

IC 31-32-16

Chapter 16. Involuntary Drug and Alcohol Treatment

IC 31-32-16-1

Involuntary treatment; drug or alcohol treatment

Sec. 1. A proceeding under this chapter is separate from and does not affect:

- (1) a proceeding for involuntary treatment under IC 12-26; or
- (2) an order from a juvenile court under IC 31-37 that requires drug or alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-2

Filing of verified petition; affidavit; placement in state owned or operated facility; participation of parent, guardian, or custodian in treatment

Sec. 2. (a) A parent, guardian, or custodian of a child may file a verified petition with the juvenile court in the county in which the child resides for involuntary drug and alcohol treatment if the child:

- (1) is incapable of consenting; or
- (2) refuses to consent;

to voluntary treatment.

(b) The verified petition must include an affidavit from a person described in section 4(a) of this chapter who has examined or treated the child not more than thirty (30) days before the filing of the verified petition. The affidavit must state that reasonable grounds exist to believe the child named in the petition is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1).

(c) Involuntary drug and alcohol treatment under this chapter may include appropriate placement in an inpatient or outpatient program or facility. A person ordered to complete inpatient drug and alcohol treatment under this chapter may not be placed in a facility that is owned or operated by the state.

(d) The judge of the juvenile court in which the verified petition is filed shall inform each parent, guardian, or custodian of the child that the parent, guardian, or custodian may be ordered to participate in any aspect of the child's treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-3

Verified petition; summary of facts

Sec. 3. A verified petition filed under section 2 of this chapter must include the name and age of the child and a summary of facts that support the petitioner's request for involuntary drug and alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-4

Ex parte probable cause determination; assessment; hearing

Sec. 4. (a) The juvenile court, after making an ex parte

determination that there is probable cause to believe the child is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1), shall order the child named in the petition to undergo a drug and alcohol assessment. The assessment shall be performed by:

- (1) a psychiatrist (as defined in IC 11-10-3-1);
- (2) a physician (as defined in IC 12-15-35-12); or
- (3) a psychologist with training in drug and alcohol assessment and treatment.

The person who performs the assessment under this section must be different from the person who submitted the affidavit under section 2 of this chapter. If it is determined that involuntary treatment is necessary, the assessment must include a recommended level of care and length of treatment.

(b) After completion of the assessment, the juvenile court shall conduct a hearing. Each person who performed an assessment must be present and available to testify at the hearing.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-5

Treatment; clear and convincing evidence

Sec. 5. Following a hearing, the juvenile court may order involuntary drug and alcohol treatment for not more than forty-five (45) consecutive days if the court finds by clear and convincing evidence that the child:

- (1) is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1);
- (2) is incapable of consenting to or refuses to consent to voluntary treatment services; and
- (3) will benefit from a period of involuntary drug and alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-6

Review hearing; additional term of treatment; findings of fact

Sec. 6. (a) Before the expiration of a period of involuntary treatment, the juvenile court shall conduct a review hearing to determine whether further treatment is necessary.

(b) The juvenile court may order an additional term of treatment if it finds at the initial review hearing by clear and convincing evidence that the conditions enumerated in section 5 of this chapter are present and further treatment is necessary. An additional term of involuntary treatment may not exceed forty-five (45) consecutive days, and the juvenile court must conduct a review hearing before the expiration of the additional term. The court may order subsequent terms of involuntary treatment if at each review hearing the court makes findings required by this section.

(c) Each order for an additional term of treatment under subsection (b) must be supported by written findings of fact. The juvenile court shall issue written findings of fact not more than ten (10) days after the review hearing that orders an additional term of involuntary treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-7

Participation of parent, guardian, or custodian in treatment

Sec. 7. The juvenile court may order each parent, guardian, or custodian of the child to participate in any aspect of the child's treatment under section 5 or 6 of this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-8

Modification of treatment order

Sec. 8. The juvenile court may modify the original terms of involuntary drug and alcohol treatment if it finds by clear and convincing evidence that a substantial change in the circumstances that supported the original terms and conditions of treatment has occurred.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-9

Costs and fees

Sec. 9. A parent, guardian, or custodian is required to pay court costs, court fees, and the costs of assessment and treatment. Neither the court nor the county is liable for any part of the costs of assessment or treatment under this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-10

Drug and alcohol assessment

Sec. 10. Notwithstanding IC 34-46-3 and IC 25-33-1-17, the judge may order a physician or a psychologist to submit a drug and alcohol assessment to the juvenile court in a proceeding under this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-11

Guardian ad litem

Sec. 11. The judge of the juvenile court may appoint a guardian ad litem for the child at any time.

As added by P.L.196-2003, SEC.2.