

## **IC 31-39-2**

### **Chapter 2. Persons Entitled to Access to Juvenile Court Records**

#### **IC 31-39-2-1**

##### **Application of chapter**

Sec. 1. (a) This chapter applies to all records of the juvenile court except the following:

- (1) Records involving an adult charged with a crime or criminal contempt of court.
- (2) Records involving a pregnant minor or her physician seeking a waiver of the requirement under IC 35-1-58.5-2.5 (before its repeal) or IC 16-34-2-4 that a physician who performs an abortion on an unemancipated minor first obtain the written consent of the minor's parent or guardian.

(b) The legal records subject to this chapter include the following:

- (1) Chronological case summaries.
- (2) Index summaries.
- (3) Summonses.
- (4) Warrants.
- (5) Petitions.
- (6) Orders.
- (7) Motions.
- (8) Decrees.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-2**

##### **Juvenile court judge and staff**

Sec. 2. The records of the juvenile court are available without a court order to the judge or any authorized staff member.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-3**

##### **Party and party's counsel**

Sec. 3. (a) Except as provided in subsections (b) and (c), the records of the juvenile court are available without a court order to any party and the party's attorney. The party and the party's attorney may only review the records applicable to the proceeding in which the person is a party.

(b) A child excluded from a hearing under IC 31-32-6 may be denied access to records pertaining to that subject matter.

(c) A person who was denied access to a predisposition report or the records for a dispositional hearing may be denied access to that subject matter.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-4**

##### **Presentence investigations**

Sec. 4. The records of the juvenile court are available without a court order to the judge of a court having criminal jurisdiction or any authorized staff member if the record is to be used in a presentence

investigation in that court.  
*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-5**

##### **Prosecuting attorney and staff**

Sec. 5. The records of the juvenile court are available without a court order to the prosecuting attorney or any authorized staff member.

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-6**

##### **Records available to certain individuals and agencies**

Sec. 6. The records of the juvenile court are available without a court order to:

- (1) the attorney for the department of child services; or
- (2) any authorized staff member of:
  - (A) the county office;
  - (B) the department of child services;
  - (C) the department of correction; or
  - (D) the department of child services ombudsman established by IC 4-13-19-3.

*As added by P.L.1-1997, SEC.22. Amended by P.L.145-2006, SEC.359; P.L.182-2009(ss), SEC.384.*

#### **IC 31-39-2-6.5**

##### **Release of court records**

Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.

*As added by P.L.67-2007, SEC.4.*

#### **IC 31-39-2-7**

##### **Parents**

Sec. 7. The records of the juvenile court are available without a court order to the parents of a child whenever the custody or support of that child is in issue in an action initiated under IC 31-15 or IC 31-16 (or IC 31-1-11.5 before its repeal).

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-8**

##### **Public access to records of juvenile delinquency proceedings**

Sec. 8. (a) The records of the juvenile court are available without a court order to the public, subject to the restrictions in subsections (b) and (c), whenever a petition has been filed alleging that a child is delinquent as the result of any of the following alleged acts or combination of alleged acts:

- (1) An act that would be murder or a felony if committed by an adult.
- (2) An aggregate of two (2) unrelated acts that would be misdemeanors if committed by an adult if the child was at least twelve (12) years of age when the acts were committed.

(3) An aggregate of five (5) unrelated acts that would be misdemeanors if committed by an adult if the child was less than twelve (12) years of age when the acts were committed.

(b) Only the following information or documents may be released under this section:

- (1) The child's name.
- (2) The child's age.
- (3) The nature of the offense.
- (4) Chronological case summaries.
- (5) Index entries.
- (6) Summonses.
- (7) Warrants.
- (8) Petitions.
- (9) Orders.
- (10) Motions, excluding:
  - (A) motions concerning psychological evaluations; and
  - (B) motions concerning child abuse and neglect.
- (11) Decrees.
- (12) If the child is adjudicated as a delinquent child for an act or combination of acts described in subsection (a)(1), (a)(2), or (a)(3), the child's photograph.

(c) The clerk of the juvenile court shall place all other records of the child alleged to be or adjudicated as a delinquent child in an envelope marked "confidential" inside the court's file pertaining to the child. Records placed in the confidential envelope may only be released to persons who are allowed disclosure under this section or section 2, 3, 4, 5, 6, 7 or 10 of this chapter. The identifying information of any child who is a victim or a witness shall remain confidential under this section.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-9**

#### **Person providing services to child or child's family**

Sec. 9. The juvenile court may grant any person providing services to the child or the child's family access to the records on the child and the child's family.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-10**

#### **Interested persons**

Sec. 10. (a) Subject to section 15 of this chapter, the juvenile court may grant any person having a legitimate interest in the work of the court or in a particular case access to the court's legal records. In exercising its discretion, the court shall consider that the best interests of the safety and welfare of the community are generally served by the public's ability to obtain information about:

- (1) the alleged commission of an act that would be murder or a felony if committed by an adult; or
- (2) the alleged commission of an act that would be part of a pattern of less serious offenses.

(b) A person having access to the records under this section is not bound by the confidentiality provisions of IC 31-39-1 and may disclose the contents of the records.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-11**

#### **Researchers**

Sec. 11. The juvenile court shall grant any person involved in a legitimate research activity access to the court's confidential records if:

- (1) the person conducting the research provides written information about:
  - (A) the purpose of the person's project, including any intent to publish the person's findings;
  - (B) the nature of the data the person seeks to collect and how the person intends to analyze the data;
  - (C) the records the person seeks to review; and
  - (D) the safeguards the person will take to protect the identity of the persons whose records the person will be reviewing;
- (2) the proposed safeguards are adequate to protect the identity of each person whose records the researcher will review;
- (3) the court informs the researcher of the provisions of IC 31-39-1 and this chapter, including the criminal liability of a person who recklessly fails to protect the records; and
- (4) an agreement is executed between the court and the person responsible for the research that specifies the terms of the researcher's use of the records.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-12**

#### **Parties to criminal or juvenile delinquency proceedings**

Sec. 12. (a) The juvenile court shall grant any party to a criminal or juvenile delinquency proceeding access to a person's legal records if the information may be used:

- (1) to impeach the person as a witness; or
- (2) to discredit the person's reputation if the person places reputation in issue.

(b) The information described in subsection (a) may only be used in criminal or juvenile delinquency proceedings in accordance with the law of evidence.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-13**

#### **Victim of delinquent act or victim's family; disclosure in civil action**

Sec. 13. (a) The juvenile court may grant the victim of a delinquent act, or a member of the victim's family, access to the court's legal records if the information may be used in a civil action against:

- (1) the child who committed the act; or

(2) the child's parent.

(b) A person having access to the records under this section may disclose the contents of the record if disclosure is necessary to prosecute any civil action.

*As added by P.L.1-1997, SEC.22.*

### **IC 31-39-2-13.5**

#### **Juvenile court records available to certain persons to determine appropriateness of certain out-of-home placements**

Sec. 13.5. The records of the juvenile court are available without a court order to an employee of the department of child services, a caseworker, or a juvenile probation officer conducting a criminal history check (as defined in IC 31-9-2-22.5) under IC 31-26-5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

- (1) child at imminent risk of placement;
- (2) child in need of services; or
- (3) delinquent child.

*As added by P.L.70-2004, SEC.29. Amended by P.L.234-2005, SEC.189; P.L.145-2006, SEC.360.*

### **IC 31-39-2-13.8**

#### **School's access to juvenile court records; notice; confidentiality**

Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:

- (1) the superintendent, or the superintendent's designee;
- (2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or
- (3) the individual with administrative control within a charter school, or the individual's designee;

submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

- (1) serve the educational needs of the child whose records are being released; or
- (2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

- (1) another school;
- (2) a person if a parent, guardian, or custodian of the child

consents to the release of the juvenile court records to the person; or

(3) an entity listed in IC 31-39-9-1.

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential.

*As added by P.L.85-2004, SEC.51. Amended by P.L.67-2007, SEC.5.*

#### **IC 31-39-2-14**

##### **Filing of copies of access order or agreement with researcher**

Sec. 14. Whenever the juvenile court grants access to its records, the court shall place a copy of the access order in the file of each person to whose records the order applies. However, if the access order is a general access order or an agreement under section 11 of this chapter (or IC 31-6-8-1(e) before its repeal), the copy shall be placed in a general file containing all general access orders or agreements under section 11 of this chapter (or IC 31-6-8-1(e) before its repeal).

*As added by P.L.1-1997, SEC.22.*

#### **IC 31-39-2-15**

##### **Waiver of restrictions**

Sec. 15. A person who is at least eighteen (18) years of age may waive the restrictions on access to the person's records if the person does so in writing, stating the terms of the person's waiver.

*As added by P.L.1-1997, SEC.22.*