

INDIANA

<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>Child representatives are not required to be attorneys. While a state office of GAL/CASA provides oversight and organization, counties establish their own GAL services.</p> <p>... [T]he state office [of GAL/CASA] provides training and support services for local GAL/CASA programs. To date, there are certified GAL/CASA volunteer programs in 77 of Indiana's 92 counties. An advisory commission, which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance. The Advisory Commission has been involved in strategic planning over the past two years, setting goals and objectives for the statewide network and creating program standards and a code of ethics, which programs must comply with to be certified.</p> <p>Indiana law requires the appointment of either a guardian ad litem or a trained court appointed special advocate in abuse and neglect cases. Moreover, if a child becomes the subject of a petition to terminate the parent/child relationship and the parent objects, the court shall appoint a guardian ad litem or CASA for the child. About GAL, Division of State Court Administration.</p> <p>Sec. 1. Juvenile courts situated in adjacent counties may establish joint or multiple county guardian ad litem or court appointed special advocate services to carry out IND. CODE ANN. 31-34 and IND. CODE ANN. 31-37. IND. CODE ANN. § 31-31-7-1.</p>
<p>Funding Child Representation</p>	<p>In 1989, the Indiana General Assembly established an office of Guardian Ad Litem and Court Appointed Special Advocate services to be administered through the Division of State Court Administration. Through this program, counties can be certified to be eligible to receive matching grants administered by the Division and disbursed pursuant to a statutory formula. About GAL, Division of State Court Administration.</p> <p>The fiscal body of the county shall appropriate money from:</p> <p>(1) the guardian ad litem fund; or</p> <p>(2) the court appointed special advocate fund; to the juvenile courts of the county for use by the courts in providing guardian ad litem or court appointed special advocate services and the costs of representation for the guardians ad litem or court appointed special advocates. IND. CODE ANN. 31-40-3-2.</p> <p>Sec. 3. Money remaining in the guardian ad litem fund or court appointed special advocate fund at the end of the county's fiscal year does not revert to any other fund but continues in the guardian ad litem fund or court appointed special advocate fund. IND. CODE ANN. § 31-40-3-3.</p>
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict</p>	<p>[The court will appoint either a guardian ad litem, who may or may not be an attorney, or a court appointed special advocate, who is a community volunteer. IND. CODE ANN. 31-34-1 through -16 governs the practice of a Child in Need of Services.]</p> <p>"Guardian ad litem"... means an attorney, a volunteer, or an employee of a county program designated under IND. CODE ANN. 33-24-6-4 who is appointed by a court to:</p>

<p>situations, address special needs and disabilities, and accommodate client preferences.</p>	<p>(1) Represent and protect the best interests of a child; and (2) Provide the child with services requested by the court, including: (A) Researching; (B) Examining; (C) Advocating; (D) Facilitating; and (E) Monitoring; the child's situation. IND. CODE ANN. 31-9-2-50.</p> <p>The juvenile court may appoint a guardian ad litem or a court appointed special advocate, or both, for the child at any time. IND. CODE ANN. 31-32-3-1.</p> <p>The court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child: (1) If the child is alleged to be a child in need of services: (A) under IND. CODE ANN. 31-34-1-6; (B) under IND. CODE ANN. 31-34-1-10 or IND. CODE ANN. 31-34-1-11; (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or (D) because the location of both of the child's parents is unknown. (2) If the child is alleged to be a child in need of services under: (A) IND. CODE ANN. 31-34-1-1; (B) IND. CODE ANN. 31-34-1-2; (C) IND. CODE ANN. 31-34-1-3; (D) IND. CODE ANN. 31-34-1-4; (E) IND. CODE ANN. 31-34-1-5; (F) IND. CODE ANN. 31-34-1-7; or (G) IND. CODE ANN. 31-34-1-8 (3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter. IND. CODE ANN. 31-34-10-3.</p> <p>Whenever a child is taken into custody without a court order under this chapter, the attorney for the department of child services shall, without unnecessary delay, request the juvenile court to: (1) authorize the filing of a petition alleging that the child is a child in need of services; (2) hold an initial hearing under IND. CODE ANN. 31-34-10 not later than the next business day after the child is taken into custody; and (3) appoint a guardian ad litem or a court appointed special advocate for the child. IND. CODE ANN. 31-34-2.5-4.</p> <p>(a) If a parent objects to the termination of the parent-child relationship, the court shall appoint: (1) a guardian ad litem; (2) a court appointed special advocate; or (3) both;</p>
--	--

	<p>for the child.</p> <p>(b) If a guardian ad litem or court appointed special advocate has been appointed for the child under IND. CODE ANN. 31-34-10, the court may reappoint the guardian ad litem or court appointed special advocate to represent and protect the best interests of the child in the termination proceedings. IND. CODE ANN. 31-35-2-7(b).</p> <p>Children charged with delinquency are entitled to counsel; additionally, “the court may appoint counsel to represent any child in any other proceeding.” IND. CODE ANN. 31-32-4-2(b).</p> <p>A guardian ad litem or court appointed special advocate need not be an attorney, but the attorney representing the child may be appointed the child's guardian ad litem or court appointed special advocate. IND. CODE ANN. 31-32-3-3.</p> <p>The guardian ad litem or the court appointed special advocate may be represented by an attorney. IND. CODE ANN. 31-32-3-4.</p> <p>If necessary to protect the child's interests, the court may appoint an attorney to represent the guardian ad litem or the court appointed special advocate. The court may only appoint one (1) attorney under this section. IND. CODE ANN. 31-32-3-5.</p> <p>A guardian ad litem or court appointed special advocate shall represent and protect the best interests of the child. IND. CODE ANN. 31-32-3-6.</p> <p>Sec. 1. All courts have the authority to:</p> <p>(1) appoint a guardian ad litem to defend the interests of any person under eighteen (18) years of age impleaded in a suit; and</p> <p>(2) permit any person, as next friend, to prosecute a suit in a minor's behalf. IND. CODE ANN. § 34-9-2-1.</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p>The guardian ad litem or the court appointed special advocate, or both, shall be given access under IND. CODE ANN. 31-39 to:</p> <p>(1) all reports relevant to the case; and</p> <p>(2) any reports of examinations of the child's parents or other person responsible for the child's welfare. Ind. Code Ann. 31-33-15-2.</p> <p>Any of the following may sign and file a petition for the juvenile court to require the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child:</p> <p>(1) The attorney for the department.</p> <p>(2) The guardian ad litem or court appointed special advocate. IND. CODE ANN. 31-34-16-1.</p> <p>(a) Upon finding that a child is a child in need of services, the juvenile court shall order the department or a caseworker to prepare a predispositional report that contains a:</p> <p>(1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and</p> <p>(2) recommendation for the care, treatment, rehabilitation, or placement of the child.</p>

	<p>(b) Any of the following may prepare an alternative report for consideration by the court:</p> <ol style="list-style-type: none"> (1) The child. (2) The child's: <ol style="list-style-type: none"> (A) parent; (B) guardian; (C) guardian ad litem; (D) court appointed special advocate; or (E) custodian. IND. CODE ANN. 31-34-18-1. <p>(a) Predispositional reports shall be made available within a reasonable time before the dispositional hearing, unless the juvenile court determines on the record that the reports contain information that should not be released to the child or the child's parent, guardian, or custodian.</p> <p>(b) The court shall provide a copy of the report to:</p> <ol style="list-style-type: none"> (1) each attorney, guardian ad litem, or court appointed special advocate representing the child; and (2) each attorney representing the child's parent, guardian, or custodian. <p>(c) The court may provide a factual summary of the report to:</p> <ol style="list-style-type: none"> (1) the child; or (2) the child's parent, guardian, or custodian. IND. CODE ANN. 31-34-18-6. <p>Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with a child:</p> <ol style="list-style-type: none"> (1) The attorney for the department. (2) The guardian ad litem or court appointed special advocate. IND. CODE ANN. 31-34-25-1. <p>(a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:</p> <ol style="list-style-type: none"> (1) The attorney for the department. (2) The child's court appointed special advocate. (3) The child's guardian ad litem. IND. CODE ANN. 31-35-2-4.
<p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p>(a) Before entering its dispositional decree, the juvenile court shall do the following:</p> <ol style="list-style-type: none"> (1) Consider the recommendations for the needs of the child for care, treatment, rehabilitation, or placement made by the department in the department's predispositional report. (2) Consider the recommendations for the needs of the child for care, treatment, rehabilitation, or placement made by the parent, guardian or custodian, guardian ad litem or court appointed special advocate, foster parent, other caretaker of the child, or other party to the proceeding.... IND. CODE ANN. 31-34-19-6.1. <p>(a) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a child witness or child victim if the court finds that:</p>

	<p>(1) an allegation or a defense involves matters of a sexual nature; and</p> <p>(2) closing the proceeding is necessary to protect the welfare of a child witness or child victim.</p> <p>(b) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a health care provider if the court finds that:</p> <p>(1) the testimony involves matters that would be protected under 45 CFR Parts 160 and 164 (Health Insurance Portability and Accountability Act of 1996 (HIPAA)); or</p> <p>(2) the testimony involves matters that would be a privileged communication between a health care provider and the health care provider's patient</p> <p>(c) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of:</p> <p>(1) a: (A) certified social worker; (B) certified clinical social worker; or (C) certified marriage and family therapist; regarding a client;</p> <p>(2) a school counselor regarding a student; or</p> <p>(3) a school psychologist regarding a student. IND. CODE ANN. 31-32-6-4.</p> <p>(a) If the allegations of a petition have been admitted, the juvenile court may hold a dispositional hearing immediately after the initial hearing.</p> <p>(b) If the allegations have been denied, the juvenile court may hold the factfinding hearing immediately after the initial hearing.</p> <p>(c) The following persons must consent to holding a hearing under subsection (a) or (b) immediately after the initial hearing:</p> <p>(1) The child if competent to do so.</p> <p>(2) The child's: (A) counsel; (B) guardian ad litem; (C) court appointed special advocate; (D) parent; (E) guardian; or (F) custodian.</p> <p>(3) The person representing the interests of the state. IND. CODE ANN. 31-34-10-9.</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p>While the juvenile court retains jurisdiction under IND. CODE ANN. 31-30-2, the juvenile court may modify any dispositional decree:</p> <p>(1) upon the juvenile court's own motion;</p> <p>(2) upon the motion of:</p> <p>(A) the child2 ;</p> <p>(B) the child's: (i) parent; (ii) guardian; (iii) custodian; (iv) court appointed special advocate; or (v) guardian ad litem; or</p> <p>(C) the attorney for the department; or</p> <p>(3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court. IND. CODE ANN. 31-34-23-1.</p> <p>(b) During permanency hearings, the court shall</p> <p>...</p> <p>(4) consult with the child in person, or through an interview with or written statement or report submitted by:</p>

	<p>(A) a guardian ad litem or court appointed special advocate for the child;</p> <p>(B) a case manager; or</p> <p>(C) the person with whom the child is living and who has primary responsibility for the care and supervision of the child; in an age appropriate manner as determined by the court, regarding the proposed permanency plan;</p> <p>...</p> <p>(c) If the child is at least sixteen (16) years of age and the proposed permanency plan provides for the transition of the child from foster care to independent living, the court shall:</p> <p>(1) require the department to provide notice of the permanency hearing to the child, in accordance with section 4(a) of this chapter; and</p> <p>(2) provide to the child an opportunity to be heard and to make recommendations to the court, in accordance with section 4(d) of this chapter.... IND. CODE ANN. 31-34-21-7.</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>A. Applicability. This Rule governs appellate review per Indiana Code sections 31-34-4-7(f), 31-34-19-6.1(f), 31-37-5-8(g), and 31-37-18-9(d). [These sections concern the Juvenile Court.] All other appeals concerning children alleged to be in need of service or children alleged to be delinquent are not covered by this rule.</p> <p>B. Notice of Expedited Appeal.</p> <p>(1) The Department of Child Services (“DCS”) shall file a Notice of Expedited Appeal with the trial court clerk within five (5) business days after the court's order of placement and/or services is noted in the Chronological Case Summary. (See Form #App.R. 14.1-1.)</p> <p>(2) On the same day DCS files the Notice of Expedited Appeal, it shall serve the Notice on the trial court judge, the court clerk, county commissioners, the guardian ad litem, CASA, any juvenile who is the subject of the order if 14 years of age or older, counsel for the juvenile, the parents of the juvenile, the Attorney General, in the case of a juvenile delinquency matter the Chief Probation Officer and Prosecutor, and any other party of record.</p> <p>(3) The Notice of Expedited Appeal, in a form prescribed by this rule, shall designate the order from which the appeal is taken and any Transcript that is to be provided.</p> <p>(4) The certificate of service attached to the Notice of Expedited Appeal shall include (a) the name and address, and (b) the FAX number and e-mail address if known, of every person to whom it was sent.</p> <p>(5) Any party who has received the Notice of Expedited Appeal shall have five (5) business days from service of the Notice of Expedited Appeal to file an Appearance and request any additional other items to be included in the record. Failure to file an Appearance shall remove that party from the Appeal.</p> <p>(6) The trial court shall be considered a party to the Appeal if it files a timely appearance. IND. R. APP. P. 14.1.</p>
<p>6. Cessation of Representation: Contacts post representation, if any</p>	<p>A guardian ad litem or court appointed special advocate serves until the juvenile court enters an order for discharge under IND. CODE ANN. 31-34-21-11. IND. CODE ANN. 31-32-3-8.</p> <p>Sec. 11. When the juvenile court finds that the objectives of the dispositional decree have been met, the court shall discharge the child and the child's parent, guardian, or custodian. IND. CODE ANN. § 31-34-21-11.</p>
<p>7. General Representation Rules: Administrative</p>	<p>Sec. 7. The guardian ad litem or the court appointed special advocate, or both, shall be considered officers of the court for the purpose of representing the child's interests. IND. CODE ANN. § 31-32-3-7.</p>

<p>structure is clear for appointment, support and accountability of the CR. The child’s representative is independent from the court</p>	<p>Indiana Supreme Court Advisory Commission on Guardian ad Litem (“GAL”)/Court Appointed Special Advocate (“CASA”). Creation, Members and Staff Support. There is hereby created a commission to be known as the Indiana Supreme Court Advisory Commission on GAL/CASA. The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, West) and two at-large members of the judiciary. The Indiana Supreme Court shall appoint the members. The term of each member and the chair shall be three (3) years. The terms of the program directors shall be staggered so that one representative is appointed from each region every year. The terms of the judicial representatives shall also be staggered so that two judicial representatives are appointed each year. All members shall serve at the pleasure of the Supreme Court. The Commission members shall elect a Chair, ViceChair and other officers at the first meeting of the year. The Executive Director and of the Division of State Court Administration, the Division's GAL/CASA Director and Division staff shall assist the Commission in the performance of its duties. The Division GAL/CASA Director shall serve as ex-officio member of the Commission. IND. ADMIN. R. 4(E)(1).</p> <p>The division of state court administration shall establish and administer an office of guardian ad litem and court appointed special advocate services. The division shall use money it receives from the state general fund to administer the office. If funds for guardian ad litem and court appointed special advocate programs are appropriated by the general assembly, the division shall provide matching funds to counties that implement and administer, in courts with juvenile jurisdiction, a guardian ad litem or court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IND. CODE ANN. 31-33. Matching funds must be distributed in accordance with the provisions of section 5 of this chapter. A county may use these matching funds to supplement amounts that are collected as fees under IND. CODE ANN. 31-40-3-1 and used for the operation of guardian ad litem and court appointed special advocate programs. The division 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....</p> <p>Only guardian ad litem or court appointed special advocate programs certified by the supreme court are eligible for funding under this section. IND. CODE ANN. 33-24-6-3(a) & (e).</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>Indiana Supreme Court Advisory Commission on Guardian ad Litem (“GAL”)/Court Appointed Special Advocate (“CASA”). Duties of the Commission. The Indiana Supreme Court Advisory Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Indiana Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement. IND. ADMIN. R. 4(E)(2).</p> <p>(b) “Guardian ad litem”, for purposes of IND. CODE ANN. 31-33, IND. CODE ANN. 31-34, IND. CODE ANN. 31-35 and IND. CODE ANN. 31-37, means an attorney, a volunteer, or an employee of a county program designated under IND. CODE ANN. 33-24-6-4 who...</p> <p>(3) has completed training appropriate for the person's role, including training in:</p>

	<p>(A) the identification and treatment of child abuse and neglect; and (B) early childhood, child, and adolescent development IND. CODE ANN. § 31-9-2-50(b)(3).</p> <p>A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter. IND. CODE ANN. 31-9-2-50.</p> <p><i>There are no explicit requirements regarding training for attorneys who are appointed to represent children.</i></p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>Any costs related to the services of a guardian ad litem shall be paid according to IND. CODE ANN. 31-40. IND. CODE ANN. 31-33-15-3.</p> <p>If any fees arise, payment shall be made under IND. CODE ANN. 31-40. IND. CODE ANN. 31-32-3-9.</p> <p>Sec. 1. Subject to IND. CODE ANN. 31-40-1-3, juvenile court may order the parent or guardian of the estate of any child for whom a guardian ad litem or court appointed special advocate is appointed to pay to the probation department a user fee of not more than one hundred dollars (\$100) for deposit by the probation department in:</p> <p>(1) the guardian ad litem fund if a guardian ad litem has been appointed; or (2) the court appointed special advocate fund if a court appointed special advocate has been appointed. IND. CODE ANN. § 31-40-3-1.</p> <p><i>There are no explicit provisions regarding compensation of attorneys representing children. In Indiana, counties are generally responsible for funding indigent representation.</i></p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>