

**ORDINANCE NO. \_\_\_\_\_**  
**PORTER COUNTY BOARD OF COMMISSIONERS**  
**AN ORDINANCE CREATING A NON-REVERTING FUND**  
**FOR THE RECEIPT OF COURT ORDERED DETENTION SERVICE FEES**  
**FOR THE PORTER COUNTY JUVENILE DETENTION CENTER**

WHEREAS, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs; and,

WHEREAS, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and,

WHEREAS, the Board of County Commissioners has deemed it necessary for the effective operation of government as to local affairs to create a special fund for the deposit of Court Ordered Detention Enhanced Services (CODES) fees received by the Porter County Juvenile Detention Center.

WHEREAS, I.C. 31-40-1-1 and I.C. 31-40-1-3 require the court to order the parent or guardian of an estate of a child adjudicated a delinquent child to pay for, or reimburse the county for the cost of services provided to the child or parent or guardian, unless the court finds that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.; and

WHEREAS, I.C. 31-40-1-3 requires the parent or guardian of an estate of a child adjudicated a delinquent child to 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, in order for the Court to determine the extent of ability to pay.

BE IT AND IT IS HEREBY ORDAINED BY THE PORTER COUNTY BOARD OF COMMISSIONERS THAT:

Section 3.58.010, Section 3.58.020, Section 3.58.030, and Section 3.58.040 are added to the Porter County Municipal Code to read as follows:

1. 3.58.010 **Fund established**

A Court Ordered Detention Enhanced Services Fund is established whereby all Court Ordered Detention Enhanced Services fees received by the Porter County Juvenile Detention Center to be used to enhance the ability of the Porter County Juvenile Detention Center to develop, appropriately staff, and deliver rehabilitative programming, to provide adjunct services to other departments of the juvenile court as ordered by the Porter County Juvenile Court, and to perform and enhance those functions necessary to comply with the Indiana Standards for Juvenile Detention Facilities, shall be deposited in this special, non-reverting fund.

2. Section 3.58.020, **Per Diem Payable**

The amount of reimbursement due shall be

- a. a maximum equal to the per diem rate established by the Porter County Board of Commissioners for contracting counties; or
- b. a lesser amount as determined by the court's use of the child support guidelines;

multiplied by each day or part of a day that the juvenile is lawfully detained.

3. Section 3.58.030, **Use of Revenues**

The Court Ordered Detention Enhanced Services fees generated and deposited in the Court Ordered Detention Enhanced Services Fund and expenditures therefrom will be made by the Porter County Juvenile Detention Center, upon authorization of the Circuit Court Judge and upon appropriation by the county fiscal body, for the purposes of developing, appropriately staffing, and delivering rehabilitative programming, for providing adjunct services to other departments of the juvenile court as ordered by the Porter County Juvenile Court, and performing and enhancing the functions necessary to comply with the Indiana Standards for Juvenile Detention Facilities, which involves a wide range of services and programs that support the juveniles' intellectual, physical, emotional and social development, which

minimally include: education, recreation, counseling, nutrition, medical and health care services, reading, visitation, communication, continuous supervision, and staff training.

4. Section 3.58.040, **Termination of Fund/Transfer of Revenue**

The Court Ordered Detention Enhanced Services Fund shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent Ordinance enacted by the Board of Commissioners of Porter County; and if and when a subsequent Ordinance is passed to terminate the life of the Court Ordered Detention Enhanced Services Fund, the Fund balance existing, if any at that time, and if not otherwise provided for by Ordinance shall be transferred to the County General Fund.

This Ordinance passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2004.

BOARD OF COMMISSIONERS  
PORTER COUNTY, INDIANA

\_\_\_\_\_  
David Burrus

\_\_\_\_\_  
John Evans

\_\_\_\_\_  
Robert Harper

Attest: \_\_\_\_\_

Sandra K. Vuko, Auditor