

## **IC 31-37-10**

### Chapter 10. Filing of Petition Alleging That Child Is Delinquent Child

#### **IC 31-37-10-1**

##### **Standing**

Sec. 1. The prosecuting attorney may file a petition alleging that a child is a delinquent child.

*As added by P.L.1-1997, SEC.20. Amended by P.L.146-2008, SEC.633.*

#### **IC 31-37-10-2**

##### **Approval of filing of petition**

Sec. 2. The juvenile court shall do the following:

- (1) Consider the preliminary inquiry and the evidence of probable cause.
- (2) Approve the filing of a petition if there is probable cause to believe that:
  - (A) the child is a delinquent child; and
  - (B) it is in the best interests of the child or the public that the petition be filed.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-3**

##### **Petition; verification and contents**

Sec. 3. A petition must:

- (1) be verified;
- (2) be entitled "In the Matter of \_\_\_\_\_, a Child Alleged to be a Delinquent Child"; and
- (3) contain the following information:
  - (A) A citation to the provision of the juvenile law that gives the juvenile court jurisdiction in the proceeding.
  - (B) A citation to the statute that the child is alleged to have violated.
  - (C) A concise statement of the facts upon which the allegations are based, including the date and location at which the alleged act occurred.
  - (D) The child's name, birth date, and residence address if known.
  - (E) The name and residence address of the child's parent, guardian, or custodian if known.
  - (F) The name and title of the person signing the petition.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-4**

##### **Error in or omission of citation; effect**

Sec. 4. Error in a citation or the omission of a citation is ground for:

- (1) dismissal of the petition; or
- (2) reversal of the adjudication;

only if the error or omission misleads the child to the child's prejudice.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-5**

##### **Written request that child be taken into custody; finding**

Sec. 5. (a) If the filing of a petition is approved by the court under section 2 of this chapter, the prosecuting attorney may request in writing that the child be taken into custody. The person must support this request with sworn testimony or affidavit.

(b) The court may grant the request if the court makes written findings of fact upon the record that a ground for detention exists under IC 31-37-6-6.

*As added by P.L.1-1997, SEC.20. Amended by P.L.146-2008, SEC.634.*

#### **IC 31-37-10-6**

##### **Detention hearing**

Sec. 6. If the juvenile court grants the request to have the child taken into custody, the court shall proceed in accordance with IC 31-37-6.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-7**

##### **Parties**

Sec. 7. The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) prosecuting attorney;

are parties to the proceedings described in the juvenile law and have all rights of parties provided under the Indiana Rules of Trial Procedure.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-8**

##### **Motion to dismiss by person representing state's interests**

Sec. 8. Upon motion by the person representing the interests of the state, the juvenile court shall dismiss any petition the person has filed.

*As added by P.L.1-1997, SEC.20.*