

<b>IC 31-32-5</b>	<b>Chapter 5. Waiver of Rights</b>
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**IC 31-32-5-1 Waiver of rights guaranteed to child**

Sec. 1. Any rights guaranteed to a child under the Constitution of the United States, the Constitution of the State of Indiana, or any other law may be waived only:

- (1) by counsel retained or appointed to represent the child if the child knowingly and voluntarily joins with the waiver;
- (2) by the child's custodial parent, guardian, custodian, or guardian ad litem if:
  - (A) that person knowingly and voluntarily waives the right;
  - (B) that person has no interest adverse to the child;
  - (C) meaningful consultation has occurred between that person and the child; and
  - (D) the child knowingly and voluntarily joins with the waiver; or
- (3) by the child, without the presence of a custodial parent, guardian, or guardian ad litem, if:
  - (A) the child knowingly and voluntarily consents to the waiver; and
  - (B) the child has been emancipated under IC 31-34-20-6 or IC 31-37-19-27, by virtue of having married, or in accordance with the laws of another state or jurisdiction.

[Pre-1997 Recodification Citation: 31-6-7-3(a).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-2 Child's waiver of right to meaningful consultation**

Sec. 2. The child may waive the child's right to meaningful consultation under section 1(2)(C) of this chapter if:

- (1) the child is informed of that right;
- (2) the child's waiver is made in the presence of the child's custodial parent, guardian, custodian, guardian ad litem, or attorney; and
- (3) the waiver is made knowingly and voluntarily.

[Pre-1997 Recodification Citation: 31-6-7-3(b).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-3 Admissibility of excluded statement for impeachment purposes**

Sec. 3. If:

- (1) a statement made knowingly and voluntarily cannot be admitted as evidence against a child because of failure to meet the requirements of section 1 of this chapter; and
- (2) the child testifies in the child's own defense;

the statement may be admitted to impeach the child as a witness in the same manner as evidence of any other prior inconsistent statement can be admitted for impeachment.

[Pre-1997 Recodification Citation: 31-6-7-3(c).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-4 Waiver of rights during custodial interrogation**

Sec. 4. In determining whether any waiver of rights during custodial interrogation was made knowingly and voluntarily, the juvenile court shall consider all the circumstances of the waiver, including the following:

- (1) The child's physical, mental, and emotional maturity.

(2) Whether the child or the child's parent, guardian, custodian, or attorney understood the consequences of the child's statements.

(3) Whether the child and the child's parent, guardian, or custodian had been informed of the delinquent act with which the child was charged or of which the child was suspected.

(4) The length of time the child was held in custody before consulting with the child's parent, guardian, or custodian.

(5) Whether there was any coercion, force, or inducement.

(6) Whether the child and the child's parent, guardian, or custodian had been advised of the child's right to remain silent and to the appointment of counsel.

[Pre-1997 Recodification Citation: 31-6-7-3(d).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-5 Parent's waiver of right to representation by counsel**

Sec. 5. A parent who is entitled to representation by counsel may waive that right if the parent does so knowingly and voluntarily.

[Pre-1997 Recodification Citation: 31-6-7-3(e).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-6 Waiver of service of summons**

Sec. 6. Any person other than the child may waive service of summons if the person does so in writing.

[Pre-1997 Recodification Citation: 31-6-7-3(f).]

*As added by P.L.1-1997, SEC.15.*

**IC 31-32-5-7 Waiver of right of parent, guardian, or custodian to be present at hearing concerning child**

Sec. 7. The right of a parent, guardian, or custodian to be present at any hearing concerning the person's child is waived by the person's failure to appear after lawful notice.

[Pre-1997 Recodification Citation: 31-6-7-3(g).]

*As added by P.L.1-1997, SEC.15.*