



**MARION SUPERIOR COURT
JUVENILE DIVISION**

2451 N. Keystone Ave
Indianapolis, IN 46218
(317) 327-8300

Court Advisement of Rights

In the Matter of: _____ Cause Number(s): _____

RIGHTS I.C.: 31-30-3, 31-32-11, 31-32-1, 31-38-8, 31-32-4, 13-37-12, 31-32-5

- The child has the right to have a parent or guardian present at all stages of the proceeding
- The child has a right to be informed of the charge(s) against him/her
- The child has a right to be represented by a lawyer at all stages of the court proceedings. The child has a right to a free, public appointed attorney. Having such a right, the case may be continued at any point in order to consult a lawyer for him/her
- The child has a right to remain silent, but anything he/she says may be used in future court proceedings. The child cannot be made to speak against himself/herself.
- The child the right to admit or deny the charges against him/her.
- The prosecutor may, under some circumstances, request that the case be transferred to a court having adult criminal jurisdiction where the child would be subject to adult procedure and penalties.
- If a child denies or contests any part of the allegations, he/she would be able to:
 - Confront and cross-examine witnesses against him/her;
 - Require witnesses or evidence that will be helpful to his/her case be brought to the Court by compulsory process;
 - Take the witness stand in her/her own defense and introduce evidence in his/her own behalf or remain silent and not testify;
 - Have a speedy trial headed by a judge or magistrate, but not a jury trial, and have the charge(s) be proven beyond a reasonable doubt at that trial.
- Before the Court can make a true finding, the State must prove its case beyond a reasonable doubt, except for a violation of a Court order, a probation violation, or a claim for restitution, which must be proven by a preponderance of the evidence. If a true finding is made and the child believes the Court made a mistake, he/she may appeal to an Appellate Court after disposition.
- The Court will determine if the child is to be detained or released to the parent or some responsible person. The child does not have a right to bail or bond.
- If the child is found to be a delinquent, either by his/her admission or by the Court's true finding, the Court may order any combination of the dispositions on the reverse side of this page.

I have read and I understand the rights listed above:

Dated this _____ day of _____, 2008.

Probation Department Representative

Parent/Guardian

Respondent

Marion Superior Court – Juvenile Division

If the child is referred for an offense that would be a crime if committed by an adult, the Court can order one of the following under Indiana Code 31-34-17 or 31-34-18

- A. Wardship to the Department of Corrections
- B. If the child is 13 to 16 years old and charged with certain offenses, the child could be ordered to the wardship of the Department of Corrections until the age of 21.
- C. If the child is 14 years old, has two (2) unrelated prior delinquent offenses that would be felonies if he/she were an adult, and is found true on certain charges, the child could be awarded to the Department of Corrections for not more than two (2) years.
- D. If the child is under 17 years of age, he/she may be confined in the Juvenile Detention Center for not more than the lesser of ninety (90) days or the maximum sentence that could have been imposed on an adult for the offense.
- E. If the child is at least 17 years of age, he/she may be confined for not more than the lesser of 120 days or the maximum sentence that could have been imposed on an adult for the offense.
- F. The child could be removed from his/her home and placed in another home or shelter care facility.
- G. The child could be awarded to another person or to a shelter care facility.
- H. A child could be placed in a secure private facility licensed by the State.

The Court may, in addition, order the following:

- 1. The child could be placed on probation and be required to obey all rules of probation with supervision by a probation officer in addition to her/his parents. A violation of the terms and conditions of probation may cause the child to be referred to the Court for a new petition called a Violation of Probation.
- 2. The child could be ordered to receive treatment at a social service agency, psychiatric, psychological, medical, or educational facility or from an individual practitioner.
- 3. The child could be ordered to surrender his/her driver's license to the Court for a specified period of time and in some cases (truancy), the license must be suspended for not less than ninety (90) days nor more than 365 days and for certain drug offenses, the license must be suspended anywhere from six (6) months to two (2) years; or the Court could order that a child not be issued a Learner's Permit by the Bureau of Motor Vehicles for a period of time.
- 4. The child could be ordered to make payment of restitution to any victim for any loss, injury, or damage suffered by the victim.
- 5. The child could be ordered to attend an alcohol or drug services program.
- 6. The child could be ordered to perform community service work for a specified period of time or a specified number of hours.
- 7. The child could be ordered to undergo a screening test for HIV for certain sex crimes or drug offenses.
- 8. The child could be partially or completely emancipated.
- 9. The child and/or parent(s) could be ordered to pay a docket fee of \$156.00, an initial probation fee up to \$100.00, an administrative fee of \$100.00, and a monthly supervision fee of up to \$15.00 per month.
- 10. The child's case could be closed and the child could be released to parent(s) or guardian(s).
- 11. The child and/or parent(s) could be ordered to participate in a plan of care, treatment, rehabilitation, or treatment which could include financial responsibility for any such services or programs as well as being made parties to the action to require such participation.
- 12. The Court could issue an order restraining from having any direct or indirect contact with the child.

I have read and I understand the rights listed above:

Dated this day of , 2008.

Parent/Guardian

Probation Department Representative

Respondent