

## **IC 31-31-8**

### **Chapter 8. Juvenile Detention and Shelter Care Facilities**

#### **IC 31-31-8-1**

##### **Inapplicability of chapter to shelter care facilities operated by other governmental entities**

Sec. 1. This chapter does not apply to a shelter care facility operated by a governmental entity other than a juvenile court.

*As added by P.L.1-1997, SEC.14.*

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

##### **Juvenile detention facility; criteria**

Sec. 2. A juvenile detention facility is a secure facility that:

(1) is only used for the lawful custody and treatment of juveniles and meets state standards and licensing requirements as provided in department of correction rule 210 IAC 6; or

(2) is located on the same grounds or in the same building as an adult jail or lockup and meets the following four (4) criteria:

(A) Total separation between juvenile and adult facility spatial areas so that there could be no haphazard or accidental contact among juvenile and adult residents in the respective facilities. If space is used for both juveniles and adults, time-phasing of the use is acceptable if the arrangement precludes haphazard or accidental contact among juvenile and adult residents at all times. Sleeping or other living areas may not be shared under any circumstances.

(B) Total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities. Program activities may not be shared by juvenile and adult residents. However, program space, equipment, and other resources may be used by both juvenile and adult residents subject to clause (A).

(C) The administration and security functions of the juvenile detention program must be vested in separate staff who, if the staff serve both populations, are trained to serve a juvenile population. Security and other direct care staff may not be used to serve the adult jail at the same time or during the same tour of duty that security and other direct care staff serve in the juvenile detention facility. Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contact occurs under conditions of separation of juveniles and adults, can serve both juvenile and adult residents.

(D) The facility meets state standards and licensing requirements as provided in department of correction rule 210 IAC 6. The architectural and operational configuration of the juvenile facility must assure total separation.

*As added by P.L.1-1997, SEC.14.*

### **IC 31-31-8-3**

#### **Provision of juvenile detention and shelter care facilities; staff; budget; expenses**

Sec. 3. (a) The juvenile court may establish juvenile detention and shelter care facilities for children, except as provided by IC 31-31-9.

(b) The court may contract with other agencies to provide juvenile detention and shelter care facilities.

(c) If the juvenile court operates the juvenile detention and shelter care facilities, the judge shall appoint staff and determine the budgets.

(d) The county shall pay all expenses. The expenses for the juvenile detention facility shall be paid from the county general fund.  
*As added by P.L.1-1997, SEC.14. Amended by P.L.273-1999, SEC.96; P.L.146-2008, SEC.572.*

### **IC 31-31-8-4**

#### **Operation and budget of juvenile detention or juvenile shelter care facility in certain counties**

Sec. 4. (a) This section applies to a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000).

(b) Notwithstanding section 3 of this chapter, the juvenile court shall operate a juvenile detention facility or juvenile shelter care facility established in the county. However, the county legislative body shall determine the budget for the juvenile detention facility or juvenile shelter care facility. The expenses for the juvenile detention facility shall be paid from the county general fund.

*As added by P.L.1-1997, SEC.14. Amended by P.L.273-1999, SEC.97; P.L.170-2002, SEC.130; P.L.146-2008, SEC.573; P.L.119-2012, SEC.160.*

### **IC 31-31-8-5**

#### **Rules**

Sec. 5. (a) Juvenile detention facilities shall be operated in accordance with rules adopted by the department of correction.

(b) Shelter care facilities shall be operated in accordance with rules adopted by the department of child services under IC 31-27.

*As added by P.L.1-1997, SEC.14. Amended by P.L.145-2006, SEC.276.*

### **IC 31-31-8-6**

#### **Advisory committee**

Sec. 6. The judge may appoint an advisory committee to review the operations of each facility, except as provided by IC 31-31-9.

*As added by P.L.1-1997, SEC.14.*