

IC 31-41-2

Chapter 2. Dual Status Assessment Team

IC 31-41-2-1

Juvenile court dual status child determination

Sec. 1. After a juvenile court has determined that a child is a dual status child, the juvenile court shall refer the child to be assessed by a dual status assessment team.

As added by P.L.66-2015, SEC.17.

IC 31-41-2-2

Dual status assessment team

Sec. 2. (a) The dual status assessment team shall include:

- (1) if the child has a department of child services case manager, the case manager;
- (2) if the child does not have a department of child services case manager, a representative of the department of child services appointed by the local department of child services director;
- (3) if the child has a probation officer, that probation officer;
- (4) if the child does not have a probation officer, a probation officer appointed by the court; and
- (5) a meeting facilitator, who may be a member of the dual status assessment team described in subdivisions (1) through (4) or may be a person appointed by the juvenile court.

(b) The dual status assessment team may include:

- (1) the child if the juvenile court deems the child is age appropriate;
- (2) the child's public defender or attorney;
- (3) the child's parent, guardian, or custodian;
- (4) the child's parent's attorney;
- (5) a prosecuting attorney;
- (6) the attorney for the department;
- (7) a court appointed special advocate or a guardian at litem;
- (8) a representative from the department of correction;
- (9) a school representative;
- (10) an educator;
- (11) a therapist;
- (12) the child's foster parent; and
- (13) a service provider appointed by the team or the juvenile court.

As added by P.L.66-2015, SEC.17.

IC 31-41-2-3

Dual status team meetings; considerations

Sec. 3. (a) The dual status assessment team shall meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual status assessment team shall be convened by the facilitator described in section 2(a)(6) of this chapter.

(c) The dual status assessment team shall consider:

- (1) any allegations of abuse or neglect suffered by the child; and
- (2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

As added by P.L.66-2015, SEC.17.

IC 31-41-2-4

Statements communicated in a dual status assessment team meeting

Sec. 4. All statements communicated in a dual status assessment team meeting are:

- (1) not admissible as evidence against the child in any judicial proceeding; and
- (2) not discoverable in any litigation.

As added by P.L.66-2015, SEC.17.

IC 31-41-2-5

Dual status team considerations

Sec. 5. The dual status assessment team shall consider the child's best interests and well-being, including:

- (1) the child's mental health, including any diagnosis;
- (2) the child's school records, including attendance and achievement level;
- (3) the child's statements;
- (4) the statements of the child's parent, guardian, or custodian;
- (5) the impact of the child's behavior on any victim;
- (6) the safety of the community;
- (7) the child's needs, strengths, and risk;
- (8) the need for a parent participation plan;
- (9) the efficacy and availability of services and community providers;
- (10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;
- (11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;
- (12) the child's placement needs;
- (13) restorative justice practices that may be appropriate;
- (14) whether a child in need of services petition or informal adjustment should be filed or dismissed;
- (15) whether a delinquency petition or informal adjustment should be filed or dismissed;
- (16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent child;
- (17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and

(18) any other information considered appropriate by the team.
As added by P.L.66-2015, SEC.17.

IC 31-41-2-6

Dual status team reports; recommendations

Sec. 6. After a dual status assessment team has met to assess a child, the team shall:

- (1) designate a member to prepare the written report for the juvenile court; and
- (2) provide recommendations, including:
 - (A) whether the court should proceed with an additional initial hearing regarding the petition alleging the child is in need of services and dismiss a pending delinquency petition or informal adjustment at the conclusion of a child in need of services adjudication;
 - (B) whether the court should proceed with an additional initial hearing regarding a petition alleging that the child is a delinquent child under IC 31-37-1 and dismiss a pending child in need of services petition or informal adjustment upon conclusion of the delinquency adjudication;
 - (C) whether the court should proceed with an additional initial hearing and adjudication or informal adjustment concerning a child in need of services petition and a delinquency petition under IC 31-37-1;
 - (D) what agency should be the lead agency in a child's supervision; and
 - (E) any other matters relevant to the child's best interests, including any services to be included in a dispositional decree.

If the probation department of the juvenile court is designated as the lead agency under IC 31-41-3, any recommendations made by the dual status assessment team under subdivision (2) must be consistent with the funding provisions of IC 31-37.

As added by P.L.66-2015, SEC.17. Amended by P.L.187-2015, SEC.35.