



Indiana Department of Child Services 2016 Legislative Agenda

Child in Need of Services (CHINS) Updates

Human Trafficking:

Human trafficking is a growing problem in Indiana, especially among children and young adults. A review of the CHINS statutes under IC 31-34 reveals gaps where DCS and the court may not be able to intervene in instances of child sex or labor trafficking, such as when the child's parent or guardian is not the perpetrator or facilitator of the trafficking. The only reference to human trafficking in Indiana law deals with criminal prosecution of the trafficker, but there is nothing that speaks to providing help to trafficking victims. DCS proposes adding a definition of "human trafficking victim" to IC 31, and adding human trafficking to the CHINS statute to ensure that DCS can successfully file CHINS petitions to help these vulnerable youth access the services they need.

Sexual Offenses Against Children:

DCS proposes addressing a gap in the CHINS statute dealing with sexual offenses. In a recent Indiana CHINS case, a father was convicted of sexual battery against his daughter, but the court was unable to find that the child was a CHINS because sexual battery is not one of the specific crimes listed under this CHINS statute. DCS proposes adding the statutory reference to sexual battery to the CHINS statute to address this gap.

Informal Adjustments for Delinquent Youth

The delinquency statute (IC 31-37) currently prevents courts from entering into an informal adjustment (IA) in lieu of filing a formal delinquency petition for children who have been removed from the home under a CHINS case. An IA is an agreement with the court where the family agrees to participate in services to protect the safety and well-being of the child. When a child is removed from the home under a CHINS action, current law limits the court's ability to enter into an IA for the delinquency action, even if that would be the most appropriate outcome for the child. DCS proposes striking this provision that prevents the use of an IA for children who have been removed from the home.

Payment for Adoption

Under current law, a birth mother surrendering her child for adoption may receive payment from the adoptive parents to offset costs of housing, travel, and living expenses while the birth mother is pregnant. This amount cannot exceed \$3,000 unless an Indiana court with jurisdiction over the child approves the excess amount.

This statute became an issue in a recent interstate adoption case, when a Florida court approved an amount over \$3,000 to be paid to an Indiana birth mother. Under current law, the adoptive parents and the birth mother would be vulnerable to criminal penalties for exchanging an amount of money higher than what is statutorily permissible in Indiana, even though the dollar amount had been approved by a court in another state.

DCS proposes amending IC 35-46-1-9 (profiting from adoption) to allow any court with jurisdiction over the child (in Indiana or out-of-state) to approve an excess payment for costs incurred by the birth mother.