

HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-8; IC 11-10-2-11; IC 11-13-4.5-4; IC 31-30-2-1; IC 31-31-2; IC 31-37; IC 31-40; IC 33-23-16-23.5; IC 33-24-6-4; IC 33-37; IC 33-40-3; IC 35-38-2-0.2; IC 36-2-16.5-6.

Synopsis: Fines, fees, and court costs. Repeals language concerning: (1) a juvenile court ordering a parent to reimburse a county for certain costs related to the placement of a child in need of services (CHINS), placement of a delinquent child, or a child made a ward of the department of child services (DCS); (2) a parent being required to reimburse the department of correction for costs of certain services; (3) certain juvenile probation fees; (4) court costs for CHINS and delinquency proceedings; (5) costs for a child returned to Indiana under an interstate compact; (6) a parent to reimburse a county for public defender services provided to a child; and (7) fines, costs, and fees imposed on a delinquent child, or the parent or guardian of a delinquent child, throughout the juvenile code. Repeals the division of youth services transitional services fund. Removes proceedings in paternity from the civil costs fee for a party filing certain civil actions. Provides that any: (1) outstanding costs, fees, or other financial obligations; or (2) any warrant based solely on costs, fees, or other financial obligations; that have been imposed on a delinquent child or the parent or guardian of a delinquent child are vacated and unenforceable. Urges the legislative council to assign an appropriate interim committee to study the collection and distribution of court cost fees.

Effective: July 1, 2021.

Porter

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 5. (a) There is established the state police training
4 fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4)
5 **and** IC 33-37-4-2(b)(3) ~~and IC 33-37-4-3(b)(4)~~ on behalf of the state
6 police department.
7 (b) If the state police department files a claim under IC 33-37-8-4
8 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
9 fund, the fiscal officer of the city or town or the county auditor shall
10 deposit fees collected under the cause numbers submitted by the state
11 police department into the state police training fund established under
12 this section.
13 (c) Claims against the state police training fund must be submitted
14 in accordance with IC 5-11-10.
15 (d) Money in excess of one hundred dollars (\$100) that is
16 unencumbered and remains in the state police training fund for at least
17 one (1) entire calendar year from the date of its deposit shall, at the end



of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

(e) As used in this subsection, "abuse" has the meaning set forth in section 1(a) of this chapter. As a part of the state police department's in-service training, the department shall provide to each law enforcement officer employed by the department continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of the abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

The cost of providing continuing education under this subsection shall be paid from money in the state police training fund.

SECTION 2. IC 5-2-8-7, AS AMENDED BY P.L.217-2017, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 7. (a) There is established the conservation officers training fund. The department of natural resources shall administer the fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4) **and** IC 33-37-4-2(b)(3) **and** ~~IC 33-37-4-3(b)(4)~~ on behalf of the department of natural resources.

(b) If the department of natural resources files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the department of natural resources into the conservation officers training fund established under this section.

(c) Claims against the conservation officers training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the conservation officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 3. IC 5-2-8-8, AS AMENDED BY P.L.217-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) There is established the alcoholic beverage enforcement officers' training fund. The alcohol and tobacco commission shall administer the fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4) **and** IC 33-37-4-2(b)(3) **and** ~~IC 33-37-4-3(b)(4)~~ on behalf of the alcohol and tobacco commission.

(b) If the alcohol and tobacco commission files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the alcohol and tobacco commission into the alcoholic beverage enforcement officers' training fund established under this section.

(c) Claims against the alcoholic beverage enforcement officers' training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the alcoholic beverage enforcement officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 4. IC 11-10-2-11 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 11. (a) The division of youth services transitional services fund is established for the purposes described in subsection (c). The department shall administer the fund.~~



(b) The fund consists of money collected under IC 31-40-1-3.5.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is for the purposes of:

(1) augmenting and supplementing the funds appropriated to the department of correction to provide juvenile transitional services to delinquent offenders; and

(2) paying collection costs incurred under IC 31-40-1-3.5.

SECTION 5. IC 11-13-4.5-4, AS AMENDED BY P.L.161-2018, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), an Indiana offender ~~or delinquent child~~ on probation or parole who applies to be transferred out of state under the interstate compact for adult supervision ~~or the interstate compact for juveniles~~ shall pay an application fee of one hundred twenty-five dollars (\$125). The application fee shall be used to cover the costs of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(b) An offender ~~or delinquent child~~ who has been found indigent by a trial court at the time the offender applies to be transferred out of state under the interstate compact for adult supervision ~~or the interstate compact for juveniles~~ may, at the court's discretion, be required to pay a lesser amount of the cost of the application fee under subsection (a).

(c) An Indiana offender ~~or delinquent child~~ who is on probation shall pay the application fee to the county probation department.

(d) An Indiana offender ~~or delinquent child~~ who is on parole shall pay the application fee to the department of correction.

(e) The application fee paid by an Indiana offender ~~or delinquent child~~ who is on probation shall be transferred to the county treasurer. The county treasurer shall deposit fifty percent (50%) of the money collected under this subsection into the county offender transportation fund and shall transmit the remaining fifty percent (50%) of the money collected under this subsection to the Indiana supreme court for deposit in the general fund, to be used to cover the cost of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(f) The chief administrative officer or designee of the office of judicial administration shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the



1 budget agency in accordance with IC 4-12-1.

2 (g) The application fee paid by an Indiana offender ~~or delinquent~~
 3 ~~child~~ who is on parole shall be deposited into the general fund to be
 4 used to cover the cost of administering the interstate compact for adult
 5 offender supervision and the interstate compact for juveniles.

6 (h) The commissioner of the department of correction shall submit
 7 a proposed budget for expenditure of the money deposited in the
 8 general fund under this section to the budget agency in accordance with
 9 IC 4-12-1.

10 (i) The office of judicial administration and the department of
 11 correction shall develop a process to ensure that a sex or violent
 12 offender who transfers to or out of Indiana under the compact will be
 13 registered appropriately.

14 SECTION 6. IC 31-30-2-1, AS AMENDED BY P.L.86-2017,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 1. (a) Except as provided in subsections (b), (c),
 17 and (h), the juvenile court's jurisdiction over a delinquent child or a
 18 child in need of services and over the child's parent, guardian, or
 19 custodian continues until:

20 (1) the child becomes twenty-one (21) years of age, unless the
 21 court discharges the child and the child's parent, guardian, or
 22 custodian at an earlier time; or

23 (2) guardianship of the child is awarded to the department of
 24 correction.

25 (b) The juvenile court may, on its own motion, after guardianship of
 26 a child is awarded to the department of correction, reinstate the court's
 27 jurisdiction for the purpose of ordering the child's parent, guardian, or
 28 custodian to participate in programs operated by or through the
 29 department of correction.

30 (c) The juvenile court's jurisdiction over a parent or guardian of the
 31 estate of a child under this section continues until the parent or
 32 guardian of the estate has satisfied the financial obligation of the parent
 33 or guardian of the estate that is imposed under IC 31-40 (or
 34 IC 31-6-4-18 before its repeal).

35 (d) Except as provided in subsection ~~(g)~~; **(f)**, the jurisdiction of the
 36 juvenile court over a proceeding described in IC 31-30-1-1(10) for a
 37 guardianship of the person continues until the earlier of the date that:

38 (1) the juvenile court terminates the guardianship of the person;
 39 or

40 (2) the child becomes:

41 (A) nineteen (19) years of age, if a child who is at least
 42 eighteen (18) years of age is a full-time student in a secondary



1 school or the equivalent level of vocational or career and
 2 technical education; or

3 (B) eighteen (18) years of age, if clause (A) does not apply.

4 If the guardianship of the person continues after the child becomes the
 5 age specified in subdivision (2), the juvenile court shall transfer the
 6 guardianship of the person proceedings to a court having probate
 7 jurisdiction in the county in which the guardian of the person resides.
 8 If the juvenile court has both juvenile and probate jurisdiction, the
 9 juvenile court may transfer the guardianship of the person proceedings
 10 to the probate docket of the court.

11 ~~(e) The jurisdiction of the juvenile court to enter, modify, or enforce~~
 12 ~~a support order under IC 31-40-1-5 continues during the time that the~~
 13 ~~court retains jurisdiction over a guardianship of the person proceeding~~
 14 ~~described in IC 31-30-1-1(10).~~

15 ~~(f)~~ (e) At any time, a juvenile court may, with the consent of a
 16 probate court, transfer to the probate court guardianship of the person
 17 proceedings and any related support order initiated in the juvenile
 18 court.

19 ~~(g)~~ (f) A juvenile court may retain jurisdiction over an older youth,
 20 as defined in IC 31-28-5.8-4, who is a recipient or beneficiary of:

21 (1) kinship guardianship assistance under Title IV-E of the federal
 22 Social Security Act (42 U.S.C. 673), as amended; or

23 (2) other financial assistance provided to or for the benefit of a
 24 child who:

25 (A) was previously adjudicated as a child in need of services
 26 or delinquent child;

27 (B) is a protected person under a legal guardianship if
 28 IC 29-3-8-9(f) applies; and

29 (C) is approved for assistance under a rule or published policy
 30 of the department.

31 ~~(h)~~ (g) Upon receipt of a motion under IC 31-37-22-11, the juvenile
 32 court shall reinstate its jurisdiction to conduct a hearing and issue an
 33 appropriate order in accordance with IC 31-37-22-11.

34 SECTION 7. IC 31-31-2-1 IS REPEALED [EFFECTIVE JULY 1,
 35 2021]. ~~Sec. 1: The fees in juvenile court proceedings are set under~~
 36 ~~IC 33-37-4-3.~~

37 SECTION 8. IC 31-31-2-3 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Except as provided
 39 in ~~sections~~ **section 1** and 2 of this chapter, no other costs may be
 40 charged to any person in any proceeding in the juvenile court.

41 SECTION 9. IC 31-37-9-9 IS REPEALED [EFFECTIVE JULY 1,
 42 2021]. ~~Sec. 9: The juvenile court may order each child who participates~~



1 in a program of informal adjustment or the child's parents to pay an
2 informal adjustment program fee of:

3 (1) at least five dollars (\$5); but

4 (2) not more than fifteen dollars (\$15);

5 for each month that the child participates in the program instead of the
6 court cost fees prescribed by IC 33-37-4-3.

7 SECTION 10. IC 31-37-9-10 IS REPEALED [EFFECTIVE JULY
8 1, 2021]. Sec. 10: (a) The probation department for the juvenile court
9 shall do the following:

10 (1) Collect the informal adjustment program fee set under section
11 9 of this chapter; and

12 (2) Transfer the collected informal adjustment program fees to the
13 county auditor not later than thirty (30) days after the fees are
14 collected:

15 (b) The county auditor shall deposit the fees in the county user fee
16 fund established by IC 33-37-8-5.

17 SECTION 11. IC 31-37-19-1, AS AMENDED BY P.L.85-2017,
18 SECTION 105, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Subject to section 6.5 of this
20 chapter, if a child is a delinquent child under IC 31-37-2, the juvenile
21 court may enter one (1) or more of the following dispositional decrees:

22 (1) Order supervision of the child by the probation department.

23 (2) Order the child to receive outpatient treatment:

24 (A) at a social service agency or a psychological, a psychiatric,
25 a medical, or an educational facility; or

26 (B) from an individual practitioner.

27 (3) Remove the child from the child's home and place the child in
28 another home or a shelter care facility, child caring institution,
29 group home, or secure private facility. Placement under this
30 subdivision includes authorization to control and discipline the
31 child.

32 (4) Award wardship to a:

33 (A) person, other than the department; or

34 (B) shelter care facility.

35 (5) Partially or completely emancipate the child under section 27
36 of this chapter.

37 (6) Order:

38 (A) the child; or

39 (B) the child's parent, guardian, or custodian;

40 to receive family services.

41 (7) Order a person who is a party to refrain from direct or indirect
42 contact with the child.



(b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:

- (1) approve a permanency plan for the child;
- (2) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;
- (3) designate responsibility for the placement and care of the child with the probation department; and
- (4) find whether it:
 - (A) serves the best interests of the child to be removed; and
 - (B) would be contrary to the health and welfare of the child for the child to remain in the home.

(c) If a dispositional decree under this section:

- (1) orders or approves removal of a child from the child's home or awards wardship of the child to a:
 - (A) person other than the department; or
 - (B) shelter care facility; and
- (2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

~~(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1); the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.~~

SECTION 12. IC 31-37-19-5, AS AMENDED BY P.L.147-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.
- (2) Order the child to receive outpatient treatment:



- 1 (A) at a social service agency or a psychological, a psychiatric,
- 2 a medical, or an educational facility; or
- 3 (B) from an individual practitioner.
- 4 (3) Order the child to surrender the child's driver's license to the
- 5 court for a specified period of time.
- 6 (4) Order the child to pay restitution if the victim provides
- 7 reasonable evidence of the victim's loss, which the child may
- 8 challenge at the dispositional hearing.
- 9 (5) Partially or completely emancipate the child under section 27
- 10 of this chapter.
- 11 (6) Order the child to attend an alcohol and drug services program
- 12 established under IC 12-23-14.
- 13 (7) Order the child to perform community restitution or service
- 14 for a specified period of time.
- 15 (8) Order wardship of the child as provided in section 9 of this
- 16 chapter.
- 17 (c) ~~If the juvenile court orders supervision of the child by the~~
- 18 ~~probation department under subsection (b)(1), the child or the child's~~
- 19 ~~parent, guardian, or custodian is responsible for any costs resulting~~
- 20 ~~from the participation in a rehabilitative service or educational class~~
- 21 ~~provided by the probation department. Any costs collected for services~~
- 22 ~~or classes provided by the probation department shall be deposited in~~
- 23 ~~the county supplemental juvenile probation services fund.~~
- 24 SECTION 13. IC 31-40-1-1, AS AMENDED BY P.L.204-2011,
- 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 1. This article applies to costs paid by the
- 27 department ~~the department of correction~~, and counties under this
- 28 chapter, including costs resulting from the institutional placement of a
- 29 child adjudicated a delinquent child or a child in need of services.
- 30 SECTION 14. IC 31-40-1-2, AS AMENDED BY P.L.48-2012,
- 31 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this section
- 33 and subject to:
- 34 (1) this chapter; and
- 35 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
- 36 law relating to the particular program, activity, or service for
- 37 which payment is made by or through the department;
- 38 the department shall pay the cost of any child services provided by or
- 39 through the department for any child or the child's parent, guardian, or
- 40 custodian.
- 41 (b) The department shall pay the cost of returning a child under
- 42 IC 31-37-23 or IC 11-13-4.5-1.5.



1 (c) Except as provided under section 2.5 of this chapter, the
 2 department is not responsible for payment of any costs of secure
 3 detention.

4 (d) The department is not responsible for the payment of any costs
 5 or expenses for child services for a child placed in a child caring
 6 institution, a group home, or a private secure facility if the entity does
 7 not have an executed contract with the department, unless the child
 8 services to be provided by the entity are recommended or approved by
 9 the director of the department or the director's designee in writing prior
 10 to the placement.

11 (e) The department is not responsible for payment of any costs or
 12 expenses for housing or services provided to or for the benefit of a
 13 child placed by a juvenile court in a home or facility located outside
 14 Indiana, if the placement is not recommended or approved by the
 15 director of the department or the director's designee.

16 (f) If a county is responsible for the payment of:

17 (1) any costs or expenses of services for or the placement of a
 18 child in need of services; or

19 (2) the costs or expenses of services for or the placement of a
 20 delinquent child;

21 the court may order the parents to reimburse the county as set forth in
 22 section 3-8 of this chapter.

23 SECTION 15. IC 31-40-1-3 IS REPEALED [EFFECTIVE JULY 1,
 24 2021]. Sec. 3: (a) A parent or guardian of the estate of:

25 (1) a child adjudicated a delinquent child or a child in need of
 26 services; or

27 (2) a participant in a program of informal adjustment approved by
 28 a juvenile court under IC 31-34-8 or IC 31-37-9;

29 is financially responsible as provided in this chapter (or
 30 IC 31-6-4-18(e) before its repeal) for any services provided by or
 31 through the department.

32 (b) Each person described in subsection (a) shall, before a hearing
 33 under subsection (c) concerning payment or reimbursement of costs;
 34 furnish the court and the department with an accurately completed and
 35 current child support obligation worksheet on the same form that is
 36 prescribed by the Indiana supreme court for child support orders.

37 (c) At:

38 (1) a detention hearing;

39 (2) a hearing that is held after the payment of costs by the
 40 department under section 2 of this chapter (or IC 31-6-4-18(b)
 41 before its repeal);

42 (3) the dispositional hearing; or



(4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents or the guardian of the child's estate to pay for, or reimburse the department for the cost of services provided to the child or the parent or guardian unless the court makes a specific finding that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

(d) Any parental reimbursement obligation under this section shall be paid directly to the department and not to the local court clerk so long as the child in need of services case, juvenile delinquency case, or juvenile status offense case is open. The department shall keep track of all payments made by each parent and shall provide a receipt for each payment received. At the end of the child in need of services, juvenile delinquency, or juvenile status action, the department shall provide an accounting of payments received, and the court may consider additional evidence of payment activity and determine the amount of parental reimbursement obligation that remains unpaid. The court shall reduce the unpaid balance to a final judgment that may be enforced in any court having jurisdiction over such matters.

(e) After a judgment for unpaid parental reimbursement obligation is rendered, payments made toward satisfaction of the judgment shall be made to the clerk of the court in the county where the enforcement action is filed and shall be promptly forwarded to the department in the same manner as any other judgment payment.

SECTION 16. IC 31-40-1-3.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3-5: (a) If a juvenile court:

(1) adjudicates a child to be a delinquent child; and

(2) awards wardship of the child to the department of correction; the juvenile court may conduct a hearing. The juvenile court shall use the Child Support Rules and Guidelines of the Indiana supreme court and the child support obligation worksheet developed by the Indiana supreme court to determine what each parent should pay for the services provided for the child under this section. If the parent participates with the treatment plans developed by the department of correction, the parent or parents are entitled to receive a parenting time credit under the Child Support Rules and Guidelines. The hearing may be conducted before or after the department of correction incurs costs for a child.

(b) Each parent shall, before a hearing under subsection (a), furnish the juvenile court and the department of correction with an accurately completed and current child support obligation worksheet on the same



1 form that is prescribed by the Indiana supreme court for child support
2 orders:

3 (c) A juvenile court may not order a parent to pay or reimburse the
4 department of correction if the juvenile court makes a specific finding
5 that the parent is unable to pay or that justice would not be served by
6 ordering payment from the parent:

7 (d) If, after a hearing, the juvenile court orders a parent to pay or
8 reimburse costs, the parent is financially responsible for the costs of
9 treatment services incurred by the department of correction:

10 (e) Any parental reimbursement obligation under this section shall
11 be paid directly to the clerk of the court so long as the juvenile
12 delinquency case is open. The clerk of the court shall keep track of all
13 payments made by each parent and shall provide a receipt for each
14 payment received. At the end of the juvenile delinquency action, the
15 clerk of the court shall provide an accounting of payments received;
16 and the juvenile court may consider additional evidence of payment
17 activity and determine the amount of parental reimbursement
18 obligation that remains unpaid. The juvenile court shall reduce the
19 unpaid balance to a final judgment that may be enforced in any court
20 having jurisdiction over such matters:

21 (f) After a judgment for unpaid parental reimbursement obligation
22 is rendered, payments made toward satisfaction of the judgment shall
23 be made to the clerk of the court in the county where the enforcement
24 action is filed and shall be forwarded promptly to the department of
25 correction in the same manner as any other judgment payment:

26 (g) The department of correction may compromise a claim owed by
27 a parent under this section. The department of correction, after
28 obtaining the advice of the attorney general, may notify the court of a
29 parental reimbursement obligation that is willfully ignored:

30 (h) Upon release from the department of correction, the parental
31 reimbursement obligation payment to the department of correction
32 ends. If there was a child support order for the child adjudicated
33 delinquent, it reverts to the most recent child support order in effect
34 before the child's adjudication. If the child is placed with a person other
35 than a custodial parent, the juvenile court shall establish a new support
36 order for the benefit of the child being released from the department of
37 correction:

38 (i) The department of correction shall deposit money collected
39 under this section in the division of youth services transitional services
40 fund established by IC 11-10-2-11:

41 SECTION 17. IC 31-40-1-3.8 IS REPEALED [EFFECTIVE JULY
42 1, 2021]. Sec. 3-8: (a) If a county is responsible for the payment of:



(1) any costs or expenses of services for or the placement of a child in need of services; or

(2) the costs or expenses of services for or the placement of a delinquent child under section 2 of this chapter;

the juvenile court ordering the services that the county is responsible for may hold a hearing. The juvenile court shall use the Child Support Rules and Guidelines of the Indiana supreme court and the child support obligation worksheet developed by the Indiana supreme court to determine what each parent should pay for the services provided for the child under this section. If the parent participates with the treatment plans developed by the department or court, the parent or parents are entitled to receive a parenting time credit under the Child Support Rules and Guidelines.

(b) Each person described in subsection (a) shall, before a hearing under subsection (c) concerning payment or reimbursement of costs, furnish the court with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders.

(c) At:

(1) a detention hearing;

(2) a hearing that is held after the payment of costs by the county;

(3) the dispositional hearing; or

(4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents to pay for, or reimburse the county for, the cost of services provided to the child or the parent unless the court makes a specific finding that the parent is unable to pay or that justice would not be served by ordering payment from the parent.

(d) Any parental reimbursement obligation under this section shall be paid directly to the clerk of the court so long as the child in need of services case, juvenile delinquency case, or juvenile status offense case is open. The clerk of the court shall keep track of all payments made by each parent and shall provide a receipt for each payment received. At the end of the child in need of services, juvenile delinquency, or juvenile status action, the clerk of the court shall provide an accounting of payments received; and the court may consider additional evidence of payment activity and determine the amount of parental reimbursement obligation that remains unpaid. The court shall reduce the unpaid balance to a final judgment that may be enforced in any court having jurisdiction over such matters.

(e) After a judgment for unpaid parental reimbursement obligation



1 is rendered; payments made toward satisfaction of the judgment shall
 2 be made to the clerk of the court in the county where the enforcement
 3 action is filed:

4 (f) The county may collect any money that is owed under this
 5 section as provided by IC 36-1-4-17.

6 (g) Upon release from services ordered under this section, the
 7 parental reimbursement obligation payment ends. If there was a child
 8 support order for the child adjudicated delinquent, it reverts to the most
 9 recent child support order in effect before the child's adjudication. If
 10 the child is placed with a person other than a custodial parent, the
 11 juvenile court shall establish a new support order for the benefit of the
 12 child:

13 SECTION 18. IC 31-40-1-4 IS REPEALED [EFFECTIVE JULY 1,
 14 2021]. Sec. 4: The parent or guardian of the estate of any child returned
 15 to Indiana under the interstate compact on juveniles under IC 31-37-23
 16 shall reimburse the department for all costs involved in returning the
 17 child that the court orders the parent or guardian to pay under section
 18 3 of this chapter (or IC 31-6-4-18(e) before its repeal) whether or not
 19 the child has been adjudicated a delinquent child or a child in need of
 20 services:

21 SECTION 19. IC 31-40-1-5 IS REPEALED [EFFECTIVE JULY 1,
 22 2021]. Sec. 5: (a) This section applies whenever the court approves
 23 removal of a child from the home of a child's parent or guardian and the
 24 department places the child in a child caring institution; a foster family
 25 home; a group home; or the home of a relative of the child that is not
 26 a foster family home:

27 (b) If an existing support order is in effect, the juvenile court shall
 28 order the support payments to be assigned to the department for the
 29 duration of the placement out of the home of the child's parent or
 30 guardian. The juvenile court shall notify the court that:

31 (1) entered the existing support order; or

32 (2) had jurisdiction, immediately before the placement, to modify

33 or enforce the existing support order;

34 of the assignment and assumption of jurisdiction by the juvenile court
 35 under this section:

36 (c) If an existing support order is not in effect, the court shall do the
 37 following:

38 (1) Include in the order for out-of-home placement of the child an
 39 assignment to the department or confirmation of an assignment
 40 that occurs or is required under applicable federal law; of any
 41 rights to support, including support for the cost of any medical
 42 care payable by the state under IC 12-15; from any parent or



guardian who has a legal obligation to support the child:

(2) Order support paid to the department by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian; unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

(B) the department does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for the cost of (in whole or in part) providing food; clothing; shelter; daily supervision; school supplies; a child's personal incidentals; liability insurance with respect to a child; and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g):

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the:

(1) clerk of the circuit court as trustee for remittance to the department; or

(2) state central collection unit established in IC 31-25-3-1.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The department shall, if requested, assist the Title IV-D agency in performing its duties under this subsection:

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the department under subsection (b); or



(B) had jurisdiction; immediately before the placement; to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child; with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor; a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse the department for all or any portion of the expenses for services provided to or for the benefit of the child that are paid by the department during the placement of the child out of the home of the parent or guardian; in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section; subject to applicable federal law.

SECTION 20. IC 31-40-1-6 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 6: (a) The department may contract with any of the following; on terms and conditions with respect to compensation and payment or reimbursement of expenses as the department may determine; for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county in which the juvenile court that ordered or approved the services is located or in which the obligor resides.

(2) An attorney licensed to practice law in Indiana; if the attorney is not an employee of the department.

(3) A private collection agency licensed under IC 25-11.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in



1 enforcement and collection of parental obligations to reimburse the
2 department.

3 (d) Contracts between a prosecuting attorney; a private attorney; or
4 a collection agency licensed under IC 25-11 and the department:

5 (1) must:

6 (A) be in writing;

7 (B) include:

8 (i) all fees, charges, and costs, including administrative and
9 application fees; and

10 (ii) the right of the department to cancel the contract at any
11 time;

12 (C) require the prosecuting attorney; private attorney; or
13 collection agency; upon the request of the department; to
14 provide the:

15 (i) source of each payment received for a parental
16 reimbursement order;

17 (ii) form of each payment received for a parental
18 reimbursement order; and

19 (iii) amount and percentage that is deducted as a fee or a
20 charge from each payment on the parental reimbursement
21 order; and

22 (D) have a term of not more than four (4) years; and

23 (2) may be negotiable contingency contracts in which a
24 prosecuting attorney; private attorney; or collection agency may
25 not collect a fee that exceeds fifteen percent (15%) of the parental
26 reimbursement collected per case:

27 (e) A prosecuting attorney; private attorney; or collection agency
28 that contracts with the department under this section may; in addition
29 to the collection of the parental reimbursement order; assess and collect
30 from an obligor all fees, charges, costs, and other expenses as provided
31 under the terms of the contract described in subsection (d):

32 SECTION 21. IC 31-40-2-1 IS REPEALED [EFFECTIVE JULY 1,
33 2021]. Sec. 1: (a) Subject to IC 31-40-1-3, a juvenile court may order
34 each delinquent child who receives supervision under IC 31-37-19 or
35 the child's parent, guardian, or custodian to pay to either the probation
36 department or the clerk of the court:

37 (1) an initial probation user's fee of at least twenty-five dollars
38 (\$25) but not more than one hundred dollars (\$100);

39 (2) a probation user's fee of at least ten dollars (\$10) but not more
40 than twenty-five dollars (\$25) for each month the child receives
41 supervision; and

42 (3) an administrative fee of one hundred dollars (\$100) if the



delinquent child is supervised by a juvenile probation officer:

(b) If a clerk of a court collects a probation user's fee, the clerk:

(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:

(A) county auditor who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer; or

(C) town general fund when requested by the town fiscal officer.

(c) The probation department or clerk shall collect the administrative fee under subsection (a)(3) before collecting any other fee under subsection (a). The probation department or the clerk shall deposit the probation user's fees and the administrative fees paid under subsection (a) into the county supplemental juvenile probation services fund.

(d) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1-5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(e) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (a).

(f) The probation department shall deposit the credit card service fees collected under subsection (e) into the county supplemental juvenile probation services fund. These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 22. IC 31-40-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 1-5: Notwithstanding the probation user's fee amounts



1 established under section 1 of this chapter; a court may order a person
 2 to pay a probation user's fee that exceeds the maximum amount
 3 allowed under section 1 of this chapter if:

- 4 (1) the person was placed on probation in another state and
 5 moved or was transferred to Indiana;
- 6 (2) the other state allows a higher probation user's fee than the
 7 maximum amount allowed under section 1 of this chapter; and
- 8 (3) the probation user's fee the court orders the person to pay does
 9 not exceed the maximum amount allowed in the other state.

10 SECTION 23. IC 31-40-2-1.7 IS REPEALED [EFFECTIVE JULY
 11 1, 2021]. Sec. 1.7: (a) A person may pay a monthly probation user's fee
 12 under section 1 or 1.5 of this chapter before the date the payment is
 13 required to be made without obtaining the prior approval of a court or
 14 a probation department. However, if a delinquent child is discharged
 15 from probation before the date the delinquent child was scheduled to
 16 be released from probation, any monthly probation user's fee paid in
 17 advance for the delinquent child may not be refunded.

18 (b) A probation department may petition a court to:

- 19 (1) impose a probation user's fee on a person; or
- 20 (2) increase a person's probation user's fee;

21 under section 1 or 1.5 of this chapter if the financial ability of the
 22 person to pay a probation user's fee changes while the person is on
 23 probation.

24 (c) An order to pay a probation user's fee under section 1 or 1.5 of
 25 this chapter:

26 (1) is a judgment lien that:

- 27 (A) attaches to the property of the person subject to the order;
- 28 (B) may be perfected;
- 29 (C) may be enforced to satisfy any payment that is delinquent
 30 under section 1 or 1.5 of this chapter; and
- 31 (D) expires;

32 in the same manner as a judgment lien created in a civil
 33 proceeding;

- 34 (2) is not discharged by the completion of the person's
 35 probationary period or other sentence imposed on the person; and
- 36 (3) is not discharged by the liquidation of a person's estate by a
 37 receiver under IC 32-30-5.

38 (d) A delinquent child placed on probation for more than one (1)
 39 delinquent act:

- 40 (1) may be required to pay more than one (1) initial probation
 41 user's fee; and
- 42 (2) may not be required to pay more than one (1) monthly



1 probation user's fee per month;

2 to either the probation department or the clerk of the court:

3 (e) If a court orders a person to pay a probation user's fee under
4 section 1 or 1.5 of this chapter, the court may garnish the wages, salary,
5 and other income earned by the person to enforce the order:

6 SECTION 24. IC 31-40-3-1 IS REPEALED [EFFECTIVE JULY 1,
7 2021]. Sec. 1. Subject to IC 31-40-1-3, juvenile court may order the
8 parent or guardian of the estate of any child for whom a guardian ad
9 litem or court appointed special advocate is appointed to pay to the
10 probation department a user fee of not more than one hundred dollars
11 (\$100) for deposit by the probation department in:

12 (1) the guardian ad litem fund if a guardian ad litem has been
13 appointed; or

14 (2) the court appointed special advocate fund if a court appointed
15 special advocate has been appointed:

16 SECTION 25. IC 31-40-4-1 IS REPEALED [EFFECTIVE JULY 1,
17 2021]. Sec. 1. If the parent or guardian of the estate:

18 (1) defaults in reimbursing the county or department, as ordered
19 by the juvenile court; or

20 (2) fails to pay a fee authorized by this article;

21 the juvenile court may find the parent or guardian in contempt and
22 enter judgment for the amount due:

23 SECTION 26. IC 31-40-5 IS ADDED TO THE INDIANA CODE
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]:

26 Chapter 5. Outstanding Costs and Warrants

27 Sec. 1. (a) Any unpaid outstanding balance of any costs, fees, or
28 other financial obligations imposed on a delinquent child, or the
29 parent or guardian of a delinquent child, pursuant to any of the
30 following statutes as repealed or amended during the 2021 regular
31 session of the general assembly:

32 (1) IC 11-13-4.5-4;

33 (2) IC 31-30-2-1;

34 (3) IC 31-37-9-9 (repealed);

35 (4) IC 31-37-19-1;

36 (5) IC 31-37-19-5;

37 (6) IC 31-40-1-2;

38 (7) IC 31-40-1-3 (repealed);

39 (8) IC 31-40-1-3.5 (repealed);

40 (9) IC 31-40-1-3.8 (repealed);

41 (10) IC 31-40-1-4 (repealed);

42 (11) IC 31-40-1-5 (repealed);



- (12) IC 31-40-2-1 (repealed);
- (13) IC 31-40-2-1.5 (repealed);
- (14) IC 31-40-2-1.7 (repealed);
- (15) IC 31-40-3-1 (repealed);
- (16) IC 31-40-4-1 (repealed);
- (17) IC 33-23-16-23.5 (repealed);
- (18) IC 33-37-4-3 (repealed);
- (19) IC 33-37-5-10; and
- (20) IC 33-40-3-6;

are vacated and shall be unenforceable and uncollectable.

(b) No delinquent child, or parent or guardian of a delinquent child, shall be required to take any affirmative action to vacate any unpaid outstanding balance described in subsection (a).

(c) The office of judicial administration, in consultation with other state or municipal agencies as necessary, shall establish procedures to vacate all such unpaid outstanding balances as described in subsection (a).

(d) The office of judicial administration shall design and implement the procedures described in subsection (c) so that all such outstanding balances described in subsection (a) are vacated by January 1, 2022.

Sec. 2. (a) Any unpaid outstanding balance resulting from a civil judgment based on any costs, fees, or other financial obligations imposed on a delinquent child, or the parent or guardian of a delinquent child, pursuant to any of the following statutes as repealed or amended during the 2021 regular session of the general assembly:

- (1) IC 11-13-4.5-4;
- (2) IC 31-30-2-1;
- (3) IC 31-37-9-9 (repealed);
- (4) IC 31-37-19-1;
- (5) IC 31-37-19-5;
- (6) IC 31-40-1-2;
- (7) IC 31-40-1-3 (repealed);
- (8) IC 31-40-1-3.5 (repealed);
- (9) IC 31-40-1-3.8 (repealed);
- (10) IC 31-40-1-4 (repealed);
- (11) IC 31-40-1-5 (repealed);
- (12) IC 31-40-2-1 (repealed);
- (13) IC 31-40-2-1.5 (repealed);
- (14) IC 31-40-2-1.7 (repealed);
- (15) IC 31-40-3-1 (repealed);



- (16) IC 31-40-4-1 (repealed);
- (17) IC 33-23-16-23.5 (repealed);
- (18) IC 33-37-4-3 (repealed);
- (19) IC 33-37-5-10; and
- (20) IC 33-40-3-6;

are vacated and shall be unenforceable and uncollectable.

(b) No delinquent child, or the parent or guardian of a delinquent child, shall be required to take any affirmative action to vacate any unpaid outstanding balance described in subsection (a).

(c) The office of judicial administration, in consultation with other state or municipal agencies as necessary, shall establish procedures to vacate all such unpaid outstanding balances as described in subsection (a).

(d) The office of judicial administration shall design and implement the procedures described in subsection (c) so that all such unpaid outstanding balances described in subsection (a) are vacated before January 1, 2022.

Sec. 3. (a) Any warrant issued solely on the basis that a delinquent child, or parent or guardian of a delinquent child, failed to pay costs, fees, or other financial obligations, or failed to appear on a court date set for the sole purpose of the payment of costs, fees, or other financial obligations are hereby deemed null and void.

(b) No delinquent child, or the parent or guardian of a delinquent child, shall be required to take any affirmative action to recall and void any outstanding warrant issued pursuant to the requirements of subsection (a).

(c) The office of judicial administration, in consultation with other state, municipal, or law enforcement agencies as necessary, shall establish procedures to formally rescind and expunge all such warrants.

(d) The office of judicial administration shall design and implement the procedures described in subsection (c) so that any outstanding warrants described in subsection (a) are rescinded and expunged by January 1, 2022.

Sec. 4. This chapter expires July 1, 2022.

SECTION 27. IC 33-23-16-23.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 23-5: (a) A parent or guardian of a child:

(+) who is:

(A) adjudicated a delinquent child; or

(B) in a program of informal adjustment approved by a



1 juvenile court under IC 31-37-9; and
 2 (2) who is accepted into a problem solving court program;
 3 is financially responsible for the problem solving court services fee and
 4 chemical testing expenses assessed against the child by the problem
 5 solving court under this chapter.

6 (b) A parent or guardian of a child described in subsection (a) shall;
 7 before a hearing under subsection (c) concerning payment of fees and
 8 expenses assessed against the child; provide financial information to
 9 the problem solving court as ordered by the problem solving court.

10 (c) The problem solving court shall hold a hearing and may order
 11 the parent or guardian to pay fees and expenses assessed against a child
 12 described in subsection (a) unless the problem solving court makes a
 13 specific finding that:

14 (1) the parent or guardian is unable to pay the fees or expenses;
 15 or

16 (2) justice would not be served by ordering the parent or guardian
 17 to pay the fees or expenses.

18 (d) If a parent or guardian is ordered to pay fees or expenses under
 19 this section; the parent or guardian shall pay the fees or expenses to the
 20 problem solving court or the clerk of the court. The problem solving
 21 court shall keep a record of all payments made under this section by
 22 each parent or guardian. When a child is discharged from a problem
 23 solving court program; the problem solving court shall determine the
 24 amount of any unpaid fees or expenses a parent or guardian owes under
 25 this section. The problem solving court may reduce the unpaid balance
 26 to a final judgment that may be enforced in any court that has
 27 appropriate jurisdiction.

28 SECTION 28. IC 33-24-6-4, AS AMENDED BY P.L.161-2018,
 29 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 4. (a) The office of judicial administration shall
 31 establish and administer an office of guardian ad litem and court
 32 appointed special advocate services. The office of judicial
 33 administration shall use money it receives from the state general fund
 34 to administer the office. If funds for guardian ad litem and court
 35 appointed special advocate programs are appropriated by the general
 36 assembly, the office of judicial administration shall provide matching
 37 funds to counties that implement and administer, in courts with
 38 juvenile jurisdiction, a guardian ad litem or court appointed special
 39 advocate program for children who are alleged to be victims of child
 40 abuse or neglect under IC 31-33. Matching funds must be distributed
 41 in accordance with the provisions of section 5 of this chapter. A county
 42 may use these matching funds to supplement amounts that are collected



as fees under IC 31-40-3-1 and used for the operation of guardian ad litem and court appointed special advocate programs. The office of judicial administration may use its administrative fund to provide training services and communication services for local officials and local guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for matching funds under this section.

(b) Matching funds provided to a county under this section shall be used for guardian ad litem and court appointed special advocate programs and may be deposited in the county's guardian ad litem or court appointed special advocate fund described in IC 31-40-3.

(c) Any matching funds appropriated to the office of judicial administration that are not used before July 1 of each fiscal year do not revert but shall be redistributed under this section on July 1. The office of judicial administration shall redistribute the funds among counties providing guardian ad litem and court appointed special advocate programs that are entitled to receive matching funds.

(d) Money appropriated to the office of judicial administration does not revert at the end of a state fiscal year to the state general fund.

(e) Only guardian ad litem or court appointed special advocate programs certified by the supreme court are eligible for funding under this section.

SECTION 29. IC 33-37-4-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3: (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services);
- (2) IC 31-37 (delinquent children);
- (3) IC 31-14 (paternity);

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4);
- (2) A marijuana eradication program fee (IC 33-37-5-7);
- (3) An alcohol and drug services program fee (IC 33-37-5-8(b));
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c));
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10);
- (6) A document storage fee (IC 33-37-5-20);
- (7) An automated record keeping fee (IC 33-37-5-21);
- (8) A late payment fee (IC 33-37-5-22);



(9) A public defense administration fee (IC 33-37-5-21.2);

(10) A judicial insurance adjustment fee (IC 33-37-5-25);

(11) A judicial salaries fee (IC 33-37-5-26);

(12) A court administration fee (IC 33-37-5-27);

(13) A DNA sample processing fee (IC 33-37-5-26.2);

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

(1) The marijuana eradication program fee (IC 33-37-5-7);

(2) The alcohol and drug services program fee (IC 33-37-5-8(b));

(3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 30. IC 33-37-4-4, AS AMENDED BY P.L.39-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

(5) (4) Proceedings in small claims court under IC 33-34.

(6) (5) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

(5) A public defense administration fee (IC 33-37-5-21.2).

(6) A judicial insurance adjustment fee (IC 33-37-5-25).

(7) A judicial salaries fee (IC 33-37-5-26).

(8) A court administration fee (IC 33-37-5-27).

(9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).

(10) A garnishee service fee (IC 33-37-5-28(b)(3) or



1 IC 33-37-5-28(b)(4)).

2 (11) For a mortgage foreclosure action, a mortgage foreclosure
3 counseling and education fee (IC 33-37-5-33) (before its
4 expiration on July 1, 2017).

5 (12) Before July 1, 2022, a pro bono legal services fee (IC
6 33-37-5-31).

7 SECTION 31. IC 33-37-5-10 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The clerk shall
9 collect an alcohol and drug countermeasures fee of two hundred dollars
10 (\$200) in each action in which:

11 (1) a person is found to have:

12 (A) committed an offense under IC 9-30-5; **or**

13 (B) violated a statute defining an infraction under IC 9-30-5;

14 **or**

15 ~~(C) been adjudicated a delinquent for an act that would be an~~
16 ~~offense under IC 9-30-5, if committed by an adult; and~~

17 (2) the person's driving privileges are suspended by the court or
18 the bureau of motor vehicles as a result of the finding.

19 (b) The clerk shall collect an alcohol and drug countermeasures fee
20 of two hundred dollars (\$200) in each action in which:

21 (1) a person is charged with an offense under IC 9-30-5; and

22 (2) by a plea agreement or an agreement of the parties that is
23 approved by the court:

24 (A) judgment is entered for an offense under:

25 (i) IC 9-21-8-50;

26 (ii) IC 9-21-8-52;

27 (iii) IC 7.1-5-1-3; or

28 (iv) IC 7.1-5-1-6; and

29 (B) the defendant agrees to pay the alcohol and drug counter
30 measures fee.

31 SECTION 32. IC 33-37-7-2, AS AMENDED BY P.L.156-2020,
32 SECTION 124, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The clerk of a circuit court
34 shall distribute semiannually to the auditor of state as the state share for
35 deposit in the homeowner protection unit account established by
36 IC 4-6-12-9 one hundred percent (100%) of the automated record
37 keeping fees collected under IC 33-37-5-21 with respect to actions
38 resulting in the accused person entering into a pretrial diversion
39 program agreement under IC 33-39-1-8 or a deferral program
40 agreement under IC 34-28-5-1 and for deposit in the state general fund
41 seventy percent (70%) of the amount of fees collected under the
42 following:



- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- ~~(3) IC 33-37-4-3(a) (juvenile costs fees).~~
- ~~(4)~~ (3) IC 33-37-4-4(a) (civil costs fees).
- ~~(5)~~ (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- ~~(6)~~ (5) IC 33-37-4-7(a) (probate costs fees).
- ~~(7)~~ (6) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6) **and** IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway worksite zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) Seventy-five percent (75%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6) **and** IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:



(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(d) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(3) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18 for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34.



1 The clerk of a circuit court shall semiannually distribute to the auditor
 2 of state for deposit in the state general fund one hundred percent
 3 (100%) of the following:

4 (1) The public defense administration fee collected under
 5 IC 33-37-5-21.2.

6 (2) The judicial salaries fees collected under IC 33-37-5-26.

7 (3) The DNA sample processing fees collected under
 8 IC 33-37-5-26.2.

9 (4) The court administration fees collected under IC 33-37-5-27.

10 (i) The clerk of a circuit court shall semiannually distribute to the
 11 auditor of state for deposit in the judicial branch insurance adjustment
 12 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 13 the judicial insurance adjustment fee collected under IC 33-37-5-25.

14 (j) The proceeds of the service fee collected under
 15 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 16 follows:

17 (1) The clerk shall distribute one hundred percent (100%) of the
 18 service fees collected in a circuit, superior, county, or probate
 19 court to the county auditor for deposit in the county general fund.

20 (2) The clerk shall distribute one hundred percent (100%) of the
 21 service fees collected in a city or town court to the city or town
 22 fiscal officer for deposit in the city or town general fund.

23 (k) The proceeds of the garnishee service fee collected under
 24 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 25 follows:

26 (1) The clerk shall distribute one hundred percent (100%) of the
 27 garnishee service fees collected in a circuit, superior, county, or
 28 probate court to the county auditor for deposit in the county
 29 general fund.

30 (2) The clerk shall distribute one hundred percent (100%) of the
 31 garnishee service fees collected in a city or town court to the city
 32 or town fiscal officer for deposit in the city or town general fund.

33 (l) The clerk of the circuit court shall distribute semiannually to the
 34 auditor of state for deposit in the home ownership education account
 35 established by IC 5-20-1-27 one hundred percent (100%) of the
 36 following:

37 (1) The mortgage foreclosure counseling and education fees
 38 collected under IC 33-37-5-33 (before its expiration on July 1,
 39 2017).

40 (2) Any civil penalties imposed and collected by a court for a
 41 violation of a court order in a foreclosure action under
 42 IC 32-30-10.5.



(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 33. IC 33-37-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-7-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

~~(3) IC 33-37-4-3(a) (juvenile costs fees).~~

~~(4)~~ (3) IC 33-37-4-4(a) (civil costs fees).

~~(5)~~ (4) IC 33-37-4-6(a)(1) (small claims costs fees).

~~(6)~~ (5) IC 33-37-4-7(a) (probate costs fees).

~~(7)~~ (6) IC 33-37-5-17 (deferred prosecution fees).

(b) This section applies after June 30, 2005.

SECTION 34. IC 33-37-7-6, AS AMENDED BY P.L.201-2011, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit or superior court



located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- ~~(3) IC 33-37-4-3(a) (juvenile costs fees);~~
- ~~(4) (3)~~ IC 33-37-4-4(a) (civil costs fees).
- ~~(5) (4)~~ IC 33-37-4-6(a)(1) (small claims costs fees).
- ~~(6) (5)~~ IC 33-37-4-7(a) (probate costs fees).
- ~~(7) (6)~~ IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

(d) This section applies after June 30, 2005.

SECTION 35. IC 33-37-7-8, AS AMENDED BY P.L.144-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the



1 county auditor as the county share twenty percent (20%) of the amount
2 of fees collected under the following:

- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
- 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 5 (3) IC 33-37-4-4(a) (civil costs fees).
- 6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 7 (5) IC 33-37-5-17 (deferred prosecution fees).

8 (c) The city or town fiscal officer shall retain twenty-five percent
9 (25%) as the city or town share of the fees collected under the
10 following:

- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
- 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 13 (3) IC 33-37-4-4(a) (civil costs fees).
- 14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 15 (5) IC 33-37-5-17 (deferred prosecution fees).

16 (d) The clerk of a city or town court shall distribute semiannually to
17 the auditor of state for deposit in the state user fee fund established in
18 IC 33-37-9 the following:

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
20 interdiction, and correction fees collected under
21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) of the alcohol and drug
23 countermeasures fees collected under IC 33-37-4-1(b)(6) **and**
24 IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~
- 25 (3) One hundred percent (100%) of the highway worksite zone
26 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 27 (4) Seventy-five percent (75%) of the safe schools fee collected
28 under IC 33-37-5-18.
- 29 (5) One hundred percent (100%) of the automated record keeping
30 fee collected under IC 33-37-5-21 not distributed under
31 subsection (a).

32 (e) The clerk of a city or town court shall distribute monthly to the
33 county auditor the following:

- 34 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
35 interdiction, and correction fees collected under
36 IC 33-37-4-1(b)(5).
- 37 (2) Seventy-five percent (75%) of the alcohol and drug
38 countermeasures fees collected under IC 33-37-4-1(b)(6) **and**
39 IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~

40 The county auditor shall deposit fees distributed by a clerk under this
41 subsection into the county drug free community fund established under
42 IC 5-2-11.



(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

(4) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18.

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:



(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 36. IC 33-37-8-5, AS AMENDED BY P.L.187-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article: ~~and by the probation department for the juvenile court under IC 31-37-9-9:~~

(1) The pretrial diversion program fee.

~~(2) The informal adjustment program fee.~~

~~(3) (2)~~ The marijuana eradication program fee.

~~(4) (3)~~ The alcohol and drug services program fee.

~~(5) (4)~~ The law enforcement continuing education program fee.

~~(6) (5)~~ The deferral program fee.

~~(7) (6)~~ The jury fee.

~~(8) (7)~~ The problem solving court fee.

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

SECTION 37. IC 33-37-10-3, AS AMENDED BY P.L.41-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Except as provided in section 3.5 of this chapter, a witness in an action listed in IC 33-37-4-2, ~~IC 33-37-4-3,~~ IC 33-37-4-4, IC 33-37-4-6, and IC 33-37-4-7 is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) Five dollars (\$5) for each day of attendance in court.

SECTION 38. IC 33-40-3-6 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) If at any stage of
 2 a prosecution for a felony or a misdemeanor the court makes a finding
 3 of ability to pay the costs of representation under section 7 of this
 4 chapter, the court shall require payment by the person or the person's
 5 parent, if the person is a child alleged to be a delinquent child, of the
 6 following costs in addition to other costs assessed against the person:

7 (1) Reasonable attorney's fees if an attorney has been appointed
 8 for the person by the court.

9 (2) Costs incurred by the county as a result of court appointed
 10 legal services rendered to the person.

11 (b) The clerk of the court shall deposit costs collected under this
 12 section into the supplemental public defender services fund established
 13 under section 1 of this chapter.

14 (c) A person ordered to pay any part of the costs of representation
 15 under subsection (a) has the same rights and protections as those of
 16 other judgment debtors under the Constitution of the State of Indiana
 17 and under Indiana law.

18 (d) The sum of:

19 (1) the fee collected under IC 35-33-7-6;

20 (2) any amount assessed by the court under this section; and

21 (3) any amount ordered to be paid under IC 33-37-2-3;

22 may not exceed the cost of defense services rendered to the person.

23 SECTION 39. IC 33-40-3-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) If a defendant or
 25 a child alleged to be a delinquent child is receiving publicly paid
 26 representation, the court shall consider:

27 (1) the person's independently held assets and assets available to
 28 the spouse of the person; or the person's parent if the person is
 29 unemancipated;

30 (2) the person's income;

31 (3) the person's liabilities; and

32 (4) the extent of the burden that payment of costs assessed under
 33 section 6 of this chapter would impose on the person and the
 34 dependents of the person.

35 (b) If, after considering the factors described in subsection (a), the
 36 court determines that the person is able to pay the costs of
 37 representation, the court shall enter a finding that the person is able to
 38 pay those additional costs.

39 SECTION 40. IC 35-38-2-0.2, AS ADDED BY P.L.220-2011,
 40 SECTION 588, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2021]: Sec. 0.2. The following statutes, as
 42 added or amended by P.L.277-2003, apply only to individuals who are



placed on probation after June 30, 2003:

(1) IC 31-40-1-1.7(b) (before its repeal).

(2) IC 31-40-1-1.7(d) (before its repeal).

~~(3) IC 31-40-2-1(a).~~

~~(4) IC 31-40-2-1(b).~~

~~(5) IC 31-40-2-1.5.~~

~~(6)~~ (3) Section 1(c), 1(d), 1(e), and 1(i) of this chapter.

~~(7)~~ (4) Section 1.5 of this chapter.

~~(8)~~ (5) Section 1.7 of this chapter.

SECTION 41. IC 36-2-16.5-6, AS ADDED BY P.L.220-2011, SECTION 646, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Except as provided in subsection (b), the administrative fees deposited into:

~~(1) the county supplemental juvenile probation services fund under IC 31-40-2-1;~~

~~(2)~~ (1) the county supplemental adult probation services fund under IC 35-38-2-1(f); and

~~(3)~~ (2) the local supplemental adult probation services fund under IC 35-38-2-1(g);

shall be used to pay for salary increases required under the salary schedule adopted under this chapter and IC 11-13-1-8 that became effective January 1, 2004.

(b) Administrative fees collected that exceed the amount required to pay for salary increases required under the salary schedule adopted under this chapter and IC 11-13-1-8 may be used in any manner permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

SECTION 42. [EFFECTIVE JULY 1, 2021] **The legislative council is urged to assign to an appropriate interim study committee the topic of studying the collection and distribution of court cost fees under IC 33-37, including the following:**

(1) The distribution of fees from circuit, superior, municipal, and probate courts according to IC 33-37-7-2, IC 33-37-7-4, and IC 33-37-7-6.

(2) The distribution of fees from city and town courts according to IC 33-37-7-8.

(3) The amount distributed to the treasurer of state under IC 33-37-7-9.

(4) The impact of eliminating or consolidating certain court cost fees for indigent defendants.

(5) The fiscal impact of replacing certain court cost fees with an appropriation from the state general fund or other sources for funding.



1 SECTION 43. [EFFECTIVE JUNE 30, 2021] (a) **Any balance in**
2 **the division of youth services transitional fund established by**
3 **IC 11-10-2-11 shall be transferred to the state general fund on June**
4 **30, 2021.**
5 (b) This SECTION expires August 1, 2021.

