

\* The proposed amendment to Trial Rule 60 would add a new paragraph on “juvenile adjudications” to allow a person adjudicated delinquent to collaterally attack the adjudication or disposition. The amendment would also update other sections of the rule.

**Rule 60. Relief from judgment, ~~or order,~~ or juvenile adjudication**

...

**(B) Mistake--Excusable neglect--Newly discovered evidence--Fraud, etc.**

...

The motion shall be filed within a reasonable time for reasons (5), (6), (7), and (8), and not more than one year after the judgment, order or proceeding was entered or taken for reasons (1), (2), (3), and (4). A movant filing a motion for reasons (1), (2), (3), (4), and (8) must allege a meritorious claim or defense. A motion under this subdivision (B) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding or for fraud upon the court. ~~Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.~~

No change of venue in such cases shall be taken from the judge or county except for cause shown by affidavit.

**(C) Appeal--~~Change of venue.~~** A ruling or order of the court denying or granting relief, in whole or in part, by motion under subdivision (B) or (E), of this rule shall be deemed a final judgment, and an appeal may be taken therefrom as in the case of a judgment. ~~No change of venue in such cases shall be taken from the judge or county except for cause shown by affidavit.~~

**(D) Hearing and relief granted.** In passing upon a motion allowed by subdivision (B) or (E) of this rule the court shall hear any pertinent evidence, allow new parties to be served with summons, allow discovery, or grant relief as provided under Rule 59 or otherwise as permitted by ~~subsections~~subdivision (B) or subsection (E) of this rule.

~~**(E) Infants, incompetents, and governmental organizations.** Except as otherwise provided herein, this rule shall apply to infants, incompetents, and governmental organizations. The time for seeking relief against a judgment, order or proceeding allowed or recognized under subdivision (B) of this rule or any other statute shall not be tolled or extended as to such persons.~~

**(E) Juvenile Adjudications.** On motion, the court may relieve a person from juvenile adjudication for any reason justifying relief. The motion must allege a basis for setting aside the adjudication and may be filed at any time. The court must set the motion promptly for a hearing or otherwise rule on the motion on an expedited basis.