

Information Sharing Statutes

I.C. 31-39-2-9 – Juvenile Records

Person providing services to child or child's family

Sec. 9. The juvenile court may grant any person providing services to the child or the child's family access to the records on the child and the child's family.

I.C. 20-10.1-22.4-3 – FERPA (Federal Education Right to Privacy Act) in Indiana

Report of educational records without parental consent

Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 5-2-5.1-6.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, under the following conditions:

(1) The disclosure or reporting of education records is to a state or local juvenile justice agency.

(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

I.C. 5-2-5.1.6

“Juvenile justice agency” defined

Sec. 6. As used in this chapter, "juvenile justice agency" means an agency or department of any level of government, the functions of which include juvenile justice activities included under IC 5-2-6-1.

I.C. 5-2-6-1

Definitions

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

I.C. 31-39 – Access to Juvenile Records

Persons Entitled to Access to Juvenile Court Records

IC 31-39-2-1

Application of chapter

Sec. 1. (a) This chapter applies to all records of the juvenile court except the following:

(1) Records involving an adult charged with a crime or criminal contempt of court.

(2) Records involving a pregnant minor or her physician seeking a waiver of the requirement under IC 35-1-58.5-2.5 (before its repeal) or IC 16-34-2-4 that a physician who performs an abortion on an unemancipated minor first obtain the written consent of the minor's parent or guardian.

(b) The legal records subject to this chapter include the following:

- (1) Chronological case summaries.
- (2) Index summaries.
- (3) Summonses.
- (4) Warrants.
- (5) Petitions.
- (6) Orders.
- (7) Motions.

(8) Decrees.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-2

Juvenile court judge and staff

Sec. 2. The records of the juvenile court are available without a court order to the judge or any authorized staff member.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-3

Party and party's counsel

Sec. 3. (a) Except as provided in subsections (b) and (c), the records of the juvenile court are available without a court order to any party and the party's attorney. The party and the party's attorney may only review the records applicable to the proceeding in which the person is a party.

(b) A child excluded from a hearing under IC 31-32-6 may be denied access to records pertaining to that subject matter.

(c) A person who was denied access to a predisposition report or the records for a dispositional hearing may be denied access to that subject matter.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-4

Presentence investigations

Sec. 4. The records of the juvenile court are available without a court order to the judge of a court having criminal jurisdiction or any authorized staff member if the record is to be used in a presentence investigation in that court.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-5

Prosecuting attorney and staff

Sec. 5. The records of the juvenile court are available without a court order to the prosecuting attorney or any authorized staff member.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-6

Attorney or staff of county office of family and children, or staff of division of family and children or department of correction

Sec. 6. The records of the juvenile court are available without a court order to:

- (1) the attorney for the county office of family and children; or
- (2) any authorized staff member of:

- (A) the county office of family and children;
- (B) the division of family and children; or
- (C) the department of correction.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-7

Parents

Sec. 7. The records of the juvenile court are available without a court order to the parents of a child whenever the custody or support of that child is in issue in an action initiated under IC 31-15 or IC 31-16 (or IC 31-1-11.5 before its repeal).

As added by P.L.1-1997, SEC.22.

IC 31-39-2-8

Public access to records of juvenile delinquency proceedings

Sec. 8. (a) The records of the juvenile court are available without a court order to the public, subject to the restrictions in subsections (b) and (c), whenever a petition has been filed alleging that a child is delinquent as the result of any of the following alleged acts or combination of alleged acts:

- (1) An act that would be murder or a felony if committed by an adult.
- (2) An aggregate of two (2) unrelated acts that would be misdemeanors if committed by an adult if the child was at least twelve (12) years of age when the acts were committed.
- (3) An aggregate of five (5) unrelated acts that would be misdemeanors if committed by an adult if the child was less than twelve (12) years of age when the acts were committed.

(b) Only the following information or documents may be released under this section:

- (1) The child's name.
- (2) The child's age.
- (3) The nature of the offense.
- (4) Chronological case summaries.
- (5) Index entries.
- (6) Summonses.
- (7) Warrants.
- (8) Petitions.
- (9) Orders.
- (10) Motions, excluding:
 - (A) motions concerning psychological evaluations; and
 - (B) motions concerning child abuse and neglect.
- (11) Decrees.

(12) If the child is adjudicated as a delinquent child for an act or combination of acts described in subsection (a)(1), (a)(2), or (a)(3), the child's photograph.

(c) The clerk of the juvenile court shall place all other records of the child alleged to be or adjudicated as a delinquent child in an envelope marked "confidential" inside the court's file pertaining to the child. Records placed in the confidential envelope may only be released to persons who are allowed disclosure under this section or section 2, 3, 4, 5, 6, 7 or 10 of this chapter. The identifying information of any child who is a victim or a witness shall remain confidential under this section.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-9

Person providing services to child or child's family

Sec. 9. The juvenile court may grant any person providing services to the child or the child's family access to the records on the child and the child's family.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-10

Interested persons

Sec. 10. (a) Subject to section 15 of this chapter, the juvenile court may grant any person having a legitimate interest in the work of the court or in a particular case access to the court's legal records. In exercising its discretion, the court shall consider that the best interests of the safety and welfare of the community are generally served by the public's ability to obtain information about:

(1) the alleged commission of an act that would be murder or a felony if committed by an adult; or

(2) the alleged commission of an act that would be part of a pattern of less serious offenses.

(b) A person having access to the records under this section is not bound by the confidentiality provisions of IC 31-39-1 and may disclose the contents of the records.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-11

Researchers

Sec. 11. The juvenile court shall grant any person involved in a legitimate research activity access to the court's confidential records if:

(1) the person conducting the research provides written information about:

(A) the purpose of the person's project, including any intent to publish the

person's findings;

(B) the nature of the data the person seeks to collect and how the person intends to analyze the data;

(C) the records the person seeks to review; and

(D) the safeguards the person will take to protect the identity of the persons whose records the person will be reviewing;

(2) the proposed safeguards are adequate to protect the identity of each person whose records the researcher will review;

(3) the court informs the researcher of the provisions of IC 31-39-1 and this chapter, including the criminal liability of a person who recklessly fails to protect the records; and

(4) an agreement is executed between the court and the person responsible for the research that specifies the terms of the researcher's use of the records.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-12

Parties to criminal or juvenile delinquency proceedings

Sec. 12. (a) The juvenile court shall grant any party to a criminal or juvenile delinquency proceeding access to a person's legal records if the information may be used:

(1) to impeach the person as a witness; or

(2) to discredit the person's reputation if the person places reputation in issue.

(b) The information described in subsection (a) may only be used in criminal or juvenile delinquency proceedings in accordance with the law of evidence.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-13

Victim of delinquent act or victim's family; disclosure in civil action

Sec. 13. (a) The juvenile court may grant the victim of a delinquent act, or a member of the victim's family, access to the court's legal records if the information may be used in a civil action against:

(1) the child who committed the act; or

(2) the child's parent.

(b) A person having access to the records under this section may disclose the contents of the record if disclosure is necessary to prosecute any civil action.

As added by P.L.1-1997, SEC.22.

IC 31-39-2-14

Filing of copies of access order or agreement with researcher

Sec. 14. Whenever the juvenile court grants access to its records, the court shall

place a copy of the access order in the file of each person to whose records the order applies. However, if the access order is a general access order or an agreement under section 11 of this chapter (or IC 31-6-8-1(e) before its repeal), the copy shall be placed in a general file containing all general access orders or agreements under section 11 of this chapter (or IC 31-6-8-1(e) before its repeal).
As added by P.L.1-1997, SEC.22.

IC 31-39-2-15

Waiver of restrictions

Sec. 15. A person who is at least eighteen (18) years of age may waive the restrictions on access to the person's records if the person does so in writing, stating the terms of the person's waiver.

As added by P.L.1-1997, SEC.22.

IC 31-39-3

Chapter 3. Confidentiality of Law Enforcement Records

IC 31-39-3-1

Application of chapter

Sec. 1. This chapter applies to all law enforcement records involving allegations that a child is a delinquent child or a child in need of services.

As added by P.L.1-1997, SEC.22.

IC 31-39-3-2

Public access to juvenile delinquency records

Sec. 2. The following information contained in records involving allegations of delinquency that would be a crime if committed by an adult is considered public information:

(1) The nature of the offense allegedly committed and the circumstances immediately surrounding the alleged offense, including the time, location, and property involved.

(2) The identity of any victim.

(3) A description of the method of apprehension.

(4) Any instrument of physical force used.

(5) The identity of any officers assigned to the investigation, except for the undercover units.

(6) The age and sex of any child apprehended or sought for the alleged commission of the offense.

(7) The identity of a child, if the child is apprehended or sought for the alleged commission of:

(A) an offense over which a juvenile court does not have jurisdiction under IC 31-30-1-2 and IC 31-30-1-4; or

(B) an act specified under IC 31-30-3-3.

As added by P.L.1-1997, SEC.22.

IC 31-39-3-3

Public inspection of records of child's detention in secure facility

Sec. 3. Records relating to the detention of any child in a secure facility shall be open to public inspection.

As added by P.L.1-1997, SEC.22.

IC 31-39-3-4

Confidentiality and access to law enforcement records

Sec. 4. (a) All law enforcement records except those described in sections 2 and 3 of this chapter are confidential and are available only in accordance with IC 31-39-4.

(b) Each law enforcement agency shall take appropriate actions to protect the records described in subsection (a) from unauthorized disclosure.

As added by P.L.1-1997, SEC.22.

IC 31-39-4

Chapter 4. Persons Entitled to Access to Law Enforcement Records

IC 31-39-4-1

Application of chapter

Sec. 1. This chapter applies to all law enforcement records involving allegations that a child is a delinquent child or a child in need of services.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-2

Law enforcement agency head or officer

Sec. 2. The records of a law enforcement agency are available, without specific permission from the head of the agency, to a law enforcement officer acting within the scope of the officer's lawful duties.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-3

Juvenile court judge or staff

Sec. 3. The records of a law enforcement agency are available, without specific permission from the head of the agency, to the judge of the juvenile court or any

authorized staff member.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-4

Party or party's attorney in juvenile court proceedings

Sec. 4. (a) The records of a law enforcement agency are available, without specific permission from the head of the agency, to any party to a juvenile court proceeding and the party's attorney. However, a:

(1) child excluded from a hearing by IC 31-32-6 may be denied access to records pertaining to that subject matter; and

(2) person who was denied access to a predispositional report or the records for a dispositional hearing may be denied access to that subject matter.

(b) The party and the party's attorney may only review the records applicable to the proceeding in which the person is a party.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-5

Presentence investigations

Sec. 5. The records of a law enforcement agency are available, without specific permission from the head of the agency, to the judge of a court having criminal jurisdiction or any authorized staff member if the record is to be used in a presentence investigation in that court.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-6

Prosecuting attorney or staff

Sec. 6. The records of a law enforcement agency are available, without specific permission from the head of the agency, to the prosecuting attorney or any authorized member of the staff of the prosecuting attorney.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-7

Attorney and staff of county office of family and children

Sec. 7. The records of a law enforcement agency are available, without specific permission from the head of the agency, to the attorney for the county office of family and children or any authorized staff member.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-8

Interested persons

Sec. 8. (a) The head of a law enforcement agency or that person's designee may grant any person having a legitimate interest in the work of the agency or in a particular case access to the agency's confidential records. In exercising discretion, the head of a law enforcement agency shall consider that the best interests of the safety and welfare of the community are generally served by the public's ability to obtain information about:

(1) the identity of anyone charged with the alleged commission of any act that would be murder or a felony if committed by an adult; and

(2) the identity of anyone charged with the alleged commission of an act that would be part of a pattern of less serious offenses.

(b) A person having access to records under this section is not bound by the confidentiality provisions of IC 31-39-3 and may disclose the contents of the records.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-9

Researchers

Sec. 9. The head of a law enforcement agency may grant any person involved in a legitimate research activity access to the agency's confidential records if:

(1) the person conducting the research provides written information about:

(A) the purpose of the person's project, including any intent to publish the person's findings;

(B) the nature of the data the person seeks to collect and how the person intends to analyze the data;

(C) the records the person seeks to review; and

(D) the safeguards the person will take to protect the identity of the persons whose records will be reviewed;

(2) the proposed safeguards are adequate to protect the identity of each person whose records the researcher will review;

(3) the agency informs the researcher of the provisions of this section including the criminal liability of a person who recklessly fails to protect the records; and

(4) an agreement is executed between the agency and the person responsible for the research that specifies the terms of the researcher's use of the records.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-10

Party to criminal or juvenile delinquency proceedings

Sec. 10. (a) The head of the law enforcement agency shall grant any party to a criminal or juvenile delinquency proceeding access to a person's records if the

information may be used:

(1) to impeach the person as a witness; or

(2) to discredit the person's reputation if the person places reputation in issue.

(b) The information may only be used in criminal or juvenile delinquency proceedings in accordance with the law of evidence.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-11

Victim of delinquent act

Sec. 11. The victim of a delinquent act may ask a law enforcement agency if there is probable cause to believe that a specified child committed the act. The head of the agency shall release the child's name to the victim if the victim requires the name to proceed with a civil action for damages.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-12

Filing of copies of access order or agreement with researcher

Sec. 12. Whenever the head of a law enforcement agency grants access to the agency's records, that person shall place a copy of the access order in the file of each person to whose records the order applies. However, if the access order is a general access order or an agreement under section 9 of this chapter (or IC 31-6-8-1.2(d) before its repeal), the copy shall be placed in a general file containing all general access orders or agreements.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-13

Waiver of restrictions

Sec. 13. A person who is at least eighteen (18) years of age may waive the restrictions on access to the person's records if the person does so in writing, stating the terms of the waiver.

As added by P.L.1-1997, SEC.22.

IC 31-39-4-14

Limited jurisdiction and control of juvenile court over law enforcement records

Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

(1) records kept and maintained by law enforcement agencies relating to juveniles; and

(2) the discretion granted to heads of law enforcement agencies to release, or

to grant access to, records and information unless otherwise specifically provided in the juvenile law. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

As added by P.L.1-1997, SEC.22.