STATE OF INDIANA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

In The Matter Of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cause No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A Delinquent Child

**DISPOSITIONAL ORDER**

The State of Indiana appears by NAME (Deputy/Prosecuting Attorney). Probation Officer, NAME, appears. The juvenile appears in person and with/without counsel, NAME. The parent(s) (guardian) (custodian), NAME, appear in person.

Dispositional hearing is conducted.

The juvenile [admitted the delinquent act(s)] [has been found to have committed the delinquent act(s)] alleged in the petition filed herein. The Court now enters adjudication for the following delinquent act(s):

(*State offenses and class of felony/misdemeanor*).

The juvenile has a prior history of delinquent adjudications as follows:

*(State prior history including cause number, offense, class of felony/misdemeanor, date of disposition).*

The Court has reviewed and considered the following:

* Evidence, statements, and recommendations of the parties, including the juvenile.
* The Pre-dispositional Report noting statements therein are adopted and incorporated as findings upon the record.
* The needs of the juvenile for care, treatment, rehabilitation, or placement.
* The need for participation by the parent, guardian, or custodian in the plan of care for the juvenile
* Efforts made to prevent the juvenile’s removal from or to reunite the juvenile with the parent, guardian, or custodian.
* The family services that were offered and provided to the juvenile and the juvenile’s parent, guardian, or custodian.
* The alternatives for care, treatment, rehabilitation, or placement of the juvenile.
* The necessity, nature, and extent of the participation by a parent, guardian, or custodian in the program of care, treatment, or rehabilitation of the juvenile.
* The financial responsibility of the parent or guardian of the estate for services provided for the parent, guardian, or juvenile.
* The services that should be ordered for the parent, guardian, or custodian, including those recommended in any Petition for Parental Participation.
* Any Child Support Obligation Worksheet filed.
* The ability of the parent, guardian, or custodian(s) to participate in and/or be financially responsible for services and/or placement.
* Any information provided regarding eligibility for assistance under Title IV-E.
* Any statement from the Department of Child Service (DCS).
* The best interests and safety of the juvenile and the community.
* Whether the juvenile is a dual status child under IC 31-41.
* Other relevant factors.

Child has/has not been identified as a dual status child.

**The Court now approves, modifies, or rejects the dispositional recommendations submitted**

**in the Pre-dispositional Report as follows:**

[ ] **DETENTION/PLACEMENT:**

[ ] The juvenile is placed at \_\_\_\_\_\_\_\_\_, a secure detention facility for \_\_\_\_ days.

[ ] The juvenile is placed at \_\_\_\_\_\_\_\_\_\_, a non-secure facility for \_\_\_\_\_\_\_ days. Responsibility for placement and care of the juvenile is granted to the \_\_\_\_\_ County Probation Department. The juvenile is ordered to comply with the rules of probation.

*(When a child is placed out of state, complete this section:)*

*The Court finds by clear and convincing evidence that the above out of state placement in a facility or home that is not a secure detention facility is appropriate because:*

 *( ) The Director of the DCS or his designee has recommended or approved of the placement;*

*or*

 *( ) There is not an equivalent facility with adequate services in Indiana, because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and*

 *( ) Institutional care in this facility is in the best interest of the juvenile and will not produce undue hardship, because\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;*

*or*

 *( ) the facility is not more than 50 miles from the county of the residence of the child.*

*If the child has been removed from the home and this is the first removal order, complete this section: Title IV-E and Statutory Findings:*

*The Court finds that it is in the best interests of the child to be removed from the home environment and remaining in the home would be contrary to the welfare of the child because:*

 *( ) of the allegations admitted;*

 *( ) of an inability to provide shelter, care, and/or supervision at the present time;*

 *( ) the child needs protection;*

*( ) the child has special needs that require services for care and treatment that cannot be provided in the home;*

 *( ) other: \_\_\_\_\_.*

*( ) The Court finds that reasonable efforts to prevent or eliminate removal of the child were not required due to the emergency nature of the situation, as follows: \_\_\_\_\_.*

*-or-*

*( ) The Court finds that reasonable efforts were made by the probation department to prevent or eliminate the need for removal of the child. The statements of reasonable efforts as set forth in the pleadings, reports, and documents of the probation department and/or all other service providers filed herein are incorporated by reference.*

*-or-*

*( ) The Court finds that reasonable efforts were made by the probation department to prevent or eliminate the need for removal of the child, including: \_\_\_\_\_.*

*(\_) A valid detention tool was utilized, and the Court incorporates the results of the detention screening tool into this Order. The detention screening results indicate as follows [if court chose to detain when results did not warrant detention, include reasoning and rationale for doing so]::*

*(\_) [Omit this section if child is OVER 12] The child is twelve years of age and (check one) (\_)the child poses an imminent risk of harm to the community; or (\_) the court makes a written finding as follows:\_\_\_\_\_\_\_\_\_\_\_\_ that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk*

[ ] **INDIANA DEPARTMENT OF CORRECTION**

Pursuant to (I.C. 31-37-19-6) (I.C. 31-37-19-9), the Court now awards wardship of the juvenile to the Indiana Department of Correction for housing in any correctional facility for children.

[ ] The juvenile is a female and (is not)(is) known to the Court to be pregnant.

[ ] The juvenile (does)(does not) have any pending charges known to the Court at this time.

(If so, list): \_\_\_\_\_\_.

The Court recommends the following to the Indiana Department of Correction: [placement, treatment, length of stay recommendations]:

Pending transport to the Indiana Department of Correction, the juvenile shall be held in secured detention at: \_\_\_\_\_.

At least ten (10) days prior to release of the juvenile, the Court orders the Indiana Department of Correction to provide notice to the Court for the purpose of reinstating jurisdiction. The Court may set a hearing as to the issue of the Sex Offender Registry, restitution, or supervision.

The Probation Officer is ordered to transmit this Dispositional Order, a copy of the delinquency peti­tion, a copy of the Pre-dispositional Report, and a summary of the Court's information concerning the juvenile to the Indiana Department of Correction or other person receiving placement of the juvenile.

[ ] **SUSPENDED COMMITMENT**

The Court now awards wardship of the juvenile to the Indiana Department of Correction for housing in a correctional facility for children or any community-based correctional facility for children. *This commitment is suspended on the condition that the juvenile must comply with the rules of probation attached to this Order.*

[ ] **OTHER CONDITIONS OF DISPOSITION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] **CONDITIONS OF SUPERVISION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court enters this disposition for the following reasons:

***(Specify reasons for disposition).***

This disposition is consistent with the safety of the community as well as the best interest and special needs of the juvenile and is the least restrictive and most appropriate setting available close to the parents’ home, least interferes with family’s autonomy, is least disruptive of family life, imposes the least restraint on the freedom of the juvenile and the parent, guardian, or custodian; and provides a reasonable opportunity for participation by the parent, guardian, or custodian.

The juvenile and the parent, guardian, or custodian were advised of the procedures for modification of dispositional orders under IC 31-37-22.

The Probation Officer shall file a report every three (3) months after the date of this Order on the progress made on implementing the decree.

*(If the child has been removed and placed in other than a secure facility):* If a case plan has not been submitted, the Probation Officer shall complete a case plan for the juvenile no later than sixty (60) days after the earlier of either the removal of the juvenile or this Dispositional Decree. The case plan will be reviewed and updated at least every one hundred eighty (180) days.

This case is set for a review hearing on: \_\_\_\_\_\_ *(no later than 6 months from the original date of this dispositional decree).*

This case is set for a permanency hearing on: \_\_\_\_\_\_\_\_\_\_\_\_\_ *(no later than 12 months from the original date of removal).*

The legal settlement of the juvenile is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Probation Department shall provide notice as required by law.

A Parental Participation Petition has been filed with the Court and jurisdiction obtained upon parent(s), guardian(s) or custodian(s). The Court now finds the allegations contained in the Petition for Parental Participation are true and the parent(s), guardian(s) or custodian(s) shall participate in a treatment program and/or pay for services as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A separate Financial Obligation Order is being issued.

**[Juvenile Expungement of Records:**

Pursuant to IC 31-39-8-3.5, records relating to the child’s delinquency adjudication in this case shall be considered EXPUNGED without the need for further order, when this child reaches the age of 19 years, or one (1) year after the date that the child was discharged from the juvenile court’s jurisdiction in this case, whichever is **later** in time. The records relating to the child’s delinquency adjudication in this case are subject to automatic expungement under IC 31-39-8-3.5, unless the Court determines based on the nature of the delinquent act(s) and the needs of the child, that automatic expungement would not serve the interests of justice.

*For example:*

* *If the child is discharged at the age of 17 years and 2 months*
	+ *Option 1: age 19*
	+ *Option 2: discharge + 1 year = 18 years and 2 months*
	+ *Date for automatic expungement is Option 1, that being the latter date.*
* *If the child is discharged at the age of 20 years and 4 months:*
	+ *Option 1: age 19*
	+ *Option 2: discharge +1 year = 21 years and 4 months old*
	+ *Date for automatic expungement is Option 2, that being the latter date.*

**OR**

(*For felonies and weapons violations*:)

The records of this cause of action do not qualify for automatic expungement under IC 31-39-8-3.5, because the child has been adjudicated herein for an act that would be a felony if committed by an adult, or for a violation of IC 35-47-2 (handguns) or IC 35-47-10 (dangerous possession of a firearm by a minor). The child might still be able to pursue expungement of the records related to this adjudication under other provisions of IC 31-39-8.**]**

**The Court now advises the juvenile of the right to appeal this Court’s decision to a higher Court. The Court also advises the juvenile of the right to be represented by counsel for the purposes of appeal. Failure to appeal this decision within thirty (30) days may result in waiver of the right to appeal.**

So ORDERED this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge

Distribution: