

IC 34-14

ARTICLE 14. CAUSES OF ACTION: DECLARATORY JUDGMENT

IC 34-14-1

Chapter 1. Uniform Declaratory Judgment Act

IC 34-14-1-1

Power of court; form and effect of declaration

Sec. 1. Courts of record within their respective jurisdictions have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding is open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect. The declaration has the force and effect of a final judgment or decree.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-2

Persons who may obtain declaratory judgment

Sec. 2. Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-3

Construction of contract before or after breach

Sec. 3. A contract may be construed either before or after there has been a breach of the contract.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-4

Declarations regarding trusts or estates

Sec. 4. Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust in the administration of a trust, or of the estate of a decedent, a person under eighteen (18) years of age, or a mentally incompetent person may have a declaration of rights or legal relations:

- (1) to ascertain any class of creditors, devisee, legatees, heirs, next of kin, or others;
- (2) to direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity;
- or
- (3) to determine any question arising in the administration of the estate or trust, including questions of construction of wills

and other writings.
As added by P.L.1-1998, SEC.9.

IC 34-14-1-5

General powers not restricted by enumeration of specific powers

Sec. 5. The enumeration in sections 2, 3, or 4 of this chapter does not limit or restrict the exercise of the general powers conferred in section 1 of this chapter in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-6

Refusal to render declaratory judgment; discretion of court

Sec. 6. The court may refuse to render or enter a declaratory judgment or decree where the judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-7

Review of judgments or decrees

Sec. 7. All orders, judgments, and decrees under this chapter may be reviewed as other orders, judgments, and decrees.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-8

Further relief based on declaratory judgment; application

Sec. 8. Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application for further relief must be by petition to a court having jurisdiction to grant the relief. If the application is deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree to show cause why further relief should not be immediately granted.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-9

Trial on issues of fact

Sec. 9. When a proceeding under this chapter involves the determination of an issue of fact, the issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-10

Award of costs

Sec. 10. In any proceeding under this chapter, the court may make an award of costs as may seem equitable and just.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-11

Parties to action; municipalities and attorney general as parties; right of attorney general to intervene

Sec. 11. When declaratory relief is sought, all persons shall be made parties who have or claim any interest that would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding in which a statute, ordinance, or franchise is alleged to be unconstitutional, the court shall certify this fact to the attorney general, and the attorney general shall be permitted to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for arguments on the question of constitutionality. In any proceeding that involves the validity of a municipal ordinance or franchise, the municipality shall be made a party, and shall be entitled to be heard. If the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state shall also be served with a copy of the proceeding and be entitled to be heard.

As added by P.L.1-1998, SEC.9. Amended by P.L.40-2010, SEC.1.

IC 34-14-1-12

Purpose of chapter

Sec. 12. This chapter is declared to be remedial. The purpose of this chapter is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-13

"Person" defined

Sec. 13. The word "person" wherever used in this chapter shall be construed to mean any person, partnership, limited liability company, joint stock company, unincorporated association, or society, or municipal or other corporation of any character whatsoever.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-14

Severability of certain sections

Sec. 14. The several sections and provisions of this chapter except sections 1 and 2, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the chapter invalid or inoperative.

As added by P.L.1-1998, SEC.9.

IC 34-14-1-15

Construction of chapter

Sec. 15. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws

and regulations on the subject of declaratory judgments and decrees.
As added by P.L.1-1998, SEC.9.

IC 34-14-1-16

Short title

Sec. 16. This chapter may be cited as the Uniform Declaratory
Judgments Act.

As added by P.L.1-1998, SEC.9.