

HOUSE BILL No. 1452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-32-5-1.

Synopsis: Juvenile adjudications in absentia. Provides that the rights guaranteed to a child may be waived by the child if the child knowingly and voluntarily waives the right by: (1) being informed of an upcoming court proceeding; (2) failing to appear at the court proceeding; and (3) failing to notify the court or provide the court with an adequate explanation of the child's absence.

Effective: July 1, 2019.

Young J

January 15, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1452

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

- 1 SECTION 1. IC 31-32-5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Any rights
3 guaranteed to a child under the Constitution of the United States, the
4 Constitution of the State of Indiana, or any other law may be waived
5 only:
6 (1) by counsel retained or appointed to represent the child if the
7 child knowingly and voluntarily joins with the waiver;
8 (2) by the child's custodial parent, guardian, custodian, or
9 guardian ad litem if:
10 (A) that person knowingly and voluntarily waives the right;
11 (B) that person has no interest adverse to the child;
12 (C) meaningful consultation has occurred between that person
13 and the child; and
14 (D) the child knowingly and voluntarily joins with the waiver;
15 or
16 (3) by the child, without the presence of a custodial parent,
17 guardian, or guardian ad litem, if:



- 1 (A) the child knowingly and voluntarily consents to the
- 2 waiver; and
- 3 (B) the child has been emancipated under IC 31-34-20-6 or
- 4 IC 31-37-19-27, by virtue of having married, or in accordance
- 5 with the laws of another state or jurisdiction; **or**
- 6 **(4) by the child, without the presence of a custodial parent,**
- 7 **guardian, or guardian ad litem, if the child knowingly and**
- 8 **voluntarily waives the right by:**
- 9 (A) being informed of an upcoming court proceeding;
- 10 (B) failing to appear at the court proceeding; and
- 11 (C) failing to notify the court or provide the court with an
- 12 adequate explanation of the child's absence.

