

## **IC 31-32-6**

### **Chapter 6. Trial in Open Court; Jury Trial**

#### **IC 31-32-6-1**

##### **Adults charged with contempt or criminal charges**

Sec. 1. All proceedings in the juvenile court involving adults charged with:

- (1) contempt of court; or
- (2) criminal charges;

shall be tried in open court.

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

#### **IC 31-32-6-2**

##### **Exclusion of public**

Sec. 2. The juvenile court shall determine whether the public should be excluded from a proceeding other than a juvenile proceeding described in section 3 of this chapter.

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

#### **IC 31-32-6-3**

##### **Certain delinquency proceedings open to public**

Sec. 3. Except as provided in section 4 of this chapter, a delinquency proceeding is open to the public whenever a petition alleging that the child has committed an act that would be murder or a felony if committed by an adult is filed under IC 31-37-10.

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

#### **IC 31-32-6-4**

##### **Closing of proceeding to protect child witness or child victim; motion**

Sec. 4. (a) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a child witness or child victim if the court finds that:

- (1) an allegation or a defense involves matters of a sexual nature; and
- (2) closing the proceeding is necessary to protect the welfare of a child witness or child victim.

(b) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a health care provider if the court finds that:

- (1) the testimony involves matters that would be protected under 45 CFR Parts 160 and 164 (Health Insurance Portability and Accountability Act of 1996 (HIPAA)); or
- (2) the testimony involves matters that would be a privileged communication between a health care provider and the health care provider's patient.

(c) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the

court may issue an order closing a proceeding during the testimony of:

- (1) a:
  - (A) certified social worker;
  - (B) certified clinical social worker; or
  - (C) certified marriage and family therapist;regarding a client;
- (2) a school counselor regarding a student; or
- (3) a school psychologist regarding a student.

*As added by P.L.1-1997, SEC.15. Amended by P.L.170-2009, SEC.11.*

#### **IC 31-32-6-5**

##### **Closing of proceeding to protect child witness or child victim; factors**

Sec. 5. In determining whether closing a proceeding is necessary to protect the welfare of a child witness or child victim, the court shall consider the following:

- (1) The nature of the allegation or defense.
- (2) The age of a child witness or child victim.
- (3) The psychological maturity of a child witness or child victim.
- (4) The desire of a child witness or child victim to testify in a proceeding closed to the public.

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

#### **IC 31-32-6-6**

##### **Closing of proceeding to protect child witness or child victim; findings; filing of exclusion order**

Sec. 6. If a proceeding is closed to the public under section 4 of this chapter, the juvenile court shall:

- (1) make findings of fact concerning the closing of the proceeding; and
- (2) place the exclusion order in the file of the proceedings.

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

#### **IC 31-32-6-7**

##### **Bench trials; jury trial for adult charged with crime**

Sec. 7. (a) Except as provided in subsection (b), all matters in juvenile court shall be tried to the court.

(b) A trial of an adult charged with a crime shall be tried to a jury unless the adult requests a bench trial.

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

#### **IC 31-32-6-8**

##### **Exclusion of child**

Sec. 8. In proceedings involving:

- (1) the termination of the parent-child relationship; or
- (2) a child in need of services;

the child may be excluded from any part of any hearing for good

cause shown upon the record.  
*As added by P.L.1-1997, SEC.15.*