial work of the courts in Indiana. All justices of the
 9 supreme court, judges of the court of appeals, judges of all trial
 10 courts, and any city or town courts, whether having general or
 11 special jurisdiction, court clerks, court reporters, and other
 12 officers and employees of the courts shall, upon notice by the
 13 chief administrative officer and in compliance with procedures
 14 prescribed by the chief administrative officer, furnish the chief
 15 administrative officer the information as is requested concerning
 16 the nature and volume of judicial business. The information must
 17 include the following:

18 (A) The volume, condition, and type of business conducted by
 19 the courts.

20 (B) The methods of procedure in the courts.

21 (C) The work accomplished by the courts.

22 (D) The receipt and expenditure of public money by and for
 23 the operation of the courts.

24 (E) The methods of disposition or termination of cases.

25 (3) Prepare and publish reports, not less than one (1) or more than
 26 two (2) times per year, on the nature and volume of judicial work
 27 performed by the courts as determined by the information
 28 required in subdivision (2).

29 (4) Serve the judicial nominating commission and the judicial
 30 qualifications commission in the performance by the commissions
 31 of their statutory and constitutional functions.

32 (5) Administer the civil legal aid fund as required by IC 33-24-12.

33 (6) Administer the court technology fund established by section
 34 12 of this chapter.

35 (7) By December 31, 2013, develop and implement a standard
 36 protocol for sending and receiving court data:

37 (A) between the protective order registry, established by
 38 IC 5-2-9-5.5, and county court case management systems;

39 (B) at the option of the county prosecuting attorney, for:

40 (i) a prosecuting attorney's case management system;

41 (ii) a county court case management system; and

42 (iii) a county court case management system developed and



- 1 operated by the office of judicial administration;
 2 to interface with the electronic traffic tickets, as defined by
 3 IC 9-30-3-2.5; and
 4 (C) between county court case management systems and the
 5 case management system developed and operated by the office
 6 of judicial administration.
- 7 The standard protocol developed and implemented under this
 8 subdivision shall permit private sector vendors, including vendors
 9 providing service to a local system and vendors accessing the
 10 system for information, to send and receive court information on
 11 an equitable basis and at an equitable cost.
- 12 (8) Establish and administer an electronic system for receiving
 13 information that relates to certain individuals who may be
 14 prohibited from possessing a firearm for the purpose of:
- 15 (A) transmitting this information to the Federal Bureau of
 16 Investigation for inclusion in the NICS; and
 17 (B) beginning July 1, 2021, compiling and publishing certain
 18 statistics related to the confiscation and retention of firearms
 19 as described under section 14 of this chapter.
- 20 (9) Establish and administer an electronic system for receiving
 21 drug related felony conviction information from courts. The office
 22 of judicial administration shall notify NPLeX of each drug related
 23 felony entered after June 30, 2012, and do the following:
- 24 (A) Provide NPLeX with the following information:
- 25 (i) The convicted individual's full name.
 26 (ii) The convicted individual's date of birth.
 27 (iii) The convicted individual's driver's license number, state
 28 personal identification number, or other unique number, if
 29 available.
 30 (iv) The date the individual was convicted of the felony.
- 31 Upon receipt of the information from the office of judicial
 32 administration, a stop sale alert must be generated through
 33 NPLeX for each individual reported under this clause.
- 34 (B) Notify NPLeX if the felony of an individual reported under
 35 clause (A) has been:
- 36 (i) set aside;
 37 (ii) reversed;
 38 (iii) expunged; or
 39 (iv) vacated.
- 40 Upon receipt of information under this clause, NPLeX shall
 41 remove the stop sale alert issued under clause (A) for the
 42 individual.



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

7 (A) Provide the department of education with the following
 8 information:

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

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

11 (iii) The convicted individual's driver's license number, state
 12 personal identification number, or other unique number, if
 13 available.

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

15 (B) Notify the department of education if the felony of an
 16 individual reported under clause (A) has been:

17 (i) set aside;

18 (ii) reversed; or

19 (iii) vacated.

20 (11) Perform legal and administrative duties for the justices as
 21 determined by the justices.

22 (12) Provide staff support for the judicial conference of Indiana
 23 established in IC 33-38-9.

24 (13) Work with the United States Department of Veterans Affairs
 25 to identify and address the needs of veterans in the court system.

26 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
 27 judicial officer an identification card identifying the retired
 28 judicial officer as a retired judicial officer.

29 **(15) Establish and administer the statewide juvenile justice**
 30 **data aggregation plan established under section 12.5 of this**
 31 **chapter.**

32 (b) All forms to be used in gathering data must be approved by the
 33 supreme court and shall be distributed to all judges and clerks before
 34 the start of each period for which reports are required.

35 (c) The office of judicial administration may adopt rules to
 36 implement this section.

37 SECTION 33. IC 33-24-6-12.5 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2022]: **Sec. 12.5. The office of judicial**
 40 **administration shall establish and administer a plan that will**
 41 **ensure that the juvenile justice data in each county is collected and**
 42 **shared with the office of judicial administration so that the office**



1 **can compile and aggregate the data.**

2 SECTION 34. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 5. (a) A county user fee fund is established in each
5 county to finance various program services. The county fund is
6 administered by the county auditor.

7 (b) The county fund consists of the following fees collected by a
8 clerk under this article: ~~and by the probation department for the~~
9 ~~juvenile court under IC 31-37-9-9:~~

- 10 (1) The pretrial diversion program fee.
11 ~~(2) The informal adjustment program fee.~~
12 ~~(3) (2) The marijuana eradication program fee.~~
13 ~~(4) (3) The alcohol and drug services program fee.~~
14 ~~(5) (4) The law enforcement continuing education program fee.~~
15 ~~(6) (5) The deferral program fee.~~
16 ~~(7) (6) The jury fee.~~
17 ~~(8) (7) The problem solving court fee.~~

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

21 SECTION 35. IC 33-38-9.5-6, AS ADDED BY P.L.30-2021,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2023]: Sec. 6. A local or regional advisory council shall do the
24 following:

- 25 (1) Review, evaluate, and make recommendations for local:
26 (A) criminal justice systems and corrections programs;
27 (B) pretrial services;
28 (C) behavioral health treatment and recovery services;
29 (D) community corrections; and
30 (E) county jail and probation services.
31 (2) Promote state and local collaboration between the advisory
32 council and the local or regional advisory council.
33 (3) Review and evaluate local jail overcrowding and recommend
34 a range of possible overcrowding solutions.
35 (4) Compile reports regarding local criminal sentencing as
36 directed by the advisory council.
37 (5) Establish committees to inform the work of the local or
38 regional advisory council.
39 (6) Communicate with the advisory council in order to establish
40 and implement best practices and to ensure consistent collection
41 and reporting of data as requested by the advisory council.
42 **(7) Oversee and manage grants awarded under IC 31-40-5**



1 **and IC 31-40-6, unless another local collaborative body in the**
2 **county is tasked with overseeing the grant awarded.**
3 ~~(7)~~ **(8)** Prepare and submit an annual report to the advisory
4 council not later than March 31 of each year.
5 **SECTION 36. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "body, which" and insert "**body to carry out the following duties described in section 9.3 of this chapter:**".

Page 2, delete lines 19 through 21.

Page 2, delete lines 24 through 28, begin a new line double block indented and insert:

"(B) Establish procedures and policies related to the use of:
(i) a validated risk screening tool and a validated risk and needs assessment tool;
(ii) a detention tool to inform the use of secure detention;
(iii) a plan to determine how information from the tools described in this clause are compiled and shared and with whom the information will be shared; and
(iv) a plan to provide training to judicial officers on the implementation of the tools described in this clause."

Page 2, line 41, after "2022." insert "**The chief justice of the supreme court shall designate the chair of the statewide juvenile justice oversight body and shall make the initial appointments and designations to the statewide juvenile justice oversight body, which may incorporate members of an existing committee or subcommittee formed under the commission."**

Page 3, line 13, delete "body, which may" and insert "**body**".

Page 3, delete line 14.

Page 3, line 15, delete "the commission,".

Page 3, line 29, delete "Devises a calculation of the fiscal cost" and insert "**Determines the costs**".

Page 3, line 33, delete "Establish procedures, policies, and a statewide" and insert "**Review and establish statewide procedures, policies, and an**".

Page 3, line 35, delete "and".

Page 3, line 36, delete "decisions and the establishment of pretrial" and insert "**decisions;**".

Page 3, delete line 37.

Page 3, line 42, delete "screening".

Page 4, between lines 10 and 11, begin a new line block indented and insert:

"(5) Establish policies and protocols for research-based



pretrial diversion and informal adjustment programs and practices.

(6) Any other activities as identified by the oversight body."

Page 4, delete lines 25 through 35, begin a new paragraph and insert:

"(e) The oversight body shall:

(1) not later than January 1, 2023, have the plan for the grant programs described in subsection (d);

(2) not later than July 1, 2023:

(A) have the juvenile justice data collection plan described in subsection (b); and

(B) have the plan for the use of screening tools, assessments, and services as described in subsection (c);

submitted to the commission and the legislative council in an electronic format under IC 5-14-6."

Page 6, delete lines 15 through 42, begin a new paragraph and insert:

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

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

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

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

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

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

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

(1) Guidelines for establishing consistent use of validated risk and needs assessment tool and a validated risk screening tool.

(2) Guidelines for establishing conditions of probation



supervision for informal adjustment and formal probation that are tailored to a child's individual risk and needs, including standards for case contacts.

(3) Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning.

(4) Common criteria for recommending the use of out-of-home placement and commitment to the department of correction.

(5) A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

The conference shall also ensure that adequate training is provided to all juvenile probation officers on the use of a risk and needs assessment tool, the use of a risk screening tool, and the updated juvenile probation standards.

(c) The conference may:

(1) visit and inspect any probation department and confer with probation officers and judges administering probation; and

(2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

SECTION 5. IC 31-9-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 39.7. "Detention tool" means a validated instrument that assesses a child's risk for failing to appear in court and the child's public safety risk in order to inform a decision on the use of secure detention."**

Page 7, delete lines 1 through 31.

Page 8, delete lines 4 through 10, begin a new paragraph and insert:

"SECTION 9. IC 31-9-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 112.5. "Risk and needs assessment tool" means a validated instrument approved by the judicial conference of Indiana for use at appropriate stages in the juvenile justice system to identify specific risk factors and needs shown to be statistically related to a child's risk of reoffending, and that when properly addressed may reduce a child's risk of reoffending."**

Page 8, line 14, after "instrument" insert "**approved by the judicial conference of Indiana**".

Page 8, delete lines 18 through 42, begin a new paragraph and insert:



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

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

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

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

- (1) **after a detention tool has been administered and the results indicate that the child should be detained; or**
- (2) **if there are grounds to override the results of the detention tool.**

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

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony



if committed by an adult;

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

(4) the parent, guardian, or custodian:

(A) cannot be located; or

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

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

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

(f) Results of the detention tool shall be made available to the court and any legal party to the case prior to the detention hearing.

(g) Evidence of a child's statements and evidence derived from those statements made for use in preparing an authorized evidence-based detention tool, for purposes of making a recommendation to the court regarding continued detention of a child, are not admissible against the child in any other court proceeding."

Page 9, delete lines 1 through 37.

Page 10, line 9, delete "detention screening tool to assist with making a" and insert "**detention tool to inform decisions regarding**".

Page 10, line 10, delete "determination as to".

Page 11, line 36, delete "screening".

Page 11, delete lines 41 through 42, begin a new line block indented and insert:

"(2) the detention tool results and justification of overrides of the tool;".

Page 15, line 17, delete "progress monitor;" and insert "**monitor progress;**".

Page 15, delete lines 27 through 39, begin a new paragraph and insert:

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

(b) If the child fails to complete the terms of diversion or commits a new offense, juvenile probation shall inform the prosecuting attorney at least fourteen (14) days prior to the end of the child's juvenile diversion.

(c) If the child fails to complete the terms of the juvenile diversion described in this chapter, the prosecuting attorney may petition the juvenile court for authorization to file a delinquency petition.



(d) Unless a delinquency petition is filed as described in subsection (c), the prosecuting attorney shall close the child's file in regard to the diverted matter not later than six (6) months after the date the diversion was initiated."

Page 17, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 23. IC 31-37-17-1, AS AMENDED BY P.L.1-2010, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer to prepare a predispositional report that contains:

- (1) a statement of the needs of the child for care, treatment, rehabilitation, or placement;
- (2) a recommendation for the care, treatment, rehabilitation, or placement of the child;
- (3) if the recommendation includes an out-of-home placement other than a secure detention facility, information that the department requires to determine whether the child is eligible for assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);
- (4) a statement of the department's concurrence with or its alternative proposal to the probation officer's predispositional report, as provided in section 1.4 of this chapter; ~~and~~
- (5) a statement of whether the child receives Medicaid; **and**
- (6) the results of the validated risk and needs assessment tool the probation officer conducted on the child.**

If the juvenile court waives the preparation of a predispositional report under this section, the results of the validated risk and needs assessment tool shall still be provided to the juvenile court and any legal party to the case.

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

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

(c) The results of the predispositional report compiled under subsection (a) shall, as soon as practicable, be shared with:

- (1) the juvenile court;**



(2) the prosecuting attorney;
 (3) the defense attorney; and
 (4) any other party to the case;
 to ensure that the safety and best interest of the child and the community are addressed.

(d) The juvenile court shall make a written finding that includes the results of the risk and needs assessment if the court orders an out-of-home placement.

SECTION 24. IC 31-37-17-4, AS AMENDED BY P.L.161-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) If consistent with the safety and best interest of the child and the community, the probation officer preparing the report shall recommend care, treatment, rehabilitation, or placement that:

(1) is based on the results of a validated risk and needs assessment tool;

(2) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

~~(3)~~ (3) least interferes with family autonomy;

~~(4)~~ (4) is least disruptive of family life;

~~(5)~~ (5) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and

~~(6)~~ (6) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

(b) If the report recommends a placement or services for which the department will be responsible for payment under IC 31-40-1, the report must include a risk assessment and needs assessment for the child. The probation officer shall submit to the department a copy of the report and the financial report prepared by the probation officer.

(c) If the report does not include the:

(1) risk assessment and needs assessment required in subsection (b); or

(2) information required to be provided under section 1(a)(3) of this chapter;

the department shall file a notice with the office of judicial administration."

Delete page 18.

Page 19, delete line 1.

Page 22, line 28, delete "A county," and insert "**The juvenile**



court,".

Page 22, line 35, delete "A county" and insert "**The juvenile court**".

Page 22, line 36, delete "county" and insert "**juvenile court**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1359 as introduced.)

SCHAIBLEY

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, delete "are" and insert "**is**".

Page 3, line 22, delete "The" and insert "**Not later than July 1, 2023, the**".

Page 3, line 23, delete "data that" and insert "**data. The plan shall be submitted to the commission and the legislative council in an electronic format under IC 5-14-6. The plan shall**".

Page 3, line 24, delete "includes" and insert "**include**".

Page 3, line 25, delete "Provides" and insert "**Provide**".

Page 3, line 26, delete "Creates" and insert "**Create**".

Page 3, line 28, delete "Sets" and insert "**Set**".

Page 3, line 31, delete "Establishes" and insert "**Establish**".

Page 3, line 34, delete "Establishes" and insert "**Establish**".

Page 3, line 35, delete "Establishes" and insert "**Establish**".

Page 3, line 37, delete "Determines" and insert "**Determine**".

Page 3, line 39, delete "The" and insert "**Not later than July 1, 2023, the**".

Page 4, line 4, delete "decisions and using the tool to" and insert "**decisions,**".

Page 4, line 5, delete "inform such decisions,".

Page 4, line 8, delete "detention." and insert "**detention, while considering factors related to public safety and failure to appear**".

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for court."

Page 4, line 18, delete "research-based" and insert "**research based**".

Page 4, line 22, delete "The" and insert "**Not later than January 1, 2023, the**".

Page 4, line 23, delete "IC 31-40-5." and insert "**IC 31-40-5 to the commission and the legislative council in an electronic format under IC 5-14-6.**".

Page 4, delete lines 36 through 42.

Page 5, delete lines 1 through 3.

Page 7, line 4, delete "shall" and insert "**must**".

Page 7, line 5, after "of" insert "**a**".

Page 7, line 32, delete "failing to appear in court and the" and insert "**rearrest**".

Page 7, line 33, delete "child's public safety risk".

Page 9, line 10, delete "administered and the" and insert "**administered; and**".

Page 9, delete line 11.

Page 9, line 12, delete "override the results of the detention" and insert "**support the use of secure detention if the child does not score as high risk on the detention tool.**".

Page 9, delete line 13.

Page 9, line 16, delete "tool," and insert "**tool and other information determined by local policy,**".

Page 9, line 18, delete "override".

Page 9, line 19, delete "including the following:" and insert "**including:**".

Page 9, line 38, delete "evidence-based" and insert "**evidence based**".

Page 11, line 40, delete "detention tool did not indicate that" and insert "**child did not score as high risk on the detention tool; and**".

Page 11, delete line 41.

Page 12, line 2, after "(1)" insert "**local policies and procedures regarding**".

Page 12, line 8, after "governor," insert "**the**".

Page 13, between lines 24 and 25, begin a new line double block indented and insert:

"(D) refer the child to juvenile diversion as described in IC 31-37-8.5 and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;"

Page 13, line 25, delete "(D)" and insert "(E)".



Page 13, line 26, delete "(E)" and insert "(F)".

Page 13, line 29, delete "(F)" and insert "(G)".

Page 13, line 30, delete "(G)" and insert "(H)".

Page 14, between lines 10 and 11, begin a new line double block indented and insert:

"(D) refer the child to juvenile diversion as described in IC 31-37-8.5 and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;"

Page 14, line 11, delete "(D)" and insert "(E)".

Page 14, line 12, delete "(E)" and insert "(F)".

Page 14, line 15, delete "(F)" and insert "(G)".

Page 14, line 16, delete "(G)" and insert "(H)".

Page 14, line 23, after "chapter," insert **"under the policies on juvenile diversion established by the statewide juvenile justice oversight body described in IC 2-5-36-9.3,"**

Page 14, line 24, delete "a person with authority or the person's".

Page 14, line 25, delete "designee" and insert **"the prosecutor"**.

Page 14, line 26, delete "individually".

Page 14, line 27, delete "designed services provided by".

Page 14, line 28, delete "organization, if necessary;" and insert **"organization for supervision and services, as necessary;"**.

Page 15, line 20, after "completion;" insert **"and"**.

Page 15, line 21, delete "and".

Page 15, delete line 22.

Page 16, line 3, delete "was" and insert **"is"**.

Page 16, line 16, after "governor," insert **"the"**.

Page 22, line 29, delete "2022]:" and insert "2023]:".

Page 22, line 29, delete "A child" and insert **"Under the policies established by the statewide juvenile justice oversight body described in IC 2-5-36-9.3, a child"**.

Page 22, delete lines 33 through 42.

Page 23, delete lines 1 through 3.

Page 23, line 4, delete "(d)" and insert **"(b)"**.

Page 23, line 8, after "governor," insert **"the"**.

Page 23, line 12, delete "(e)" and insert **"(c)"**.

Page 23, line 12, delete "shall" and insert **"may"**.

Page 25, line 31, before "chief" insert **"the"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.



(Reference is to HB 1359 as printed January 20, 2022.)

ROGERS, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 37 through 39.

Page 2, line 40, delete "(F)" and insert "(E)".

Page 4, delete lines 15 through 18.

Page 4, line 19, delete "(5)" and insert "(4)".

Page 4, line 21, delete "(6)" and insert "(5)".

Page 22, delete lines 26 through 42.

Page 23, delete lines 1 through 2.

Page 24, line 24, delete "are established." and insert "**may be established, subject to available funding.**".

Page 25, line 8, delete "shall be allocated" and insert "**may use available**".

Page 25, delete lines 28 through 29.

Page 25, line 30, delete "7." and insert "**6.**".

Page 26, line 16, delete "is established." and insert "**may be established, subject to available funding.**".

Page 27, delete lines 7 through 8.

Page 27, line 9, delete "6." and insert "**5.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1359 as printed February 16, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

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