

**IC 31-32**

**ARTICLE 32. JUVENILE LAW: JUVENILE COURT PROCEDURES**

**IC 31-32-1**

Chapter 1. Applicable Rules of Procedure

**IC 31-32-1-1**

**Applicability of rules governing criminal trials**

Sec. 1. If a child is alleged to be a delinquent child, the procedures governing criminal trials apply in all matters not covered by the juvenile law.

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-1-2**

**Applicability of laws governing criminal trials**

Sec. 2. If a person is charged with a crime, the laws governing criminal trials apply.

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-1-3**

**Applicability of Indiana Rules of Trial Procedure**

Sec. 3. In cases not subject to section 1 or 2 of this chapter, the Indiana Rules of Trial Procedure apply in all matters not covered by the juvenile law.

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-1-4**

**Hearing notices regarding CHINS or delinquent cases**

Sec. 4. (a) Any written notice of a hearing or other court proceeding in a child in need of services case under IC 31-34 or a delinquency case under IC 31-37 shall be given to:

- (1) a party in the manner provided by Rule 5 of the Indiana Rules of Trial Procedure; or
- (2) an individual who is not a party by:
  - (A) personal delivery to the individual; or
  - (B) mail as provided in Rule 5(B)(2) of the Indiana Rules of Trial Procedure.

(b) Notice by mail must be deposited in the United States mail not less than five (5) calendar days (excluding Saturdays, Sundays, and national legal holidays recognized by the federal government) before the date of the scheduled hearing or proceeding.

(c) Written notice may be given by either:

- (1) a copy of a court order or docket entry; or
- (2) a letter addressed to the individual required to be notified; that states the date, time, and purpose of the hearing or proceeding.

(d) Written notice is not required if verbal notice of the date, time, place, and purpose of the hearing or proceeding is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

- (e) Written notice is not required if:
  - (1) the hearing or proceeding is scheduled to be held at a time within forty eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees) after the court sets the time for the hearing or proceeding; and
  - (2) the individual responsible for giving the notice under this section:
    - (A) provides verbal notice of the date, time, place, and purpose of the hearing or proceeding directly to the person required to be notified; and
    - (B) verifies by affidavit or testimony at the hearing that verbal notice was given as required under this subsection.
- (f) Except as provided in subsection (d):
  - (1) the department is responsible for giving all notices of a hearing or proceeding in a child in need of services case under IC 31-34; and
  - (2) the prosecuting attorney or the probation department of the juvenile court is responsible for giving all notices of a hearing or proceeding in a delinquency case under IC 31-37.

*As added by P.L.138-2007, SEC.64.*