

House Enrolled Act 1110
Department of Child Services

Child Support- Repeal Duplication in DNR and DCS License Suspension Statutes

Section: 1

The IV-D prosecutor has the ability suspend certain licenses when the non-custodial parent (NCP) owes back child support (arrears) and they are not making any attempts to pay it. Pursuant to IC 31-25-4-32 DCS is required to send a letter to the NCP informing them that they have 20 days to appeal the intent to suspend under IC 31-25-4-33. Current statute requires the Department of Natural Resources to include duplicative language regarding the right to appeal under IC 31-25-4-33 in their letter providing notice. However, at the time when the letter is sent all appeal rights under IC 31 have been exhausted, thus causing confusion among constituents. Amend IC 14-11-3-4 to remove duplicative language.

Child Welfare- Out-of-home Placement Recommendation Flexibility

Sections: 2-4, 11-19, and 21-29

Current statute prevents DCS from placing a child in a home that may be in their best interest, by limiting placement options to only relatives (parent, grandparent, brother, sister, stepparent, step grandparent, stepbrother, stepsister, first cousin, uncle, or aunt) or licensed foster homes. In order to help mitigate the trauma caused to a child when they are removed from home this change would allow DCS more flexibility when recommending a placement by:

- Repeal the definition of “related”, moving the substance of the definition to be included in the definition of “relative”.
- Amend the definition of “relative” to also include those individuals that have a significant and established relationship with the child.
- Amend statute to ensure consistent terminology is used when referring to relatives.
- Amend statute to more clearly state that DCS shall consider placement with a relative related by blood marriage or adoption before considering any other out-of-home placement.
- Amend statute to more clearly state that a background check must be completed when a child is placed out-of-home, including any unlicensed placements.

Child support- Income Withholding Conflict with Federal Law

Sections: 5-7 and 9

Federal law (45 CFR 303.100) requires the IV-D agency (DCS) to issue an immediate income withholding order (IWO) without providing prior notice. Indiana statute conflicts with federal law by requiring DCS to provide notice prior to issuing the IWO if immediate income withholding language is not included in the court order. Amend state law to allow DCS to issue an immediate IWO without providing prior notice, aligning Indiana law with federal law.

Child Support- Income Withholding for Arrears Below \$500

Section: 5

State statute (IC 31-16-15-2.5) allows the Title IV-D agency (DCS) to increase the weekly amount withheld in an income withholding order (IWO) if the obligor is in arrears of \$500 or more. The additional withholding amounts are set by state statute (see below). In order to increase the amount withheld in an IWO for cases with arrears below \$500 the case must be taken to court, adding to the court and the prosecutor’s workload. Amend IC 31-16-15-2.5 to allow for additional income withholding of up to \$10 on cases with arrears between \$10 and \$499.

\$10 to \$499- add up to \$10

\$500 to \$2,999- add up to \$20

\$3,000 to \$4,999- add up to \$25

\$5,000 to \$9,999- add up to \$30

\$10,000 to \$14,999- add up to \$35

\$15,000 to \$19,999- add up to \$40

\$20,000 to \$24,999- add up to \$45

\$25,000 and above- add up to \$50

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Child Support- Technical Correction

Section: 10

Amend incorrect reference to the Indiana Administrative Code in IC 31-25-4-31(g).

“The bureau shall hold a hearing under ~~470 IAC 1-4~~ 465 IAC 3-3. The department's final action following a hearing held under this subsection is subject to judicial review as provided in ~~470 IAC 1-4~~ 465 IAC 3-3.”

Child Welfare- Placement Review Committees (PRC) for Probation Youth

Section: 8

Pursuant to statutory changes made in 2012 all probation youth placed in a residential setting are required to have their placement reviewed by a Placement Review Committee (PRC) within 60 days of placement to ensure that it is in the least restrictive, most family like, and most appropriate setting available, and that is consistent with the best interests and special needs of the child. After implementation of this change, it became apparent that the PRC review had created unnecessary duplication with the statutorily required pre-dispositional report review completed by DCS probation service consultants for all probation placements. When completing the pre-dispositional report review DCS is required to either concur with the proposed placement or offer an alternative recommendation. In order to reduce duplication, amend statute to only require a PRC review of a residential placement when the court does not order the DCS recommended placement.

Child Welfare- Clarify Confidentiality Law

Section: 20

Amend IC 31-33-18-2(3) to clarify state law and ensure it is aligned with practice. Currently, IC 31-33-18-2(3) authorizes DCS to provide confidential child protection files to:

*“a police or other law enforcement agency, prosecuting attorney, or coroner *in the case of the death of a child* who is investigating a report of a child who may be a victim of abuse or neglect”.*

As written it is unclear whether or not the clause in italics only applies to “the coroner” or if it also applies to law enforcement and prosecutors. Amend IC 31-33-18-2(3) to clarify that confidential child abuse and neglect information can be released to the following individuals who are investigating a report of a child who may be a victim of abuse or neglect:

- A police or other law enforcement agency.
- The prosecuting attorney.
- The coroner in the case of the death of a child.

Child Welfare: Sharing Assessment Information with DCS Licensed Providers

Section: 20

Under current statute DCS is only permitted to share assessment information with DCS licensed placement providers when the allegations involve a foster child placed in their care, the allegations took place while the child was placed with the agency, and the child remains in their care. Thus, if the child is removed from the provider’s care, DCS is prohibited from sharing information about the assessment. Amend statute to allow DCS to share child abuse reports and assessment information with DCS licensed providers when the allegations include provider staff, volunteers, foster parents, or children placed in their care, even if the victim is removed prior to the completion of the assessment.