



# **Legal Research Basics**

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**For Librarians**



Hi, my name is Cheri Harris





# Roadmap

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- Overview of legal authority (Primary vs. Secondary) – 15 mins
- Finding Federal Authority – 10 mins
- Finding State Authority – 20 mins
- Providing Research Assistance Only – 5 mins
- Q & A – 10 mins



# Overview of Legal Authority

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# Four Main Sources of Law

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- Constitution (Federal & State)
- Statutes (Federal, State, local ordinances)
- Case Law (Court opinions)
- Administrative Regulations (Executive branch rules)



# Two Separate Systems: Judicial Branch

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## State:

- Superior or Circuit Ct.
- IN Ct. of Appeals
- IN Supreme Court

## Federal:

- Federal District Ct.
- 7<sup>th</sup> Cir. Ct. of Appeals
- US Supreme Court



# Two Separate Systems: Legislative Branch

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State:

IN General Assembly  
passes Indiana Code  
(IC)

Federal:

US Congress passes  
US Code



# Two Separate Systems: Executive Branch

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State:

State Agencies pass  
Indiana Administrative  
Code (IAC)

Federal:

Federal Agencies pass  
Code of Federal  
Regulations (CFR)



# Types of Authority

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## Primary

- Statute
- Rule/Regulation
- Case law-Court Opinion

## Secondary

- Law Journal Article
- Treatise on a topic
- Newspaper or magazine article



# Expungement: An Example of Primary vs. Secondary Authority

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- Primary
  - What the Indiana Code says about expungement: IC 35-38-9
  - What Indiana Courts say about expungement: Key v. State, 48 N.E.3d 333 (Ind. Ct. App. 2015)
- Secondary
  - Brian M. Murray, A New Era for Expungement Law Reform? Recent Developments at the State and Federal Levels, 10 Harv. L. & Pol'y Rev. 361 (2016).



# Anatomy of a legal citation

---

- Key v. State, 48 N.E.3d 333, 340 (Ind. Ct. App. 2015)

Parts: (Parties to the case) (Volume) (Reporter) (Page & Pinpoint Cite) (Court & Year)

- Brian M. Murray, A New Era for Expungement Law Reform? Recent Developments at the State and Federal Levels, 10 Harv. L. & Pol'y Rev. 361 (2016).

Parts: (Author) (Title) (Volume) (Name of Law Review) (Page) (Year)



# Anatomy of a legal citation

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Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954)

Parts: (Parties to the case) (Volume Reporter Page) x 3 (Year)



# FEDERAL RESOURCES

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# Example from resource sheet

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US Department of Justice - Americans with Disabilities Act (ADA):

- How to file an ADA complaint:  
[https://www.ada.gov/fact\\_on\\_complaint.htm](https://www.ada.gov/fact_on_complaint.htm)
- Publications and Resources: <https://www.ada.gov/ta-pubs-pg2.htm#resources> includes materials for state & local governments, and for businesses and non-profits.





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<a href="#">BROWN v. BOARD OF EDUCATION</a> , 347 U.S. 483 (1954)	May 17, 1954	No. 10

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<a href="#">SOUTH CAROLINA STATE BOARD OF EDUCATION v. BROWN</a> , 393 U.S. 222 (1968)	December 9, 1968	No. 553
<a href="#">BROWN v. BOARD OF EDUCATION</a> , 347 U.S. 483 (1954)	May 17, 1954	No. 10
<a href="#">BROWN v. BOARD OF EDUCATION</a> , 344 U.S. 1 (1952)	October 8, 1952	No. 101
<a href="#">BROWN v. BOARD OF EDUCATION</a> , 344 U.S. 141 (1952)	November 24, 1952	No. 8
<a href="#">BROWN v. BOARD OF EDUCATION</a> , 349 U.S. 294 (1955)	May 31, 1955	No. 1

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United States Supreme Court

BROWN v. BOARD OF EDUCATION, (1954)

No. 10

Argued: December 9, 1952   Decided: May 17, 1954

Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment - even though the physical facilities and other "tangible" factors of white and Negro schools may be equal. Pp. 486-496.

(a) The history of the Fourteenth Amendment is inconclusive as to its intended effect on public education. Pp. 489-490.


(b) The question presented in these cases must be determined, not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation. Pp. 492-493.


(c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms. P. 493.


(d) Segregation of children in public schools solely on the basis of race deprives children of the minority group

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Criminal Law & Procedure

Habeas Corpus

Sentencing

Cyberspace Law

Debt Collection

Dispute Resolution & Arbitration

Drugs & Biotech

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Education Law

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By Court

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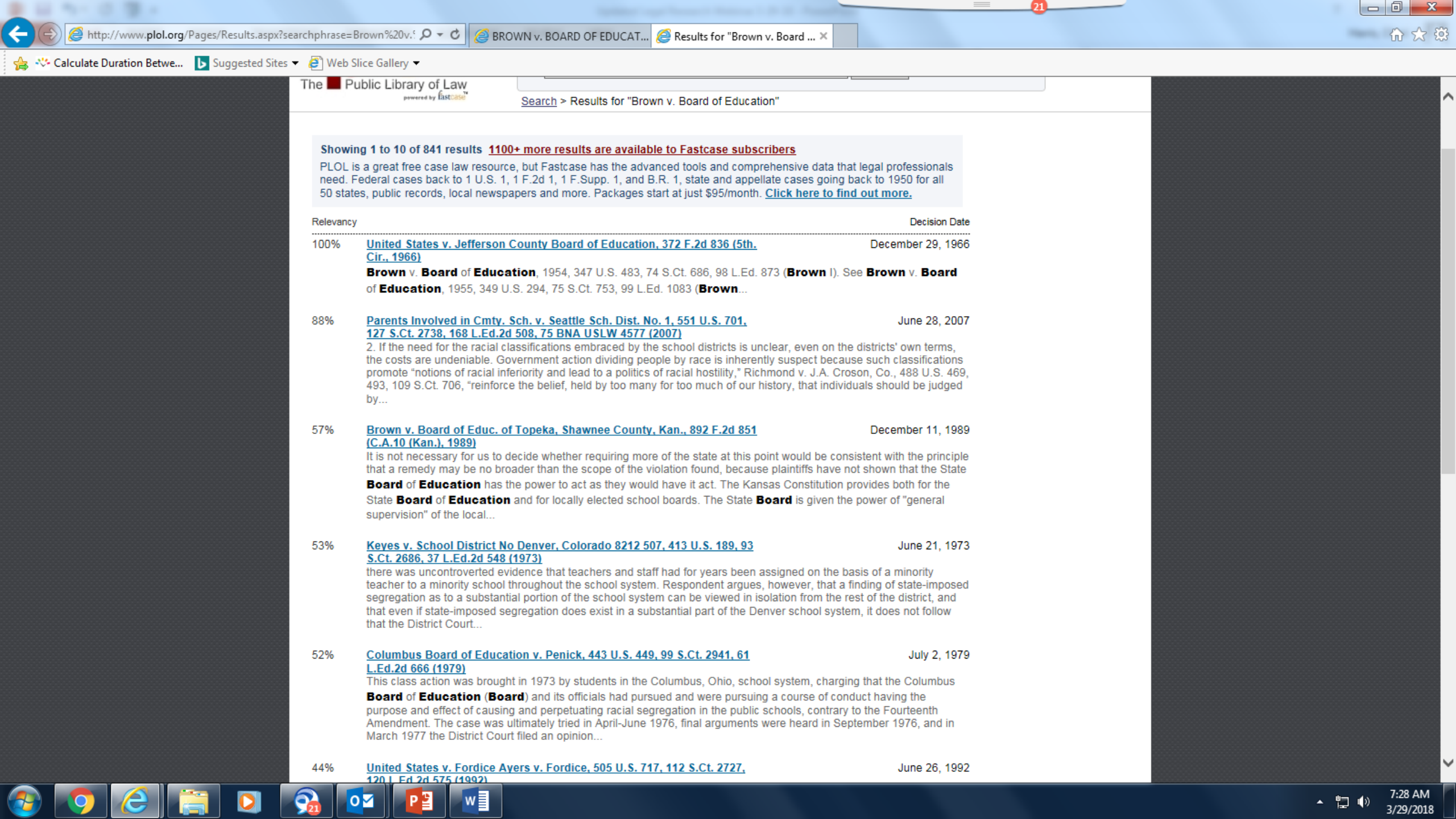
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Relevancy		Decision Date
100%	<a href="#">United States v. Jefferson County Board of Education, 372 F.2d 836 (5th Cir., 1966)</a> <b>Brown v. Board of Education</b> , 1954, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 ( <b>Brown I</b> ). See <b>Brown v. Board of Education</b> , 1955, 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 ( <b>Brown II</b> ).	December 29, 1966
88%	<a href="#">Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1, 551 U.S. 701, 127 S.Ct. 2738, 168 L.Ed.2d 508, 75 BNA USLW 4577 (2007)</a> 2. If the need for the racial classifications embraced by the school districts is unclear, even on the districts' own terms, the costs are undeniable. Government action dividing people by race is inherently suspect because such classifications promote "notions of racial inferiority and lead to a politics of racial hostility," <i>Richmond v. J.A. Croson, Co.</i> , 488 U.S. 469, 493, 109 S.Ct. 706, "reinforce the belief, held by too many for too much of our history, that individuals should be judged by...	June 28, 2007
57%	<a href="#">Brown v. Board of Educ. of Topeka, Shawnee County, Kan., 892 F.2d 851 (C.A.10 (Kan.), 1989)</a> It is not necessary for us to decide whether requiring more of the state at this point would be consistent with the principle that a remedy may be no broader than the scope of the violation found, because plaintiffs have not shown that the State <b>Board of Education</b> has the power to act as they would have it act. The Kansas Constitution provides both for the State <b>Board of Education</b> and for locally elected school boards. The State <b>Board</b> is given the power of "general supervision" of the local...	December 11, 1989
53%	<a href="#">Keyes v. School District No Denver, Colorado 8212 507, 413 U.S. 189, 93 S.Ct. 2686, 37 L.Ed.2d 548 (1973)</a> there was uncontroverted evidence that teachers and staff had for years been assigned on the basis of a minority teacher to a minority school throughout the school system. Respondent argues, however, that a finding of state-imposed segregation as to a substantial portion of the school system can be viewed in isolation from the rest of the district, and that even if state-imposed segregation does exist in a substantial part of the Denver school system, it does not follow that the District Court...	June 21, 1973
52%	<a href="#">Columbus Board of Education v. Penick, 443 U.S. 449, 99 S.Ct. 2941, 61 L.Ed.2d 666 (1979)</a> This class action was brought in 1973 by students in the Columbus, Ohio, school system, charging that the Columbus <b>Board of Education (Board)</b> and its officials had pursued and were pursuing a course of conduct having the purpose and effect of causing and perpetuating racial segregation in the public schools, contrary to the Fourteenth Amendment. The case was ultimately tried in April-June 1976, final arguments were heard in September 1976, and in March 1977 the District Court filed an opinion...	July 2, 1979
44%	<a href="#">United States v. Fordice Ayers v. Fordice, 505 U.S. 717, 112 S.Ct. 2727, 120 L. Ed.2d 575 (1992)</a>	June 26, 1992





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Relevancy		Decision Date
100%	<a href="#">Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873, 38 ALR2d 1180 (1954)</a>	May 17, 1954
100%	<a href="#">Brown v. Bd. of Educ. of Topeka, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873, 38 A.L.R.2d 1180, 53 O.O. 326 (1954)</a>	May 17, 1954

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#### Preview

**347 U.S. 483  
74 S.Ct. 686  
98 L.Ed. 873  
BROWN et al.**

v.

BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KAN., et al.  
BRIGGS et al. v. ELLIOTT et al. DAVIS et al. v. COUNTY SCHOOL BOARD OF  
PRINCE EDWARD COUNTY, VA., et al. GEBHART et al. v. BELTON et al.

**Nos. 1, 2, 4, 10.**

Reargued Dec. 7, 8, 9, 1953.

Decided May 17, 1954.

[Syllabus from pages 483-484 intentionally omitted]

Page 484

No. 1:

Mr. Robert L. Carter, New York City, for appellants Brown and others.

Mr. Paul E. Wilson, Topeka, Kan., for appellees Board of Education of  
Topeka and others.

Nos. 2, 4:

...

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# The Indiana Constitution

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PREAMBLE.

TO THE END, that justice be established, public order maintained, and liberty perpetuated; WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE 1.

Bill of Rights.



# Looking up Indiana Code

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# How Indiana Code is Organized

---

IC 29-3-5-1

Title – Article – Chapter – Section

Title 29. Probate

Article 3 Guardianships and Protective Proceedings

Chapter 5 Proceedings for Appointment of Guardian . . .


Section 1. Petitions for appointment of a guardian . . .



Indiana Code 2017 - Indiana Code

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Title 1. General Provisions

Title 2. General Assembly

Title 3. Elections

Title 4. State Offices and Administration

Title 5. State and Local Administration

Title 6. Taxation

Title 7.1. Alcohol and Tobacco

Title 8. Utilities and Transportation

Title 9. Motor Vehicles

Title 10. Public Safety

Title 11. Corrections

Title 12. Human Services

Title 13. Environment

Title 14. Natural and Cultural Resources

2017 Code

Title 1

Reference Material

Print Version

Search Current Title

IC 1

Art. 1.

Art. 2.

Art. 3.

IC 1-1

Ch. 1.

Ch. 1.1.

Ch. 2.

Ch. 2.5.

Ch. 3.

Ch. 3.1.

Ch. 3.2.

Ch. 3.5.

Ch. 4.

Ch. 5.

Ch. 5.5.

Ch. 6.

Ch. 7.

Ch. 7.5.

Ch. 8.

Ch. 8.1.

Ch. 9.

Ch. 10.

Ch. 11.

Ch. 12.

Ch. 12.5.

Ch. 13.

Ch. 14.

IC 1-1-1

1-1-1-1

1-1-1-2

1-1-1-2.1

1-1-1-3

1-1-1-4

1-1-1-5

1-1-1-6

TITLE 1. GENERAL PROVISIONS

LAWS GOVERNING THE STATE

STATE EMBLEMS

STATE BOUNDARIES

ARTICLE 1. LAWS GOVERNING THE STATE

Implementary Provisions for the Indiana Code

Repeal of Certain Noncode Statutes; Preservation of Other Noncode Statutes

LAWS GOVERNING THE STATE

Regulation of Intrastate Commerce

Proclamation Date; Effective Dates of Session

LAWS

Effectiveness of Acts Passed Over Governor's Veto

Repealed

Political Subdivisions Classified by Population; Effective Date of Decennial Census

Construction of Statutes

Effect of Repeal or Expiration; Reservation of Legislative Authority

Effect of Certain Acts

Interpretation of Name Designations

Interpretation of Registered Mail as Certified Mail

Interpretation of Certified Check as Bank Draft, Cashier's Check, or Money Order

Repealed

Standard Time

Legal Holidays

Indiana Day

Flag Day and Veterans' Day

Repealed

Casimir Pulaski Day

George Rogers Clark Day

Northwest Ordinance Day

Chapter 1. Implementary Provisions for the Indiana Code

Citation

Repeal of prior laws; provisions not repealed

Repeal of statutes not compiled and enacted after the 1975 regular session and before the 1985 regular session; provisions not repealed

Procedural statutes

Invalid statutes

Construction of statutes

Reservation of legislative officers' rights and

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Title 28. Financial Institutions

Title 29. Probate

Article 1. Probate Code

Article 2. Miscellaneous Provisions

Article 3. Guardianships and Protective Proceedi...

Article 3. Guardianships and Protective Proceedings

Chapter 1. Definitions

Chapter 2. General Provisions

Chapter 3. Proceedings in Lieu of Guardiansh...

Chapter 4. Protective Proceedings and Single...

Chapter 5. Proceedings for Appointment of G...

Chapter 6. Notice of Hearings

Chapter 7. Qualification and Bonding Require...

Chapter 8. Responsibilities and Powers of Gu...

Chapter 8.5. Volunteer Advocates for Seniors ...

Chapter 9. Matters Other Than Appointment

Chapter 10. Claims Against Protected Persons

Chapter 11. Liability of Guardians and Person...

Chapter 12. Termination of Guardianships an...

Chapter 13. Foreign Guardians

Article 3.5. Uniform Adult Guardianship and Prot...

IC 29-3

Ch. 1. Definitions

Ch. 2. General Provisions

Ch. 3. Proceedings in Lieu of Guardianships

Ch. 4. Protective Proceedings and Single Transactions

Ch. 5. Proceedings for Appointment of Guardian or to Procure a Protective Order

Ch. 6. Notice of Hearings

Ch. 7. Qualification and Bonding Requirements for Guardians

Ch. 8. Responsibilities and Powers of Guardian

Ch. 8.5. Volunteer Advocates for Seniors or Incapacitated Adults

Ch. 9. Matters Other Than Appointment

Ch. 10. Claims Against Protected Persons

Ch. 11. Liability of Guardians and Persons Acting Under Protective Orders

Ch. 12. Termination of Guardianships and Protective Orders

Ch. 13. Foreign Guardians

IC 29-3-1

Chapter 1. Definitions

29-3-1-1 Application of definitions

29-3-1-1.6 "Catalogue of electronic communications"

29-3-1-2 "Claim"

29-3-1-2.5 "Conduct a criminal history check"

29-3-1-2.7 "Content of an electronic communication"

29-3-1-3 "Court"

29-3-1-3.5 "De facto custodian"

29-3-1-4 Repealed

29-3-1-4.1 "Digital asset"

29-3-1-5 "Durable power of attorney"

29-3-1-6 "Guardian"

29-3-1-7 "Guardianship property"

29-3-1-7.5 "Incapacitated person"

29-3-1-8 Repealed

29-3-1-9 "Letters"

29-3-1-10 "Minor"

29-3-1-11 "Parent"

29-3-1-12 "Person"

29-3-1-13 "Protected person"

29-3-1-14 "Protective proceeding"

29-3-1-15 "Support"

29-3-1-15.5 "Volunteer advocate for incapacitated adults"

29-3-1-16 "Volunteer advocate for seniors"

29-3-1-17 "Volunteer advocates for incapacitated adults program"

29-3-1-18 "Volunteer advocates for seniors program"

IC 29-3-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout and their application is limited to this article.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-1.6

"Catalogue of electronic communications"

Sec. 1.6. "Catalogue of electronic communications" has the meaning set forth in IC 32-39-1-5.

As added by P.L.137-2016, SEC.3.

IC 29-3-1-2

"Claim"

Sec. 2. "Claim" means, with respect to an incapacitated person or a minor, any liability of the incapacitated person or minor, whether arising in contract, tort, or otherwise, and any liability against an incapacitated person's or a minor's property that arises before, at, or after the appointment of a guardian, including expenses of administration.

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Chapter 2. General Provisions

Chapter 3. Proceedings in Lieu of Guardiansh...

Chapter 4. Protective Proceedings and Single...

Chapter 5. Proceedings for Appointment of G...

Chapter 5. Proceedings for Appointment of Guardian or to Procure a Protective Order

Section 1. Petitions for appointment of a guardian or to have a protective order issued; requirements; notice and hearing; conduct of hearing; participation by department of child services

Section 1.5. Submit information for criminal history check

Section 2. Appointment of guardian before adjudication of incapacity or minority

Section 3. Findings; appointment of guardian; limited guardianship; protective orders

Section 4. Considerations for appointment of guardian

Section 5. Persons entitled to consideration for appointment as a guardian

Section 6. Two or more minors or incapacitated persons; petition for appointment of guardian; separate accounting

Chapter 6. Notice of Hearings

Chapter 7. Qualification and Bonding Require...

Chapter 8. Responsibilities and Powers of Gu...

IC 29-3-5

29-3-5-1

29-3-5-1.5

29-3-5-2

29-3-5-3

29-3-5-4

29-3-5-5

29-3-5-6

IC 29-3-5-1

Chapter 5. Proceedings for Appointment of Guardian or to Procure a Protective Order

Petitions for appointment of a guardian or to have a protective order issued; requirements; notice and hearing; conduct of hearing; participation by department of child services

Submit information for criminal history check

Appointment of guardian before adjudication of incapacity or minority

Findings; appointment of guardian; limited guardianship; protective orders

Considerations for appointment of guardian

Persons entitled to consideration for appointment as a guardian

Two or more minors or incapacitated persons; petition for appointment of guardian; separate accounting

Petitions for appointment of a guardian or to have a protective order issued; requirements; notice and hearing; conduct of hearing; participation by department of child services

Sec. 1. (a) Any person may file a petition for the appointment of a person to serve as guardian for an incapacitated person or minor under this chapter or to have a protective order issued under IC 29-3-4. The petition must state the following:

(1) The name, age, residence, and post office address of the alleged incapacitated person or minor for whom the guardian is sought to be appointed or the protective order issued.

(2) The nature of the incapacity.

(3) The approximate value and description of the property of the incapacitated person or minor, including any compensation, pension, insurance, or allowance to which the incapacitated person or minor may be entitled.

(4) If a limited guardianship is sought, the particular limitations requested.

(5) Whether a protective order has been issued or a guardian has been appointed or is acting for the incapacitated person or minor in any state.

(6) The residence and post office address of the proposed guardian or person to carry out the protective order and the relationship to the alleged incapacitated person of:

(A) the proposed guardian; or

(B) the person proposed to carry out the protective order.

(7) The names and addresses, as far as known or as can reasonably be ascertained, of the persons most closely related by blood or marriage to the person for whom the guardian is sought to be appointed or the protective order is issued.

(8) The name and address of the person or institution having the care and custody of the person for whom the guardian is sought to be appointed or the protective order is issued.

(9) The names and addresses of any other incapacitated persons or minors for whom the proposed guardian or person to carry out the protective order is acting if the proposed guardian or person is an individual.

(10) The reasons the appointment of a guardian or issuance of a protective order is sought and the interest of the petitioner in the appointment or issuance.

(11) The name and business address of the attorney who is to represent the guardian or person to carry out the protective order.

(12) Whether a child in need of services petition or a program of informal adjustment has been filed regarding the minor for whom a guardianship is being sought, and, if so, whether the case regarding the minor is open at the time the guardianship petition is filed.

(b) Notice of a petition under this section for the appointment of a guardian or the issuance of a protective order and the hearing on the petition shall be given under IC 29-3-6.

(c) After the filing of a petition, the court shall set a date for a hearing on the issues raised by the petition. Unless an alleged incapacitated person is already represented by counsel, the court may appoint an attorney to represent the incapacitated person.

(d) A person alleged to be an incapacitated person must be present at the hearing on the issues raised by the petition and any response to the petition unless the court determines by evidence that:

(1) it is impossible or impractical for the alleged incapacitated person to be present due to the alleged incapacitated person's disappearance, absence from the state, or similar circumstance;

(2) it is not in the alleged incapacitated person's best interest to be present because of a threat to the health or safety of the alleged incapacitated person as determined by the court;

(3) the incapacitated person has knowingly and voluntarily consented to the appointment of a guardian or the issuance of a protective order and at the time of such consent the incapacitated person was not incapacitated as a result of a mental condition that would prevent that person from knowingly and voluntarily consenting; or

(4) the incapacitated person has knowingly and voluntarily waived notice of the hearing and at the time of such waiver the incapacitated person was not incapacitated as a result of a mental condition that would prevent that person from making a knowing and voluntary waiver of notice.

(e) A person alleged to be an incapacitated person may present evidence and cross-examine witnesses at the hearing. The issues raised by the petition and any response to the petition shall be determined by a

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Title 24. Trade Regulation

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Title 31. Family Law and Juvenile Law

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Title 34. Civil Law and Procedure

Title 35. Criminal Law and Procedure

IC 29-3-5-1

Petitions for appointment of a guardian or to have a protective order issued; requirements; notice and hearing; conduct of hearing; participation by department of child services

Sec. 1. (a) Any person may file a petition for the appointment of a person to serve as guardian for an incapacitated person or minor under this chapter or to have a protective order issued under IC 29-3-4. The petition must state the following:

(1) The name, age, residence, and post office address of the alleged incapacitated person or minor for whom the guardian is sought to be appointed or the protective order issued.

(2) The nature of the incapacity.

(3) The approximate value and description of the property of the incapacitated person or minor, including any compensation, pension, insurance, or allowance to which the incapacitated person or minor may be entitled.

(4) If a limited guardianship is sought, the particular limitations requested.

(5) Whether a protective order has been issued or a guardian has been appointed or is acting for the incapacitated person or minor in any state.

(6) The residence and post office address of the proposed guardian or person to carry out the protective order and the relationship to the alleged incapacitated person of:

(A) the proposed guardian; or

(B) the person proposed to carry out the protective order.

(7) The names and addresses, as far as known or as can reasonably be ascertained, of the persons most closely related by blood or marriage to the person for whom the guardian is sought to be appointed or the protective order is issued.

(8) The name and address of the person or institution having the care and custody of the person for whom the guardian is sought to be appointed or the protective order is issued.

(9) The names and addresses of any other incapacitated persons or minors for whom the proposed guardian or person to carry out the protective order is acting if the proposed guardian or person is an individual.

(10) The reasons the appointment of a guardian or issuance of a protective order is sought and the interest of the petitioner in the appointment or issuance.

(11) The name and business address of the attorney who is to represent the guardian or person to carry out the protective order.

(12) Whether a child in need of services petition or a program of informal adjustment has been filed regarding the minor for whom a guardianship is being sought, and, if so, whether the case regarding the minor is open at the time the guardianship petition is filed.

(b) Notice of a petition under this section for the appointment of a guardian or the issuance of a protective order and the hearing on the petition shall be given under IC 29-3-6.

(c) After the filing of a petition, the court shall set a date for a hearing on the issues raised by the petition. Unless an alleged incapacitated person is already represented by counsel, the court may appoint an attorney to represent the incapacitated person.

(d) A person alleged to be an incapacitated person must be present at the hearing on the issues raised by the petition and any response to the petition unless the court determines by evidence that:

(1) it is impossible or impractical for the alleged incapacitated person to be present due to the alleged incapacitated person's disappearance, absence from the state, or similar circumstance;

(2) it is not in the alleged incapacitated person's best interest to be present because of a threat to the health or safety of the alleged incapacitated person as determined by the court;

(3) the incapacitated person has knowingly and voluntarily consented to the appointment of a guardian or the issuance of a protective order and at the time of such consent the incapacitated person was not incapacitated as a result of a mental condition that would prevent that person from knowingly and voluntarily consenting; or

(4) the incapacitated person has knowingly and voluntarily waived notice of the hearing and at the time of such waiver the incapacitated person was not incapacitated as a result of a mental condition that would prevent that person from making a knowing and voluntary waiver of notice.

(e) A person alleged to be an incapacitated person may present evidence and cross-examine witnesses at the hearing. The issues raised by the petition and any response to the petition shall be determined by a jury if a jury is requested no later than seventy-two (72) hours prior to the original date and time set for the hearing on the petition. However, in no event may a request for a jury trial be made after thirty (30) days have passed following the service of notice of a petition.

(f) Any person may apply for permission to participate in the proceeding, and the court may grant the request with or without hearing upon determining that the best interest of the alleged incapacitated person or minor will be served by permitting the applicant's participation. The court may attach appropriate conditions to the permission to participate.

(g) A court shall notify the department of child services of a hearing regarding the guardianship of a minor under this section if a:

(1) child in need of services petition has been filed regarding the minor; or

(2) program of informal adjustment involving the minor is pending.

The department of child services may participate in a hearing regarding the guardianship of a minor described in this subsection.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.68; P.L.6-2010, SEC.10; P.L.162-2011, SEC.2.

IC 29-3-5-1.5

Submit information for criminal history check

Sec. 1.5. A petitioner for appointment as a guardian of a minor in a guardianship to which IC 29-3-8-9 applies shall submit the necessary information, forms, or consents for the department of child services to conduct a criminal history check (as defined in IC 31-9-2-22.5) of the petitioner and any other household members before the court appoints the guardian under this chapter or during the guardianship

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## Is it against the law?

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- You could check the criminal code, IC 35.
- That won't tell you if there are civil penalties.
- Plenty of criminal law falls outside of IC 35 – see IC 35-52 for a list of cross references.



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Article 48. Controlled Substances

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Chapter 4. Offenses Relating to Controlled Substances

Section 0.1. Application of certain amendments to chapter

Section 0.5. Controlled substance analog; schedule I controlled substance

Section 1. Dealing in cocaine or narcotic drug

Section 1.1. Dealing in methamphetamine

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Chapter 4. Offenses Relating to Controlled Substances

Application of certain amendments to chapter

Controlled substance analog; schedule I controlled substance

Dealing in cocaine or narcotic drug

Dealing in methamphetamine

Manufacturing methamphetamine

Dealing in a controlled substance by a practitioner

Dealing in a schedule I, II, or III controlled substance

Dealing in a schedule IV controlled substance

Dealing in a schedule V controlled substance

Dumping controlled substance waste

Dealing in a substance represented to be a controlled substance

Unlawful manufacture, distribution, or possession of counterfeit substance

Dealing in a counterfeit substance

Possession of cocaine or narcotic drug

Possession of methamphetamine

Possession of a controlled substance; obtaining a schedule V controlled substance

Repealed

Manufacture of paraphernalia

Repealed

Possession of paraphernalia

Dealing in paraphernalia

Repealed

Dealing in marijuana, hash oil, hashish, or salvia

Dealing in a synthetic drug or synthetic drug lookalike substance

Possession of marijuana, hash oil, hashish, or salvia

Synthetic drug or synthetic drug lookalike substance; penalties

Conditional discharge for possession as first offense

Priority enrollment in certain treatment programs; exceptions

Repealed

Repealed

Offenses relating to registration labeling and prescription forms

Extraction resistant or conversion resistant ephedrine or pseudoephedrine

Possession or sale of drug precursors

Pharmacy or NPEEx retailer; sale of ephedrine or pseudoephedrine; maximum purchase amounts; record keeping and electronic transmission of sales to NPEEx; suspicious orders and thefts; liability

Driving privileges suspension

Defenses to charge of selling narcotics near school or park

Restitution for environmental cleanup

IC 35-48-4-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to section 13 of this chapter by P.L.31-1998 apply only to offenses committed after June 30, 1998. An offense committed under section 13 of this chapter before July 1, 1998, may be prosecuted and remains punishable as provided in section 13 of this chapter, as effective before July 1, 1998.

(2) The addition of section 0.5 of this chapter by P.L.225-2003 applies only to a controlled substance offense under this chapter that occurs after June 30, 2003.

As added by P.L.220-2011, SEC.630. Amended by P.L.63-2012, SEC.83.

IC 35-48-4-0.5

Controlled substance analog; schedule I controlled substance

Sec. 0.5. For purposes of this chapter, a "controlled substance analog" is considered to be a controlled substance in schedule I if the analog is in whole or in part intended for human consumption.

As added by P.L.225-2003, SEC.2.

IC 35-48-4-1

Dealing in cocaine or narcotic drug

Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

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Section 4.5. Dealing in a substance represented to be a controlled substance

Section 4.6. Unlawful manufacture, distribution, or possession of counterfeit substance

Section 5. Dealing in a counterfeit substance

Section 6. Possession of cocaine or narcotic drug

Section 6.1. Possession of methamphetamine

Section 7. Possession of a controlled substance; obtaining a schedule V controlled substance

Section 8. Repealed

Section 8.1. Manufacture of paraphernalia

Section 8.2. Repealed

Section 8.3. Possession of paraphernalia

Section 8.5. Dealing in paraphernalia

Section 9. Repealed

Section 10. Dealing in marijuana, hash oil, hashish, or salvia

Section 10.5. Dealing in a synthetic drug or synthetic drug lookalike substance

Section 11. Possession of marijuana, hash oil, hashish, or salvia

Section 11.5. Synthetic drug or synthetic drug lookalike substance; penalties

Section 12. Conditional discharge for possession

IC 35-48-4-11 Possession of marijuana, hash oil, hashish, or salvia

Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least five (5) grams of hash oil, hashish, or salvia.

(d) It is a defense to a prosecution under subsection (a)(1) based on the possession of a substance containing cannabidiol that:

(1) the person is a patient or caregiver registered under IC 16-42-28.6 for the use of a substance containing cannabidiol;

(2) the person reasonably believed that the substance possessed by the person was a substance containing cannabidiol; and

(3) the substance containing cannabidiol is packaged in a container labeled with the origin, volume, and concentration by weight of total THC, including its precursors and derivatives, and cannabidiol.

(e) It is a defense to a prosecution under this section based on the possession of a substance containing cannabidiol that:

(1) the substance containing cannabidiol has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug; and

(2) the substance was prescribed and dispensed in accordance with the federal approval described in subdivision (1).

As added by Acts 1976, P.L.148, SEC.7. Amended by Acts 1977, P.L.340, SEC.106; Acts 1979, P.L.303, SEC.12; P.L.138-1983, SEC.5; P.L.138-2011, SEC.17; P.L.182-2011, SEC.17; P.L.6-2012, SEC.234; P.L.78-2012, SEC.15; P.L.196-2013, SEC.23; P.L.158-2013, SEC.638; P.L.168-2014, SEC.102; P.L.226-2014(ts), SEC.12; P.L.188-2017, SEC.13.

IC 35-48-4-11.5 Synthetic drug or synthetic drug lookalike substance; penalties

Sec. 11.5. (a) As used in this section, "synthetic drug lookalike substance" has the meaning set forth in IC 35-31.5-2-321.5(a)(2).

(b) A person who possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class B infraction.

(c) A person who knowingly or intentionally possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

As added by P.L.196-2013, SEC.24. Amended by P.L.183-2013, SEC.7; P.L.168-2014, SEC.103.

IC 35-48-4-12 Conditional discharge for possession as first offense

Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic drug or a synthetic drug lookalike substance as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

As added by Acts 1976, P.L.148, SEC.7. Amended by Acts 1977, P.L.340, SEC.107; P.L.138-2011, SEC.18; P.L.182-2011, SEC.18; P.L.78-2012, SEC.16; P.L.196-2013, SEC.25; P.L.158-2013, SEC.639; P.L.168-2014, SEC.104.

IC 35-48-4-12.5 Priority enrollment in certain treatment programs; exceptions

Sec. 12.5. (a) This section applies to a person:

(1) charged with or convicted of a violation of section 6 of this chapter based on the possession of a narcotic drug classified in schedule I or II; and

(2) who was administered an overdose intervention drug (as defined in IC 16-18-2-263.9) for an acute opioid overdose.

(b) Except as provided in subsection (c), a person to whom this section applies is entitled to be enrolled on a priority basis in:

(1) a forensic diversion program (as described in IC 11-12-3.7) providing a treatment plan for a person with an addictive disorder;

(2) a pretrial diversion program offered by the prosecuting attorney that mandates treatment for addictive disorders; or

(3) another county program, including a drug court program, that provides treatment for persons suffering from addictive disorders who have been charged with or convicted of a drug offense.

(c) A person to whom this section applies is not entitled to enrollment in a program described in subsection (b) if:

(1) an appropriate program is not available in the county;

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# Criminal Laws Outside of IC 35

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- Public Intoxication is in Title 7.1 - ALCOHOL & TOBACCO
  - Article 5 Crimes and Infractions IC 7.1-5-1-3
- Drunk Driving is in Title 9 - MOTOR VEHICLES
  - Article 30 – General Penalty Provisions
  - Chapter 5 – Operating a Vehicle While Intoxicated



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IC 7.1-1-3-13.5 "Conviction for operating while intoxicated"

Session Year: 2017

IC 7.1-1 ARTICLE 1. GENERAL PROVISIONS TITLE 7.1. ALCOHOL AND TOBACCO  
IC 7.1-1-3 Chapter 3. Definitions of General Applicability

IC 35-46-9-6 Operating a motorboat while intoxicated

Session Year: 2017

IC 35-46 ARTICLE 46. MISCELLANEOUS OFFENSES TITLE 35. CRIMINAL LAW AND PROCEDURE  
IC 35-46-9 Chapter 9. Operating a Motorboat While Intoxicated

IC 9-30-5 Chapter 5. Operating a Vehicle While Intoxicated

Session Year: 2017

IC 9-30 ARTICLE 30. GENERAL PENALTY PROVISIONS TITLE 9. MOTOR VEHICLES

IC 9-13-2-130 "Previous conviction of operating while intoxicated"

Session Year: 2017

IC 9-13 ARTICLE 13. GENERAL PROVISIONS AND DEFINITIONS TITLE 9. MOTOR VEHICLES  
IC 9-13-2 Chapter 2. Definitions

IC 35-46-9 Chapter 9. Operating a Motorboat While Intoxicated

Session Year: 2017

IC 35-46 ARTICLE 46. MISCELLANEOUS OFFENSES TITLE 35. CRIMINAL LAW AND PROCEDURE

IC 7.1-3-18-9.5 Exception to revocation of employee's permit for conviction of operating while intoxicated

Session Year: 2017

IC 7.1-3 ARTICLE 3. PERMITS TITLE 7.1. ALCOHOL AND TOBACCO  
IC 7.1-3-18 Chapter 18. Carriers', Salesmen's, and Employees' Permits

IC 12-23-5-8 Exception to eligibility for deferral; previous dismissal under this chapter of charges of operating vehicle while intoxicated

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- Or you want to know whether there is any new gun legislation this year. Look for bills by [subject](#).
- Or find the library bill (HB 1412) so that you can see what all changed in it. Look for bills by [bill number](#) or [subject](#).





# Questions so far?

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# How To Avoid Practicing Law

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The most important message of all!





# Indiana prohibits practicing law by nonattorneys

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IC 33-43-2-1 Engaging in practice by person not admitted

Sec. 1. A person who:

- (1) professes to be a practicing attorney;
  - (2) conducts the trial of a case in a court in Indiana; or
  - (3) engages in the business of a practicing lawyer;
- without first having been admitted as an attorney by the supreme court commits a Class B misdemeanor.



# Phrases to avoid:

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- I think you should . . .
- In my opinion . . .
- Here's how you want to handle that situation . . .
- Here, let me fill that out for you . . .



# Phrases to use often:

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- I am not an attorney.\*
- That is outside of my area of expertise.
- It would be against the law for me to try and answer that question.
- I'm sorry, I can't help you with that.
- I can't offer you any advice. You would need to see an attorney to get legal advice on your individual situation.
- I don't know the answer. I can point you toward how to find someone who does.



# Note that even Sylvia & I use disclaimers

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# Time for Questions

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**What Questions Do You Have?**



Hit me up with your  
questions

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**Cheri Harris**

Certification Program Director &  
Legal Consultant

~

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