

HOUSE BILL No. 1595

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37-22.

Synopsis: Truancy and runaways. Repeals provisions allowing juvenile courts to modify disposition orders concerning truancy and runaways.

Effective: July 1, 2015.

Lawson L, McMillin

January 20, 2015, read first time and referred to Committee on Judiciary.



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

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

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

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

HOUSE BILL No. 1595

A BILL FOR AN ACT to repeal provisions of the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 31-37-22-5 IS REPEALED [EFFECTIVE JULY 1,
2 2015]. ~~Sec. 5. If:~~
3 (1) a child is placed in a shelter care facility or other place of
4 residence as part of a court order with respect to a delinquent act
5 under IC 31-37-2-2;
6 (2) the child received a written warning of the consequences of a
7 violation of the placement at the hearing during which the
8 placement was ordered;
9 (3) the issuance of the warning was reflected in the records of the
10 hearing;
11 (4) the child is not held in a juvenile detention facility for more
12 than twenty-four (24) hours, excluding Saturdays, Sundays, and
13 legal holidays, before the hearing at which it is determined that
14 the child violated that part of the order concerning the child's
15 placement in a shelter care facility or other place of residence;



1 and

2 (5) the child's mental and physical condition may be endangered
3 if the child is not placed in a secure facility;

4 the juvenile court may modify its disposition order with respect to the
5 delinquent act and place the child in a public or private facility for
6 children under section 7 of this chapter.

7 SECTION 2. IC 31-37-22-6 IS REPEALED [EFFECTIVE JULY 1,
8 2015]. Sec. 6. If:

9 (1) a child fails to comply with IC 20-33-2 concerning
10 compulsory school attendance as part of a court order with respect
11 to a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3)
12 before its repeal);

13 (2) the child received a written warning of the consequences of a
14 violation of the court order;

15 (3) the issuance of the warning was reflected in the records of the
16 hearing;

17 (4) the child is not held in a juvenile detention facility for more
18 than twenty-four (24) hours, excluding Saturdays, Sundays, and
19 legal holidays; before the hearing at which it is determined that
20 the child violated that part of the order concerning the child's
21 school attendance; and

22 (5) the child's mental and physical condition may be endangered
23 if the child is not placed in a secure facility;

24 the juvenile court may modify its disposition order with respect to the
25 delinquent act and place the child in a public or private facility for
26 children under section 7 of this chapter.

27 SECTION 3. IC 31-37-22-7 IS REPEALED [EFFECTIVE JULY 1,
28 2015]. Sec. 7. (a) If the juvenile court modifies its disposition order
29 under section 5 or 6 of this chapter, the court may order the child
30 placed under one (1) of the following alternatives:

31 (1) In a nonlocal secure private facility licensed under the laws of
32 any state. Placement under this alternative includes authorization
33 to control and discipline the child.

34 (2) In a local secure private facility licensed under Indiana law.
35 Placement under this alternative includes authorization to control
36 and discipline the child.

37 (3) In a local secure public facility.

38 (4) In a local alternative facility approved by the juvenile court.

39 (5) As a ward of the department of correction for housing in any
40 correctional facility for children. Wardship under this alternative
41 does not include the right to consent to the child's adoption.

42 However, without a determination of unavailable housing by the



1 department of correction; a child found to be subject to section 5
2 or 6 of this chapter and placed in a secure facility of the
3 department of correction may not be housed with any child found
4 to be delinquent under any other provision of this article.
5 (b) If the juvenile court places a child under subsection (a)(3) or
6 (a)(4):
7 (1) the length of the placement may not exceed thirty (30) days;
8 and
9 (2) the juvenile court shall order specific treatment of the child
10 designated to eliminate the child's disobedience of the court's
11 order of placement.
12 (c) The juvenile court shall retain jurisdiction over any placement
13 under this section (or IC 31-6-7-16(d) before its repeal) and shall
14 review each placement every three (3) months to determine whether
15 placement in a secure facility remains appropriate.

