



# Indiana Public Defender Council Juvenile Defense Project

*Improving Juvenile Defense Services in Indiana*

## LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

January 22, 2018

### Appellate decisions:

**R.R. v. State of Indiana**, 47A04-1705-JV-944

<http://www.in.gov/judiciary/opinions/pdf/01111802tac.pdf> 1/18/18 (Ind.Ct.App.)

Juvenile adjudication upheld following trial in absentia. R.R. argued he had a constitutional right to be present at the hearings, and under the juvenile waiver statute, Indiana Code Section 31-32-5-1, he could not validly waive that right because he was not emancipated. The Court of Appeals agreed that juveniles have a constitutional right to be present at factfinding hearings in delinquency and probation proceedings, but held the trial court had the authority to find R.R. to have procedurally defaulted where R.R. knowingly and intentionally refused to appear.

Chief Judge Nancy Vaidik dissented and would have reversed because R.R. did not waive his right to be present pursuant to one of the ways set forth in IC 31-32-5-1.

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# Indiana Public Defender Council (IPDC) Free Regional Juvenile Trainings

IPDC is presenting one more Role of Juvenile Counsel training January 26<sup>th</sup>

10:30 AM to 2:00 PM  
 Kosciusko Justice Building  
 121 N Lake St.  
 Warsaw, IN 46580  
 January 26, 2019  
 Register through IPDC's website  
 Or by [clicking here](#)



\*In addition to the regional JTIP trainings, IPDC will present the annual Juvenile Defender Seminar I November 2018.

## 2018 Juvenile Training Schedule\*

The 2018 IPDC JTIP regional training schedule and registration links can be found on IPDC's website at [www.in.gov/ipdc/](http://www.in.gov/ipdc/) Registration will open approximately 6 weeks prior to each training. All IPDC JTIP trainings are free to public defenders handling delinquency cases.

Date	Subject	Location
March 2	Litigating Juvenile Drug Cases JTIP	Hendricks County
March 9	Litigating Juvenile Drug Cases JTIP	St. Joseph County
March 23	Litigating Juvenile Drug Cases JTIP	Wayne County
June 1	JD Cases: To Plea or Not to Plea JTIP	Hamilton County
June 15	JD Cases: To Plea or Not to Plea JTIP	Vigo County
June 22	JD Cases: To Plea or Not to Plea JTIP	Lake County
September 14	Disposition Advocacy JTIP	Marion County
September 21	Disposition Advocacy JTIP	Tippecanoe County
September 28	Disposition Advocacy JTIP	Lawrence County

## 6th Amendment Task Force “Listening Tour”

The Indiana Task Force on Public Defense will be hosting a listening tour at locations around the State. The public is invited to provide input at any of the following locations. Space at each location is limited to 50 participants, so please register if you would like to have your input on public defense heard. If you are unable to attend one of the events but wish to comment, you may forward your comments to [information@pdcom.in.gov](mailto:information@pdcom.in.gov) or mail to “Indiana Task Force on Public Defense”, 309 West Washington Street, Suite 501, Indianapolis, IN 46204. If you wish to remain anonymous, please indicate this in your e-mail.



### Listening tour dates and locations:

2/9/18 – Indianapolis

Location: Indiana Government Center, Conference Rooms 4 & 5

Time of Event: 2:30 – 4:30 p.m.

[Register here](#)

2/15/18– Fort Wayne

Location: Allen County Public Library Main Branch

Time of Event: 5:30 p.m. – 7:30 p.m.

[Register here](#)

3/20/18—Evansville

Location: Vanderburgh County Public Library

Time of Event: 5:00 p.m.—7:30 pm

[Register Here](#)

3/22/18—Clark County

Location: Purdue Polytechnic

Time of Event: 5:00 p.m.—7:30 p.m.

[Register Here](#)

3/27/18—Valparaiso

Location: Valparaiso Law School

Time of Event: 5:00 p.m.—7:30 p.m.

[Register Here](#)

## Juvenile— related bills filed

DNA

Reverse Waiver

Non-suspendability

Data collection

## CHINS/TPR— related bills

Reasonable efforts

## January juvenile cases

## **Legislature: What's been filed this session?**

**Several juvenile delinquency related bills have been filed. To see whether a bill has been set for hearing, check the Committee schedules at <https://iga.in.gov/>**

### **Juvenile DNA**

**SB 61** Requires a juvenile court to order a child found to be a delinquent child for the commission of an act that, if committed by an adult, would be: (1) burglary; (2) residential entry; (3) a crime of violence; or (4) a sex offense; to provide a DNA sample to the agency having supervision of the child or to the county sheriff.

### **Data collection on youth in adult court**

**HB1228** Requires the criminal justice institute to: (1) track certain information concerning juveniles under the jurisdiction of an adult court due to a juvenile court not having jurisdiction; (2) track certain information concerning waivers of juvenile court jurisdiction; and (3) publish the information annually.

### **Reverse waiver and nonsuspendability**

**SB 292** Prohibits a minor in adult court to waive, as part of a plea agreement, the right to transfer jurisdiction to juvenile court for adjudication and disposition under certain circumstances. Amends the statute concerning the suspension of a sentence for a person with a juvenile record.

**And several CHINS /TPR bills that would make it easier to terminate parental rights have been filed.**

**SB 402** Requires DCS to file a petition for termination of parental rights if a child's parent, guardian, or custodian accumulates a total of three instances of certain acts or omissions. Adds to the list of allegations that satisfy the requirements for a petition for termination of parental rights an allegation that a child's parent, guardian, or custodian has accumulated a total of three instances of certain acts or omissions. Provides that a court may find that reasonable efforts to reunify a child with the child's parent, guardian, or custodian are not required if the parent, guardian, or custodian accumulates a total of three instances of certain acts or omissions.

**HB 1307** Requires DCS to file a petition for termination of parental rights if a child's parent accumulates a total of three instances of certain acts or omissions. Adds to the list of allegations that satisfy the requirements for a petition for termination of parental rights an allegation that a child's parent: (1) has accumulated a total of three instances of certain acts or omissions; (2) has failed to maintain consistent and meaningful contact with the child over at least the most recent 12 months; (3) has failed to provide care and support for the child for at least the most recent 12 months; or (4) is unable to adequately provide for the care and supervision of the child due to incompetence and it is unlikely that the parent will be able to adequately provide for the care of and responsibility for the child in the future. Provides that a court may find that reasonable efforts to reunify a child with the child's parent, guardian, or custodian are not required if the parent, guardian, or custodian: (1) has accumulated a total of three instances of certain acts or omissions; (2) has failed to maintain consistent and meaningful contact with the child over at least the most recent 12 months; (3) has failed to provide care and support for the child for at least the most recent 12 months; or (4) is unable to adequately provide for the care and supervision of the child due to incompetence and it is unlikely that the parent will be able to adequately provide for the care of and responsibility for the child in the future.

**SB 218** Provides that a court may find that reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family are not required if the court finds that the parent, guardian, or custodian of a child who is a child in need of services has failed to maintain consistent and meaningful contact with the child over at least the most recent 12 months. Adds to the list of allegations that satisfy the requirements for a petition for termination of parental rights an allegation that: (1) the parent has failed to maintain consistent and meaningful contact with the child over at least the most recent 12 months; or (2) the parent abandoned the child for at least six months before the filing of the petition to terminate parental rights. Requires a person filing a petition for termination of parental rights to request a hearing at the time the petition is filed.