

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 425, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-13-5-1, AS AMENDED BY P.L.1-1997,
- 4 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 1. The division shall administer or supervise the
- 6 public welfare activities of the state. The division has the following
- 7 powers and duties:
- 8 (1) The administration of old age assistance, aid to dependent
- 9 children, and assistance to the needy blind and persons with
- 10 disabilities, excluding assistance to children with special health
- 11 care needs.
- 12 (2) The administration of the following:
- 13 (A) Any public child welfare service.
- 14 (B) The licensing and inspection under IC 12-17.2 and
- 15 IC 12-17.4.

- 1 (C) The care of dependent and neglected children in foster
2 family homes or institutions, especially children placed for
3 adoption or those born out of wedlock.
- 4 (D) The interstate placement of children.
- 5 (3) The provision of services to county governments, including
6 the following:
- 7 (A) Organizing and supervising county offices for the
8 effective administration of public welfare functions.
- 9 (B) Compiling statistics and necessary information
10 concerning public welfare problems throughout Indiana.
- 11 (C) Researching and encouraging research into crime,
12 delinquency, physical and mental disability, and the cause
13 of dependency.
- 14 (4) Prescribing the form of, printing, and supplying to the county
15 departments blanks for applications, reports, affidavits, and other
16 forms the division considers necessary and advisable.
- 17 (5) Cooperating with the federal Social Security Administration
18 and with any other agency of the federal government in any
19 reasonable manner necessary and in conformity with IC 12-13
20 through IC 12-19 to qualify for federal aid for assistance to
21 persons who are entitled to assistance under the federal Social
22 Security Act. The responsibilities include the following:
- 23 (A) Making reports in the form and containing the
24 information that the federal Social Security Administration
25 Board or any other agency of the federal government
26 requires.
- 27 (B) Complying with the requirements that a board or agency
28 finds necessary to assure the correctness and verification of
29 reports.
- 30 (6) Appointing from eligible lists established by the state
31 personnel board employees of the division necessary to
32 effectively carry out IC 12-13 through IC 12-19. The division
33 may not appoint a person who is not a citizen of the United
34 States and who has not been a resident of Indiana for at least one
35 (1) year immediately preceding the person's appointment unless
36 a qualified person cannot be found in Indiana for a position as a
37 result of holding an open competitive examination.
- 38 (7) Assisting the office of Medicaid policy and planning in fixing

1 fees to be paid to ophthalmologists and optometrists for the
2 examination of applicants for and recipients of assistance as
3 needy blind persons.

4 (8) When requested, assisting other departments, agencies,
5 divisions, and institutions of the state and federal government in
6 performing services consistent with this article.

7 (9) Acting as the agent of the federal government for the
8 following:

9 (A) In welfare matters of mutual concern under IC 12-13
10 through IC 12-19.

11 (B) In the administration of federal money granted to
12 Indiana in aiding welfare functions of the state government.

13 (10) Administering additional public welfare functions vested in
14 the division by law and providing for the progressive
15 codification of the laws the division is required to administer.

16 (11) Transferring to each county that is required to submit a
17 schedule under IC 12-19-1-9(d) an amount equal to the
18 scheduled amount of the county's lease and rental obligations as
19 provided in IC 12-19-1-9.

20 (12) Supervising day care centers and child placing agencies.

21 (13) Supervising the licensing and inspection of all public child
22 caring agencies.

23 (14) Supervising the care of delinquent children and children in
24 need of services.

25 (15) Assisting juvenile courts as required by IC 31-30 through
26 IC 31-40.

27 (16) Supervising the care of dependent children and children
28 placed for adoption.

29 (17) Compiling information and statistics concerning the
30 ethnicity and gender of a program or service recipient.

31 **(18) Providing permanency planning services for children in
32 need of services, including:**

33 **(A) making children legally available for adoption; and**

34 **(B) placing children in adoptive homes;**

35 **in a timely manner."**

36 Page 1, between lines 11 and 12, begin a new paragraph and
37 insert:

38 "SECTION 3. IC 31-10-2-1, AS ADDED BY P.L.1-1997,

1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 1998]: Sec. 1. It is the policy of this state and the purpose of
3 this title to:

- 4 (1) recognize the importance of family and children in our
5 society;
- 6 (2) recognize the responsibility of the state to enhance the
7 viability of children and family in our society;
- 8 (3) acknowledge the responsibility each person owes to the
9 other;
- 10 (4) strengthen family life by assisting parents to fulfill their
11 parental obligations;
- 12 (5) ensure that children within the juvenile justice system are
13 treated as persons in need of care, protection, treatment, and
14 rehabilitation;
- 15 (6) remove children from families only when it is in the child's
16 best interest or in the best interest of public safety;
- 17 **(7) provide for adoption as a viable permanency plan for
18 children who are adjudicated children in need of services;**
- 19 ~~(7)~~ **(8)** provide a juvenile justice system that protects the public
20 by enforcing the legal obligations that children have to society
21 and society has to children;
- 22 ~~(8)~~ **(9)** use diversionary programs when appropriate;
- 23 ~~(9)~~ **(10)** provide a judicial procedure that:
- 24 (A) ensures fair hearings;
- 25 (B) recognizes and enforces the legal rights of children and
26 their parents; and
- 27 (C) recognizes and enforces the accountability of children
28 and parents;
- 29 ~~(10)~~ **(11)** promote public safety and individual accountability by
30 the imposition of appropriate sanctions; and
- 31 ~~(11)~~ **(12)** provide a continuum of services developed in a
32 cooperative effort by local governments and the state.

33 SECTION 4. IC 31-19-2-8, AS ADDED BY P.L.1-1997,
34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1998]: Sec. 8. **(a)** Unless the petitioner for adoption seeks
36 under section 1 of this chapter to adopt a person who is at least
37 eighteen (18) years of age, **and except as provided in subsection (b),**
38 the petitioner for adoption must attach to the petition for adoption:

- 1 (1) an adoption history fee of twenty dollars (\$20) payable to the
- 2 state department of health; and
- 3 (2) a putative father registry fee of fifty dollars (\$50) payable to
- 4 the state department of health for administering the putative
- 5 father registry established by IC 31-19-5.

6 **(b) The adoption history fee and putative father registry fee**
 7 **under subsection (a) are waived if a petitioner seeks to adopt:**

- 8 **(1) a person who is at least eighteen (18) years of age under**
- 9 **IC 31-19-2-1; or**
- 10 **(2) a child less than eighteen (18) years of age who is:**
 - 11 **(A) adjudicated a child in need of services; and**
 - 12 **(B) a ward of a county office of family and children;**
- 13 **at the time of the filing of the petition for adoption.**

14 SECTION 5. IC 31-33-8-9, AS ADDED BY P.L.1-1997,
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 1998]: Sec. 9. (a) The local child protection service's report
 17 under section 7 8 of this chapter shall be made available to:

- 18 (1) the appropriate court;
- 19 (2) the prosecuting attorney; or
- 20 (3) the appropriate law enforcement agency;

21 upon request.

22 **(b) If child abuse or neglect is substantiated after an**
 23 **investigation is conducted under section 7 of this chapter, the local**
 24 **child protection service shall forward its report to the office of the**
 25 **prosecuting attorney having jurisdiction in the county in which the**
 26 **alleged child abuse or neglect occurred.**

27 ~~(b)~~ (c) If the investigation substantiates a finding of child abuse or
 28 neglect as determined by the local child protection service, a report
 29 shall be sent to the coordinator of the community child protection team
 30 under IC 31-33-3."

31 Replace the effective date in SECTION 3 with "[EFFECTIVE
 32 JULY 1, 1998]".

33 Page 2, line 14, strike "A" and insert "Each periodic".

34 Page 3, delete lines 17 through 20.

35 Page 3, line 21, delete "(d)" and insert "(c)".

36 Page 3, line 40, strike "What family services have been provided
 37 and offered to the".

38 Page 3, line 41, strike "child or the child's parent, guardian, or

1 custodian." and insert **"Written documentation containing**
2 **descriptions of:**

3 **(A) the family services that have been offered or**
4 **provided to the child or the child's parent, guardian, or**
5 **custodian;**

6 **(B) the dates during which the family services were**
7 **offered or provided; and**

8 **(C) the outcome arising from offering or providing the**
9 **family services."**

10 Page 4, between lines 33 and 34, begin a new line blocked left and
11 insert:

12 **"At the second periodic case review, if the county office of family**
13 **and children determines that the child's parent has not**
14 **significantly improved under subdivision (4), (5), (6), (11), or (13),**
15 **the county office of family and children shall consider filing a**
16 **petition to terminate the parent-child relationship. If four (4)**
17 **periodic case reviews have been conducted and if after the fourth**
18 **periodic case review the county office of family and children**
19 **determines that the child's parent has not significantly improved**
20 **under subdivision (4), (5), (6), (11), or (13), the county office of**
21 **family and children shall establish a permanency plan for the child**
22 **regarding adoption, permanent guardianship, or permanent care**
23 **in the home of a person related to the child, a foster family home,**
24 **a child caring institution, or a group home. If the county office of**
25 **family and children selects adoption as the permanency plan for**
26 **the child, the county office of family and children shall file a**
27 **petition for termination of the parent-child relationship."**

28 Page 5, line 18, after "who" insert ":".

29 Page 5, line 18, before "is" begin a new line triple block indented
30 and insert:

31 **"(i)".**

32 Page 5, between lines 18 and 19, begin a new line triple block
33 indented and insert:

34 **"(ii) was the spouse of the parent, guardian, or custodian**
35 **at the time of the offense; or"**

36 Page 5, line 24, delete "committed" and insert **"been convicted**
37 **of"**.

38 Page 5, line 26, after "who" insert ":".

- 1 Page 5, line 26, before "is" begin a new line triple block indented
2 and insert:
3 **"(i)".**
- 4 Page 5, between lines 27 and 28, begin a new line triple block
5 indented and insert:
6 **"(ii) was the spouse of the parent, guardian, or custodian**
7 **at the time of the offense; or".**
- 8 Page 5, line 30, after "has" insert **"been convicted of".**
- 9 Page 5, line 31, delete "aided, induced, or caused" and insert
10 **"aiding, inducing, or causing".**
- 11 Page 5, line 32, delete "attempted" and insert **"attempting".**
- 12 Page 5, line 33, delete "conspired" and insert **"conspiring".**
- 13 Page 5, line 34, delete ";" and insert ".".
- 14 Page 5, delete lines 35 through 36.
- 15 Page 5, line 38, delete "committed" and insert **"been convicted**
16 **of".**
- 17 Page 6, line 4, delete ", regardless of" and insert **"or the spouse of**
18 **the parent, guardian, or custodian."**
- 19 Page 6, delete lines 5 through 6.
- 20 Page 8, delete lines 15 through 20.
- 21 Page 12, line 38, delete "an court of".
- 22 Page 13, delete lines 5 through 8, begin a new paragraph and
23 insert:
24 **"(b) A person described in section 4(a) of this chapter shall:**
25 **(1) file a petition to terminate the parent-child**
26 **relationship under section 4 of this chapter unless:**
27 **(A) the child is being cared for permanently by a**
28 **relative either in permanent foster care or with**
29 **guardianship as the goal; or**
30 **(B) the court has reviewed the case and determined**
31 **that there is a compelling reason for determining**
32 **that filing the petition would not be in the child's**
33 **best interests; and**
34 **(2) request that the petition be set for hearing."**
- 35 Page 14, delete lines 26 through 30.
- 36 Page 15, line 18, delete "." and insert **"unless the court makes**
37 **specific written findings as to why completing the trial is not**
38 **reasonably possible."**

1 Page 16, line 39, delete "." and insert "**unless the court makes**
 2 **specific written findings as to why completing the trial is not**
 3 **reasonably possible.**".

4 Page 16, between lines 39 and 40, begin a new paragraph and
 5 insert:

6 "SECTION 25. IC 31-35-6-1, AS ADDED BY P.L.1-1997,
 7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 1998]: Sec. 1. (a) If the juvenile or probate court terminates
 9 the parent-child relationship, the court may:

10 (1) refer the matter to the court having probate jurisdiction for
 11 adoption proceedings; or

12 (2) order any dispositional alternative specified by IC 31-34-20-1
 13 or IC 31-37-19-1.

14 **(b) If the juvenile court refers the matter to the court having**
 15 **probate jurisdiction under subsection (a)(1), the juvenile court**
 16 **shall review the child's case once every six (6) months until a**
 17 **petition for adoption is filed.**

18 SECTION 26. IC 33-19-5-4, AS AMENDED BY P.L.1-1997,
 19 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) For each civil action except:

21 (1) proceedings to enforce a statute defining an infraction under
 22 IC 34-4-32-4;

23 (2) proceedings to enforce an ordinance under IC 34-4-32-4;

24 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;

25 (4) proceedings in paternity under IC 31-14;

26 (5) proceedings in small claims court under IC 33-11.6; ~~and~~

27 (6) proceedings in actions under section 6 of this chapter; **and**

28 **(7) proceedings in adoption actions in which the subject of**
 29 **the adoption is a child less than eighteen (18) years of age**
 30 **who is:**

31 **(A) adjudicated a child in need of services; and**

32 **(B) a ward of the county office of family and children;**

33 **at the time of the filing of the petition for adoption;**

34 the clerk shall collect from the party filing the action a civil costs fee
 35 of one hundred dollars (\$100), except as provided in subsection (b).

36 (b) For each proceeding for the issuance of a protective order
 37 under IC 34-4-5.1:

38 (1) the clerk shall initially collect thirty-five dollars (\$35) of the

1 civil costs fee from the party that filed the action or the court
 2 may waive the initial thirty-five dollars (\$35) of the civil costs
 3 fee for the party that filed the action; and
 4 (2) upon disposition of the protective order petition under
 5 IC 34-4-5.1, the court may order that:
 6 (A) the remainder of the civil costs fee, in the amount of
 7 sixty-five dollars (\$65), be assessed against the respondent
 8 in the action as provided in IC 34-4-5.1-2(d) or against the
 9 party that filed the action; and
 10 (B) the initial thirty-five dollar (\$35) civil costs fee be
 11 reimbursed by the respondent in the action to the party that
 12 filed the action or assessed against the respondent in the
 13 action as provided in IC 34-4-5.1-2(d).
 14 (c) In addition to the civil costs fee collected under this section,
 15 the clerk shall collect the following fees if they are required under
 16 IC 33-19-6:
 17 (1) A document fee.
 18 (2) A support and maintenance fee.
 19 SECTION 27. IC 31-40-3-4 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 1998]: **Sec. 4. An adoption incentive payment**
 22 **that is paid to Indiana under the federal Adoption and Safe**
 23 **Families Act (42 U.S.C. 473A(d)) must be used for services to**
 24 **facilitate the adoption of children who are in need of services and**
 25 **may be used for postadoption services."**
 26 Renumber all SECTIONS consecutively.
 (Reference is to SB 425 as reprinted February 3, 1998.)

and when so amended that said bill do pass.

Representative Villalpando