

SENATE BILL No. 328

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-180.2; IC 12-7-2-190.8; IC 12-17.2-3.1; IC 12-17.4-4-1.5; IC 12-17.4-4-1.7.

Synopsis: Therapeutic and special needs foster care. Provides that a therapeutic foster family home is a foster family home: (1) that provides care to a seriously emotionally disturbed or developmentally disabled child; (2) in which a child receives treatment in a family home that is supervised by certain qualified program staff; and (3) that meets all of the requirements for licensing of a foster family home and certain supplementary requirements, including additional training for therapeutic foster parents. Prohibits a therapeutic foster parent from providing care to more than two foster children, not including children
(Continued next page)

Effective: July 1, 1998.

Lubbers

January 8, 1998, read first time and referred to Committee on Planning and Public Services.

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for whom the therapeutic foster parent is a parent, stepparent, guardian, custodian, or other relative. Allows the division of family and children to permit a therapeutic foster family home to provide care for more than two foster children whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home. Allows a court to reclassify the rate of reimbursement paid to a child's foster parents to an appropriate lower rate whenever the foster child no longer needs therapeutic foster care services or needs less intensive supervision. Provides that a special needs foster family home is a foster family home that provides care for a child who has a mental, physical, or emotional handicap who will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems. Prohibits a special needs foster parent from providing care to more than eight children (including the foster family's children) and requires that not more than four of the children may be less than six years of age. Provides that the division of family and children may grant an exception to the maximum number of children who may be cared for in a special needs foster home whenever the division determines that the placement of siblings in the same special needs foster home is desirable. Requires the division of family and children to consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home. Reestablishes the board for the coordination of child care regulation, which expired November 1, 1997, for a period beginning July 1, 1998, and ending July 1, 2000. Requires the board to study laws governing the regulation of child care and to make recommendations to the general assembly concerning changes in the law the board finds appropriate. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

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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.

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SENATE BILL No. 328

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 180.2. "Special needs foster
4 family home", for purposes of IC 12-17.4, means a foster family
5 home:**

6 **(1) that provides care for a child who:**

7 **(A) has a mental, a physical, or an emotional handicap;**
8 **and**

9 **(B) will require additional supervision or assistance in
10 behavior management, activities of daily living, or
11 management of medical problems; and**

12 **(2) that meets the additional requirements under
13 IC 12-17.4-4-1.7.**

14 SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 1998]: **Sec. 190.8.** "Therapeutic foster family
2 home", for purposes of IC 12-17.4, means a foster family home:

3 (1) that provides care to a seriously emotionally disturbed or
4 developmentally disabled child;

5 (2) in which the child receives treatment in a family home
6 through an integrated array of services supervised and
7 supported by qualified program staff from:

8 (A) the office of the secretary of family and social services;

9 (B) a managed care provider that contracts with the
10 division of mental health; or

11 (C) a licensed child placing agency; and

12 (3) that meets the additional requirements under
13 IC 12-17.4-4-1.5.

14 SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 1998]:

17 **Chapter 3.1. Board for the Coordination of Child Care
18 Regulation**

19 **Sec. 1. (a)** The board for the coordination of child care
20 regulation is established. The board consists of the following
21 members:

22 (1) One (1) employee of the division to be designated by the
23 director of the division.

24 (2) One (1) employee of the state department of health to be
25 designated by the commissioner of the state department of
26 health.

27 (3) The state fire marshal or the state fire marshal's designee.

28 (4) Ten (10) members, not more than five (5) members from
29 the same political party, to be appointed as follows:

30 (A) One (1) member with child development experience to
31 represent the public.

32 (B) One (1) member to represent operators of foster family
33 homes.

34 (C) Two (2) members to represent operators of child care
35 homes.

36 (D) One (1) member to represent operators of child caring
37 institutions.

38 (E) One (1) member to represent operators of group homes
39 and child placing agencies.

40 (F) One (1) member who is knowledgeable about the
41 delivery of child care services to children and who is not an
42 owner or operator of a facility, a ministry, or an agency



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- 1 that is licensed or registered under this chapter.
 2 (G) Two (2) members to represent operators of child care
 3 centers.
 4 (H) One (1) member to represent child care ministries.
 5 (5) Two (2) members of the house of representatives, not more
 6 than one (1) of whom is a member of the same political party,
 7 to be appointed by and serve at the pleasure of the speaker of
 8 the house of representatives.
 9 (6) Two (2) members of the senate, not more than one (1) of
 10 whom is a member of the same political party, to be appointed
 11 by and serve at the pleasure of the president pro tempore of
 12 the senate.
 13 (b) The president pro tempore of the senate shall appoint the
 14 board members listed under subsection (a)(4)(A), (a)(4)(B), and
 15 (a)(4)(D), and one (1) member each under subsection (a)(4)(C) and
 16 (a)(4)(G). The speaker of the house of representatives shall appoint
 17 the board members listed under subsection (a)(4)(E), (a)(4)(F), and
 18 (a)(4)(H), and one (1) member each under subsection (a)(4)(C) and
 19 (a)(4)(G). At least one (1) of the members appointed under this
 20 section must have knowledge or expertise, or both, in the area of
 21 children with special needs.
 22 (c) The legislative council shall appoint the chairperson of the
 23 board from among the board members.
 24 **Sec. 2. The terms of the members expire November 1, 2000.**
 25 **Sec. 3. The board shall elect a chairman and necessary officers**
 26 **from among the board's members.**
 27 **Sec. 4. The board shall meet upon the call of the chairman.**
 28 **Sec. 5. A majority of the members must be present for the**
 29 **transaction of business.**
 30 **Sec. 6. The board may appoint subcommittees of the board's**
 31 **members to receive public testimony, visit facilities, and make**
 32 **recommendations to the full committee.**
 33 **Sec. 7. The legislative services agency shall provide the**
 34 **personnel necessary to staff the board.**
 35 **Sec. 8. Each member of the board who is not a member of the**
 36 **general assembly is entitled to reimbursement for traveling and**
 37 **other expenses actually incurred in connection with the member's**
 38 **duties, as provided in the state travel policies and procedures**
 39 **established by the Indiana department of administration and**
 40 **approved by the budget agency. Each member who is not a state**
 41 **employee is entitled to the minimum salary per diem as provided**
 42 **in IC 4-10-11-2.1(b).**



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1 **Sec. 9.** Each member of the board who is a member of the
 2 general assembly is entitled to receive the same per diem, mileage,
 3 and travel allowances paid to members of the general assembly
 4 serving on interim study committees established by the legislative
 5 council. Payments made to a member of the general assembly
 6 under this section shall be paid from funds appropriated to the
 7 legislative council and the legislative services agency for this
 8 purpose.

9 **Sec. 10.** The board shall study the laws governing the regulation
 10 of child care and make recommendations to the general assembly
 11 concerning changes in the law the board finds are appropriate.
 12 Before November 1 of each year the board shall submit a written
 13 report to the legislative council that identifies the board's
 14 recommendations and discusses the status of the board's
 15 continuing program of study. The board's program of study under
 16 this section must include a study of the following topics:

17 (1) The need for changes in the scope and degree of child care
 18 regulation established by statute or rule, or both.

19 (2) The need to reorganize governmental units involved in the
 20 regulation of child care facilities to promote effective and
 21 efficient child care regulation, including the form that a
 22 needed reorganization should take.

23 (3) A method for the completion of a statewide needs
 24 assessment to determine the availability and projected need
 25 for safe and affordable child care.

26 (4) The need for programs to meet the needs of Indiana
 27 residents if the board determines that safe and affordable
 28 child care facilities are not available and easily accessible to
 29 Indiana residents.

30 (5) The effect of pending and enacted federal legislation on
 31 child care in Indiana and the need for statutory changes to
 32 qualify for federal child care grants and to comply with
 33 federal child care requirements.

34 **Sec. 11.** This chapter expires November 1, 2000.

35 SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5.** (a) A person may not operate
 38 a therapeutic foster family home without a license issued under this
 39 article.

40 (b) The state or a political subdivision of the state may not
 41 operate a therapeutic foster family home without a license issued
 42 under this article.



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1 (c) The division may only issue a license for a therapeutic foster
2 family home that meets:

- 3 (1) all of the licensing requirements of a foster family home;
4 and
5 (2) the additional requirements described in this section.

6 (d) An applicant for a therapeutic foster family home license
7 must:

- 8 (1) be licensed as a foster parent under 470 IAC 3-1-1 et seq.;
9 (2) receive ten (10) hours of pre-service training in
10 therapeutic foster care; and
11 (3) participate in ten (10) hours of additional training each
12 subsequent licensing year.

13 (e) An operator of a therapeutic foster family home may not
14 provide supervision and care in a therapeutic foster family home
15 to more than two (2) foster children at the same time, not including
16 the children for whom the applicant or operator is a parent,
17 stepparent, guardian, custodian, or other relative. The division
18 may grant an exception to this subsection whenever the placement
19 of siblings in the same therapeutic foster family home is desirable
20 or in the best interests of the foster children residing in the home.

21 (f) This subsection applies whenever the behavior or condition
22 of a child who has been placed in a therapeutic foster family home
23 changes to the extent that the child is no longer:

- 24 (1) categorized as seriously emotionally disturbed or
25 developmentally disabled; or
26 (2) in need of the current level of intensive supervision.

27 The county office of family and children in the county where the
28 treatment of the child in a therapeutic foster family home is being
29 supervised shall recommend to the court that the rate of
30 reimbursement paid for therapeutic foster care services be
31 reclassified to an appropriate lower rate. The court may approve
32 the recommendation if the child no longer needs therapeutic foster
33 care services or needs less intensive supervision.

34 SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 1998]: **Sec. 1.7.** (a) A person may not operate
37 a special needs foster family home without a license issued under
38 this article.

39 (b) The state or a political subdivision of the state may not
40 operate a special needs foster family home without a license issued
41 under this article.

42 (c) The division may only issue a license for a special needs



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- 1 **foster family home that meets:**
- 2 (1) all of the licensing requirements of a foster family home;
- 3 and
- 4 (2) the additional requirements described in this section.
- 5 (d) An applicant for a special needs foster family home license
- 6 must:
- 7 (1) be licensed as a foster parent under 470 IAC 3-1-1 et seq.;
- 8 and
- 9 (2) participate in ten (10) hours of additional training each
- 10 subsequent licensing year that includes specialized training to
- 11 meet the child's specific needs.
- 12 (e) An operator of a special needs foster family home may not
- 13 provide supervision and care as a special needs foster family home
- 14 if more than:
- 15 (1) eight (8) individuals, each of whom either:
- 16 (A) is less than eighteen (18) years of age; or
- 17 (B) is at least eighteen (18) years of age and is receiving
- 18 care and supervision under an order of a juvenile court; or
- 19 (2) four (4) individuals less than six (6) years of age;
- 20 including the children for whom the provider is a parent,
- 21 stepparent, guardian, custodian, or other relative, receive care and
- 22 supervision in the home at the same time. Not more than four (4)
- 23 of the eight (8) individuals described in subdivision (1) may be less
- 24 than six (6) years of age. The division may grant an exception to
- 25 this section whenever the division determines that the placement
- 26 of siblings in the same special needs foster home is desirable.
- 27 (f) The division shall consider the specific needs of each special
- 28 needs foster child whenever the division determines the
- 29 appropriate number of children to place in the special needs foster
- 30 home under subsection (e). The division may require a special
- 31 needs foster family home to provide care and supervision to less
- 32 than the maximum number of children allowed under subsection
- 33 (e) upon consideration of the specific needs of a special needs foster
- 34 child.

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