

IC 31-30-3

Chapter 3. Waiver of Jurisdiction

IC 31-30-3-1

Waiver of jurisdiction defined

Sec. 1. Waiver of jurisdiction refers to an order of the juvenile court that waives the case to a court that would have jurisdiction had the act been committed by an adult. Waiver is for the offense charged and all included offenses.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-2

Heinous or aggravated act, or act as part of repetitive pattern of delinquent acts

Sec. 2. Upon motion of the prosecuting attorney and after full investigation and hearing, the juvenile court may waive jurisdiction if it finds that:

- (1) the child is charged with an act that is a felony:
 - (A) that is heinous or aggravated, with greater weight given to acts against the person than to acts against property; or
 - (B) that is a part of a repetitive pattern of delinquent acts, even though less serious;
- (2) the child was at least fourteen (14) years of age when the act charged was allegedly committed;
- (3) there is probable cause to believe that the child committed the act;
- (4) the child is beyond rehabilitation under the juvenile justice system; and
- (5) it is in the best interests of the safety and welfare of the community that the child stand trial as an adult.

As added by P.L.1-1997, SEC.13. Amended by P.L.67-2008, SEC.3.

IC 31-30-3-3

Act that would be felony relating to controlled substances

Sec. 3. Upon motion of the prosecuting attorney and after a full investigation and a hearing, the court may waive jurisdiction if it finds that:

- (1) the child is charged with an act that, if committed by an adult, would be a felony under IC 35-48-4;
- (2) there is probable cause to believe that the child has committed the act;
- (3) the child was at least sixteen (16) years of age when the act was allegedly committed; and
- (4) it is in the best interests of the safety and the welfare of the community for the child to stand trial as an adult.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-4

Act that would be murder

Sec. 4. Upon motion of the prosecuting attorney and after full

investigation and hearing, the juvenile court shall waive jurisdiction if it finds that:

- (1) the child is charged with an act that would be murder if committed by an adult;
- (2) there is probable cause to believe that the child has committed the act; and
- (3) the child was at least ten (10) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-5

Acts that would be Class A or Class B felonies, involuntary manslaughter, or reckless homicide

Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

- (1) the child is charged with an act that, if committed by an adult, would be:
 - (A) a Class A or Class B felony, except a felony defined by IC 35-48-4;
 - (B) involuntary manslaughter as a Class C felony under IC 35-42-1-4; or
 - (C) reckless homicide as a Class C felony under IC 35-42-1-5;
- (2) there is probable cause to believe that the child has committed the act; and
- (3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-6

Act that would be felony and prior felony or nontraffic misdemeanor conviction

Sec. 6. Upon motion by the prosecuting attorney, the juvenile court shall waive jurisdiction if it finds that:

- (1) the child is charged with an act which would be a felony if committed by an adult; and
- (2) the child has previously been convicted of a felony or a nontraffic misdemeanor.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-7

Time limit for making or granting motion to waive jurisdiction

Sec. 7. A motion to waive jurisdiction may not be made or granted after:

(1) the child has admitted the allegations in the petition at the initial hearing; or

(2) the first witness has been sworn at the factfinding hearing.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-8

Order to hold child for proceedings; recognizance bond

Sec. 8. If jurisdiction is waived, the juvenile court:

(1) shall order the child held for proceedings in the court to which the child is waived; and

(2) may fix a recognizance bond for the child to answer the charge in the court to which the child is waived.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-9

Probable cause finding

Sec. 9. The finding of probable cause required to waive jurisdiction is sufficient to establish probable cause in the court to which the child is waived.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-10

Waiver order; findings

Sec. 10. A waiver order must include specific findings of fact to support the order.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-11

Waiver order; filing

Sec. 11. The prosecuting attorney shall file a copy of the waiver order with the court to which the child has been waived when the prosecuting attorney files the indictment or information.

As added by P.L.1-1997, SEC.13.