

IC 31-30-2

Chapter 2. Continuing Jurisdiction

IC 31-30-2-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 1 of this chapter by P.L.217-2001 apply to all proceedings pending under IC 31-34 on July 1, 2001, and to all proceedings commenced under IC 31-34 after June 30, 2001.

As added by P.L.220-2011, SEC.511.

IC 31-30-2-1

Continuing juvenile court jurisdiction

Sec. 1. (a) Except as provided in subsections (b) and (c), the juvenile court's jurisdiction over a delinquent child or a child in need of services and over the child's parent, guardian, or custodian continues until:

- (1) the child becomes twenty-one (21) years of age, unless the court discharges the child and the child's parent, guardian, or custodian at an earlier time; or
- (2) guardianship of the child is awarded to the department of correction.

(b) The juvenile court may, on its own motion, after guardianship of a child is awarded to the department of correction, reinstate the court's jurisdiction for the purpose of ordering the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

(c) The juvenile court's jurisdiction over a parent or guardian of the estate of a child under this section continues until the parent or guardian of the estate has satisfied the financial obligation of the parent or guardian of the estate that is imposed under IC 31-40 (or IC 31-6-4-18 before its repeal).

(d) Except as provided in subsection (g), the jurisdiction of the juvenile court over a proceeding described in IC 31-30-1-1(10) for a guardianship of the person continues until the earlier of the date that:

- (1) the juvenile court terminates the guardianship of the person; or
- (2) the child becomes:
 - (A) nineteen (19) years of age, if a child who is at least eighteen (18) years of age is a full-time student in a secondary school or the equivalent level of vocational or career and technical education; or
 - (B) eighteen (18) years of age, if clause (A) does not apply.

If the guardianship of the person continues after the child becomes the age specified in subdivision (2), the juvenile court shall transfer the guardianship of the person proceedings to a court having probate jurisdiction in the county in which the guardian of the person resides. If the juvenile court has both juvenile and probate jurisdiction, the juvenile court may transfer the guardianship of the person proceedings to the probate docket of the court.

(e) The jurisdiction of the juvenile court to enter, modify, or enforce a support order under IC 31-40-1-5 continues during the time that the court retains jurisdiction over a guardianship of the person proceeding described in IC 31-30-1-1(10).

(f) At any time, a juvenile court may, with the consent of a probate court, transfer to the probate court guardianship of the person proceedings and any related support order initiated in the juvenile court.

(g) A juvenile court may retain jurisdiction over an older youth, as defined in IC 31-28-5.8-4, who is a recipient or beneficiary of:

(1) kinship guardianship assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 673), as amended; or

(2) other financial assistance provided to or for the benefit of a child who:

(A) was previously adjudicated as a child in need of services or delinquent child;

(B) is a protected person under a legal guardianship if IC 29-3-8-9(f) applies; and

(C) is approved for assistance under a rule or published policy of the department.

As added by P.L.1-1997, SEC.13. Amended by P.L.217-2001, SEC.4; P.L.234-2007, SEC.167; P.L.48-2012, SEC.36.

IC 31-30-2-2

Notice of child's release from custody of department of correction

Sec. 2. If the department of correction is awarded guardianship of a child under section 1(a)(2) of this chapter (or IC 31-6-2-3(a)(2) before its repeal), the department of correction shall notify the court awarding the guardianship when the department will release the child from the department's custody. The notification must be sent to the court at least ten (10) days before the child's release.

As added by P.L.1-1997, SEC.13.

IC 31-30-2-3

Sua sponte reinstatement of court's jurisdiction; modification of decree

Sec. 3. After receiving notification under section 2 of this chapter (or IC 31-6-2-3(b) before its repeal), a juvenile court may within thirty (30) days after notification, on the court's own motion, reinstate jurisdiction over the child for the purpose of modifying under IC 31-34-23 or IC 31-37-22 the court's original dispositional decree.

As added by P.L.1-1997, SEC.13.

IC 31-30-2-4

Petition for reinstatement of court's jurisdiction; modification

Sec. 4. (a) The department of correction may petition the court to reinstate the court's jurisdiction over the child and the child's parent, guardian, or custodian to modify the court's decree under IC 31-34-23 or IC 31-37-22 (or IC 31-6-7-16 before its repeal) or

order the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

(b) The department may petition a court to reinstate the court's jurisdiction over an older youth for purposes of IC 31-28-5.8, including an older youth who previously was a child in need of services who is eligible for collaborative care under IC 31-28-5.8.

As added by P.L.1-1997, SEC.13. Amended by P.L.48-2012, SEC.37.

IC 31-30-2-5

Satisfaction of restitution order

Sec. 5. If any part of an order of restitution remains unpaid at the time a child is released by the department of correction, the court may reinstate jurisdiction over the child and place the child under the supervision of the probation department until the restitution order is satisfied.

As added by P.L.1-1997, SEC.13.