

SENATE BILL No. 210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34.

Synopsis: CHINS placements with relatives. Provides that whenever a child in need of services is recommended for, or placed in, an out-of-home placement with a person who is not a relative caretaker, certain documentation must be made regarding the following: (1) The efforts that were made to place the child with a relative caretaker. (2) The reasons why placing the child with a relative caretaker is not appropriate.

Effective: July 1, 1998.

Miller

January 6, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 210

A BILL FOR AN ACT to amend the Indiana Code concerning family law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-34-4-2, AS ADDED BY P.L.1-1997, SECTION
2 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 2. (a) If a child alleged to be a child in need of services is
4 taken into custody under an order of the court under this chapter, the
5 court shall consider placing the child with a suitable and willing blood
6 or adoptive relative caretaker, including a grandparent, an aunt, an
7 uncle, or an adult sibling, before considering any other out-of-home
8 placement.
9 (b) Before placing a child in need of services with a blood relative
10 or an adoptive relative caretaker, the court may order the division of
11 family and children to:
12 (1) complete a home study of the relative's home; and
13 (2) provide the court with a placement recommendation.
14 (c) **Whenever a court places a child who has been taken into**
15 **custody with a person other than a relative caretaker under this**
16 **section, the court shall enter findings into the record describing the**
17 **following:**

1998

IN 210—LS 7003/DI 76+



1 **(1) The efforts that were made to place the child with a**
 2 **relative caretaker.**

3 **(2) The reasons why placing the child with a relative**
 4 **caretaker is not appropriate.**

5 SECTION 2. IC 31-34-15-4, AS ADDED BY P.L.1-1997,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 1998]: Sec. 4. A child's case plan must be set out in a form
 8 prescribed by the division of family and children that meets the
 9 specifications set by 45 CFR 1356.21. The case plan must include a
 10 description and discussion of the following:

11 (1) A permanent plan for the child and an estimated date for
 12 achieving the goal of the plan.

13 (2) The appropriate placement for the child based on the child's
 14 special needs and best interests.

15 (3) The least restrictive family-like setting that is close to the
 16 home of the child's parent, custodian, or guardian if out-of-home
 17 placement is recommended. If an out-of-home placement is
 18 appropriate, the county department shall consider whether a child
 19 in need of services should be placed with the child's suitable and
 20 willing blood or adoptive relative caretaker, including a
 21 grandparent, an aunt, an uncle, or an adult sibling, before
 22 considering other out-of-home placements for the child.

23 **(4) Efforts made to place a child with a relative caretaker**
 24 **under subdivision (3). If it is determined that placing a child**
 25 **with a relative caretaker is not appropriate, the case plan**
 26 **must state the reasons why it is recommended that the child**
 27 **be placed with a person other than a relative caretaker.**

28 ~~(4)~~ (5) Family services recommended for the child, parent,
 29 guardian, or custodian.

30 ~~(5)~~ (6) Efforts already made to provide family services to the
 31 child, parent, guardian, or custodian.

32 ~~(6)~~ (7) Efforts that will be made to provide family services that
 33 are ordered by the court.

34 SECTION 3. IC 31-34-18-2, AS ADDED BY P.L.55-1997,
 35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 1998]: Sec. 2. (a) In addition to providing the court with a
 37 recommendation for the care, treatment, or rehabilitation of the child,
 38 the person preparing the report shall consider the necessity, nature, and
 39 extent of the participation by a parent, guardian, or custodian in a
 40 program of care, treatment, or rehabilitation for the child.

41 (b) If a probation officer or caseworker believes that an out-of-home
 42 placement would be appropriate for a child in need of services, the



1 probation officer or caseworker shall consider whether the child should
2 be placed with the child's suitable and willing blood or adoptive
3 relative caretaker, including a grandparent, an aunt, an uncle, or an
4 adult sibling, before considering other out-of-home placements for the
5 child. **Whenever the probation officer or caseworker recommends**
6 **a child for an out-of-home placement with a person who is not a**
7 **relative caretaker, the person preparing the predispositional report**
8 **shall document the following:**

9 **(1) The efforts that were made to place the child with a**
10 **relative caretaker.**

11 **(2) The reasons why placing the child with a relative**
12 **caretaker is not appropriate.**

13 SECTION 4. IC 31-34-19-7, AS ADDED BY P.L.1-1997,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 1998]: Sec. 7. In addition to the factors under section 6 of this
16 chapter, if the court enters a dispositional decree regarding a child in
17 need of services that includes an out-of-home placement, the court
18 shall consider whether the child should be placed with the child's
19 suitable and willing blood or adoptive relative caretaker, including a
20 grandparent, an aunt, an uncle, or an adult sibling, before considering
21 other out-of-home placements for the child. **Whenever the court**
22 **enters a dispositional decree that includes an out-of-home**
23 **placement for the child with a person who is not a relative**
24 **caretaker, the court shall enter findings into the record describing**
25 **the following:**

26 **(1) The efforts that were made to place the child with a**
27 **relative caretaker.**

28 **(2) The reasons why placing the child with a relative**
29 **caretaker is not appropriate.**

