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# HOUSE BILL No. 1341

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-5.1-5; IC 11-12-2-12; IC 12-17-8-2; IC 31-30-2-1; IC 31-32; IC 31-33; IC 31-34; IC 31-37; IC 31-40; IC 33-2.1-7-3.1.

**Synopsis:** Child protection system. Removes the obligation of a parent or guardian to pay for child protection services or family services. Requires clear and convincing evidence to prove that a child is a child in need of services. Provides that a hearing to determine if a child is a child in need of services or to terminate a parent-child relationship must be open to the public and the media at the request of the respondent. Opens the records in child abuse and neglect cases to the accused and to the parents of an alleged victim. Provides that a trial to terminate a parent's parental rights must be by jury if the parent  
(Continued next page)

**Effective:** July 1, 1998.

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January 13, 1998, read first time and referred to Committee on Judiciary.

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requests a jury trial. Provides that in all cases involving child protection services, the child has the right to remain in the child's family home unless danger to the child exists. Provides that other family members must first be considered for placement if the child is removed from the child's home. Provides that a family that is required to participate in family services may choose the provider of those services. Requires that within 12 months after a determination that a child is a child in need of services, the case must either be dismissed from the juvenile court or proceedings to terminate parental rights must begin. Eliminates the requirement for reimbursement by a family to the state, a provider of family services, a guardian ad litem, or a court-appointed special advocate. Removes all rebuttable presumptions that indicate a child is a child in need of services. Requires a person reporting that a child may be a victim of child abuse or neglect to include in the report the person's name, address, and telephone number. Requires a person receiving the report to verify the reporter's telephone number. Specifies information that may be included in the report. Requires that most physical examinations in cases of alleged child abuse or neglect must be conducted by a licensed physician in a licensed health care facility. Provides a cause of action for a parent or other family member to recover damages from child protection services, the division of family and children, or the office of the secretary of family and social services for reckless, incompetent, or malicious treatment in an investigation involving child abuse or neglect reports. Makes numerous changes concerning evidence in child in need of services cases. Requires the division of family and children to notify a person whenever the person's name is placed in the child abuse registry maintained by the division or whenever additional information about the person is entered into the registry.

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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.

# HOUSE BILL No. 1341



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 5-2-5.1-5, AS AMENDED BY P.L.1-1997,  
 2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 1998]: Sec. 5. As used in this chapter, "juvenile history data"  
 4 means information collected by criminal or juvenile justice agencies or  
 5 individuals about a child who is alleged to have committed a reportable  
 6 act and consists of the following:  
 7 (1) Descriptions and notations of events leading to the taking of  
 8 the child into custody by a juvenile justice agency for a reportable  
 9 act allegedly committed by the child.  
 10 (2) A petition alleging that the child is a delinquent child.  
 11 (3) Dispositional decrees concerning the child that are entered  
 12 under **IC 31-37-19 (or IC 31-6-4-15.9 before its repeal)**.  
 13 (4) The findings of a court determined after a hearing is held  
 14 under IC 31-37-20-2 ~~or IC 31-37-20-3~~ (or IC 31-6-4-19(h) or  
 15 IC 31-6-4-19(i) before their repeal) concerning the child.



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1 (5) Information:

2 (A) regarding a child who has been adjudicated a delinquent  
3 child for committing an act that would be an offense described  
4 in IC 5-2-12-4(1) if committed by an adult; and

5 (B) that is obtained through sex offender registration under  
6 IC 5-2-12.

7 SECTION 2. IC 11-12-2-12, AS AMENDED BY P.L.253-1997(ss),  
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 1998]: Sec. 12. (a) A community corrections fund is  
10 established in each community having a community corrections  
11 program. The fund shall be administered by the community corrections  
12 advisory board in accordance with rules adopted by the department  
13 under subsection (c). The expenses of administering the fund shall be  
14 paid from money in the fund. Money in the fund at the end of a fiscal  
15 year does not revert to any other fund. The fund consists of fees  
16 deposited under subsection (b). Money in the fund may be used only  
17 for the provision of community corrections program services, including  
18 services allowed under IC 11-12-2-5(b)(3).

19 (b) In addition to user fees collected under ~~IC 31-40~~, IC 35-38-2-1  
20 or any other user fee collected from a participant in a community  
21 corrections program by an agency or program, a community corrections  
22 program may collect from a participant a user fee assessed in  
23 accordance with rules adopted under subsection (c). Community  
24 corrections user fees collected under this section shall be deposited into  
25 the community corrections fund established by this section.

26 (c) The department shall adopt rules under IC 4-22-2 governing the  
27 following:

28 (1) The maximum amount that a community corrections program  
29 or a court may assess as a user fee under subsection (b) or  
30 IC 35-38-2.5-6.

31 (2) Administration by community corrections advisory boards of  
32 community corrections funds and the community corrections  
33 home detention fund, including criteria for expenditures from the  
34 funds.

35 SECTION 3. IC 12-17-8-2, AS AMENDED BY P.L.1-1997,  
36 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 1998]: Sec. 2. Financial responsibility for a child placed under  
38 the provisions of the interstate compact on the placement of children  
39 shall be determined in accordance with Article V. However, for the  
40 partial or complete default of performance, the provisions of IC 31-2-1  
41 (before its repeal), IC 31-1.5 (before its repeal), IC 31-18,  
42 IC 12-14-22-9, and IC 12-14-22-10 also may be invoked. ~~In any~~



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1 appropriate case, financial support or contribution may be obtained by  
 2 an appropriate agency in Indiana under IC 31-40 to aid in the discharge  
 3 of the financial obligations of a sending agency that has placed a child  
 4 in another state under the compact.

5 SECTION 4. IC 31-30-2-1, AS ADDED BY P.L.1-1997, SECTION  
 6 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 7 1998]: Sec. 1. (a) Except as provided in subsections (b) and (c), the  
 8 juvenile court's jurisdiction over a delinquent child or a child in need  
 9 of services and over the child's parent, guardian, or custodian continues  
 10 until:

11 (1) the child becomes twenty-one (21) years of age, unless the  
 12 court discharges the child and the child's parent, guardian, or  
 13 custodian at an earlier time; or

14 (2) guardianship of the child is awarded to the department of  
 15 correction.

16 (b) The juvenile court may, on its own motion, after guardianship of  
 17 a child is awarded to the department of correction, reinstate the court's  
 18 jurisdiction for the purpose of ordering the child's parent, guardian, or  
 19 custodian to participate in programs operated by or through the  
 20 department of correction.

21 (c) ~~The juvenile court's jurisdiction over a parent or guardian of the~~  
 22 ~~estate of a child under this section continues until the parent or~~  
 23 ~~guardian of the estate has satisfied the financial obligation of the parent~~  
 24 ~~or guardian of the estate that is imposed under IC 31-40 (or~~  
 25 ~~IC 31-6-4-18 before its repeal).~~

26 SECTION 5. IC 31-32-2-3, AS ADDED BY P.L.1-1997, SECTION  
 27 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 28 1998]: Sec. 3. (a) This section applies to the following proceedings:

29 (1) Proceedings to determine whether a child is a child in need of  
 30 services.

31 (2) Proceedings to determine whether the parent, guardian, or  
 32 custodian of a child should participate in a program of care,  
 33 treatment, or rehabilitation for the child.

34 (3) ~~Proceedings to determine whether the parent or guardian of~~  
 35 ~~the estate of a child should be held financially responsible for any~~  
 36 ~~services provided to the parent or guardian or the child of the~~  
 37 ~~parent or guardian.~~

38 (4) (3) Proceedings to terminate the parent-child relationship.

39 (b) A parent, guardian, or custodian is entitled:

40 (1) to cross-examine witnesses;

41 (2) to obtain witnesses or tangible evidence by compulsory  
 42 process; and

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(3) to introduce evidence on behalf of the parent, guardian, or custodian.

**(c) The following apply to a proceeding described in subsection (a):**

**(1) A petitioner must prove the allegations in the petition by clear and convincing evidence.**

**(2) At the request of a respondent, a hearing is open to the public and the media.**

**(3) The rules of evidence apply to all hearings and trials.**

**(d) At the request of a parent, a proceeding for termination of the parent-child relationship must be:**

**(1) open to the public and the media; and**

**(2) held before a jury.**

**(e) A contempt of court citation issued in a child in need of services proceeding in which there is a failure to:**

**(1) receive services; or**

**(2) pay fees;**

**ordered by the court may not include confinement in a jail or correctional facility or excessive fines.**

SECTION 6. IC 31-32-6-2, AS ADDED BY P.L.1-1997, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. **Except as provided in IC 31-32-2-3(c) and IC 31-32-2-3(d)**, the juvenile court shall determine whether the public should be excluded from a proceeding other than a juvenile proceeding described in section 3 of this chapter.

SECTION 7. IC 31-32-6-7, AS ADDED BY P.L.1-1997, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) Except as provided in **IC 31-32-2-3(d)** and subsection (b), all matters in juvenile court shall be tried to the court.

(b) A trial of an adult charged with a crime shall be tried to a jury unless the adult requests a bench trial.

SECTION 8. IC 31-33-5-4, AS ADDED BY P.L.1-1997, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

(1) the local child protection service; or

(2) the local law enforcement agency.

**(b) A person making a report under subsection (a) shall include in the report the person's name, address, and telephone number.**

**(c) A person receiving a report under this section on behalf of the local child protection service or law enforcement agency shall**

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1 immediately verify the identity of the person making the report by:

- 2 (1) calling the telephone number provided by the person  
3 making the report; and  
4 (2) confirming the telephone number by checking a telephone  
5 directory or other appropriate resource.

6 The local child protection service or law enforcement agency may  
7 not accept a report that is not verified as described in this  
8 subsection.

9 (d) A report submitted under this section is limited to the  
10 following:

- 11 (1) Personal observations by the person submitting the report  
12 of acts of child abuse or neglect.  
13 (2) Physical evidence of child abuse or neglect observed by the  
14 person submitting the report.  
15 (3) Statements made directly to the person submitting the  
16 report by a victim or eyewitness of child abuse or neglect.

17 SECTION 9. IC 31-33-6-3, AS ADDED BY P.L.1-1997, SECTION  
18 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
19 1998]: Sec. 3. (a) A person making a report that a child may be a  
20 victim parent or other family member accused of child abuse or  
21 neglect or assisting in any requirement of this article is presumed to  
22 have acted in good faith. has a civil cause of action against:

- 23 (1) a person employed by:  
24 (A) a child protection service;  
25 (B) the division of family and children; or  
26 (C) the office of the secretary of family and social services;  
27 and  
28 (2) a child protection service, the division of family and  
29 children, or the office of the secretary of family and social  
30 services;

31 for reckless, incompetent, or malicious treatment of a family  
32 member in a case involving a child abuse or neglect report.

33 (b) Damages recoverable in an action filed under subsection (a)  
34 include the following:

- 35 (1) Compensatory damages.  
36 (2) Punitive damages.  
37 (3) Reasonable attorney's fees incurred in:  
38 (A) the action; and  
39 (B) any matter that gives rise to the action.

40 SECTION 10. IC 31-33-8-1, AS ADDED BY P.L.1-1997,  
41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 1998]: Sec. 1. (a) The local child protection service shall

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1 initiate an immediate and appropriately thorough child protection  
 2 investigation of every report of known or suspected child abuse or  
 3 neglect the local child protection service receives, whether in  
 4 accordance with this article or otherwise.

5 (b) ~~Subject to subsections (d) and (e)~~; If the report alleges a child  
 6 may be a victim of child abuse, the investigation shall be initiated  
 7 immediately, but not later than twenty-four (24) hours after receipt of  
 8 the report.

9 (c) ~~Subject to subsections (d) and (e)~~; If reports of child neglect are  
 10 received, the investigation shall be initiated within a reasonably prompt  
 11 time, but not later than five (5) days, with the primary consideration  
 12 being the well-being of the child who is the subject of the report.

13 (d) If the immediate safety or well-being of a child appears to be  
 14 endangered or the facts otherwise warrant, the investigation shall be  
 15 initiated regardless of the time of day.

16 (e) If the child protection service has reason to believe that the child  
 17 is in imminent danger of serious bodily harm, the child protection  
 18 service shall initiate within one (1) hour **after receipt of the report**  
 19 **described in subsection (b)** an immediate, onsite investigation.

20 SECTION 11. IC 31-33-8-3, AS ADDED BY P.L.1-1997,  
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 1998]: Sec. 3. (a) Except as provided in subsection (b), the  
 23 local child protection service shall:

24 (1) cause color photographs to be taken of the areas of trauma  
 25 visible on a child who is subject to a report; and

26 (2) if medically indicated, cause a radiological examination of the  
 27 child to be performed.

28 (b) If the law enforcement agency participates in the investigation,  
 29 the law enforcement agency shall cause the color photographs to be  
 30 taken as provided by this section.

31 (c) The division of family and children shall reimburse the expenses  
 32 of the photographs and x-rays.

33 **(d) A physical examination of a child that involves removal of**  
 34 **clothing or exposure of the child's torso, abdomen, back, buttocks,**  
 35 **genitals, or upper legs must be conducted by a licensed physician**  
 36 **in a licensed health care facility.**

37 **(e) A photograph made to record the condition of a child under**  
 38 **this section must be:**

39 **(1) made by a licensed member of the health care facility**  
 40 **staff; and**

41 **(2) signed, dated, and numbered by the person who**  
 42 **photographs the child.**



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1 (f) Each photograph under this section must be:

2 (1) stored with the child's file; and

3 (2) available to the accused and the child's parents on request.

4 (g) A photograph made as a result of an unsubstantiated report  
5 must be destroyed immediately after the report is found to be  
6 unsubstantiated.

7 SECTION 12. IC 31-33-8-7.5 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 1998]: **Sec. 7.5. (a) In an investigation of**  
10 **child abuse or neglect, a copy of the report on a form prescribed by**  
11 **the division of family and children must be provided to each**  
12 **accused person before the accused person is questioned.**

13 (b) An accused person must be advised of the person's legal  
14 rights against self-incrimination before being questioned.

15 (c) An investigation is limited to the facts involving only the  
16 child or children alleged to have been subjected to child abuse or  
17 neglect.

18 (d) An interview of a subject child or an accused person must be  
19 audiotaped. The audiotape must be made available to the accused  
20 upon request.

21 SECTION 13. IC 31-33-8-8.5 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 1998]: **Sec. 8.5. (a) A child protection service**  
24 **or law enforcement agency must provide a copy of a report under**  
25 **section 8 of this chapter to the accused person immediately upon**  
26 **completion of the investigation report.**

27 (b) A child is entitled to remain in the child's family home unless  
28 danger to the child exists.

29 (c) A family member shall be given first priority for placement  
30 of a child upon removal of the child from the child's home.

31 (d) Parents or other family members are not required to  
32 reimburse the state or service providers for supervised visitation.

33 (e) A child may not be removed from a juvenile facility or other  
34 out-of-home placement by a person not related to the child unless  
35 the removal is within the scope of professional duties of authorized  
36 state personnel.

37 SECTION 14. IC 31-33-8-12, AS ADDED BY P.L.1-1997,  
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 1998]: **Sec. 12. (a) Upon completion of an investigation, the**  
40 **local child protection service shall classify reports as substantiated or**  
41 **unsubstantiated.**

42 (b) To substantiate a report of child abuse or neglect, the

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1 **allegations must be proven by a preponderance of the evidence.**

2 **(c) The local child protection service shall mail a copy of a**  
 3 **report under this section on a form prescribed by the division of**  
 4 **family and children to each accused person by certified mail as**  
 5 **soon as the report is classified as substantiated or unsubstantiated.**

6 SECTION 15. IC 31-33-8-13, AS ADDED BY P.L.1-1997,  
 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 1998]: Sec. 13. Whenever:

9 ~~(1)~~ **(1)** an arrest relating to child abuse or neglect is made; the law  
 10 enforcement agency that makes the arrest;

11 ~~(2)~~ **(1)** criminal charges relating to child abuse or neglect are  
 12 filed, the court in which the charges are filed; or

13 ~~(3)~~ **(2)** a child in need of services determination is made ~~the local~~  
 14 ~~child protection service that files the petition upon which the~~  
 15 ~~determination is by the court based~~

16 ~~(4)~~ a court approves a program of informal adjustment under  
 17 IC 31-34-8 arising out of a child abuse or neglect report; the  
 18 appropriate child protection service; or

19 ~~(5)~~ a person who is accused of child abuse or neglect:

20 ~~(A)~~ enters into a services referral agreement; and

21 ~~(B)~~ fails to substantially comply with the terms of the services  
 22 referral agreement;

23 ~~under IC 31-33-13, the local child protection service that obtains~~  
 24 ~~the agreement from the person; on a report of child abuse or~~  
 25 ~~neglect that is substantiated in cases of:~~

26 ~~(A)~~ **(A)** physical violence against the child;

27 ~~(B)~~ **(B)** sexual violence against the child; or

28 ~~(C)~~ **(C)** extreme neglect of the child;

29 **the court that makes the determination;**

30 shall transmit to the registry, not more than five (5) working days after  
 31 the circumstances described by subdivisions (1) through ~~(5)~~ **(2)** occur,  
 32 the relevant child abuse or neglect report.

33 SECTION 16. IC 31-33-8-14, AS ADDED BY P.L.1-1997,  
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 1998]: Sec. 14. Whenever:

36 (1) a court with criminal jurisdiction dismisses a case or enters a  
 37 not guilty verdict in a case arising out of child abuse or neglect;  
 38 or

39 (2) a court with jurisdiction over a child in need of services  
 40 proceeding determines that child abuse or neglect has not  
 41 occurred;

42 the court shall forward information regarding the disposition of the

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1 case under this chapter to the registry not more than five (5) working  
 2 days after the court acts as described by subdivisions (1) through (2).  
 3 **All information concerning the child abuse or neglect report must**  
 4 **be immediately removed from the registry.**

5 SECTION 17. IC 31-33-8-15 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 1998]: **Sec. 15. (a) Based on the investigation**  
 8 **and evaluation conducted under this chapter, a local child**  
 9 **protection service shall offer to a family of a child believed to be**  
 10 **suffering from child abuse or neglect, family or rehabilitative**  
 11 **services, or both, that appear appropriate for either the child or**  
 12 **the family. However, before offering these services to a family, a**  
 13 **local child protection service shall explain that it has no legal**  
 14 **authority to compel the family to receive the social services, but**  
 15 **may inform the family of the obligations and authority of the child**  
 16 **protection service to petition a juvenile court for a proceeding**  
 17 **alleging that the child may be a victim of child abuse or neglect.**

18 (b) If the child protection service determines that the best  
 19 interests of a child require action in the juvenile or criminal court,  
 20 the child protection service shall refer the case to the juvenile court  
 21 under IC 31-34-7 or make a referral to the prosecuting attorney if  
 22 criminal prosecution is indicated.

23 (c) The local child protection service shall assist the juvenile  
 24 court or the court having criminal jurisdiction during all stages of  
 25 the proceedings in accordance with the purposes of this chapter.

26 (d) The local child protection service shall coordinate, provide  
 27 or arrange for, and monitor, as authorized by this chapter and  
 28 IC 12, family or rehabilitative services, or both, for a child and the  
 29 child's family on a voluntary basis or under an order of the court,  
 30 subject to IC 31-34-11, IC 31-34-18, IC 31-37-13, and IC 31-37-17.

31 SECTION 18. IC 31-33-10-4 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 1998]: **Sec. 4. A physical examination of a**  
 34 **child that involves removal of clothing or exposure of the child's**  
 35 **torso, abdomen, back, buttocks, genitals, or upper legs must be**  
 36 **conducted by a licensed physician in a licensed health care facility.**

37 SECTION 19. IC 31-33-10-5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 1998]: **Sec. 5. (a) A photograph made to**  
 40 **record the condition of a child under this section must be:**

41 (1) made by a licensed member of the health care facility  
 42 staff; and

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1 (2) signed, dated, and numbered by the person who  
2 photographs the child.

3 (b) Each photograph under this section must be:

4 (1) stored with the child's file; and

5 (2) available to the accused and the child's parents on request.

6 (c) A photograph made as a result of an unsubstantiated report  
7 must be destroyed immediately after the report is determined to be  
8 unsubstantiated.

9 SECTION 20. IC 31-33-11-1, AS ADDED BY P.L.1-1997,  
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 1998]: Sec. 1. (a) Whenever:

12 (1) a child is subject to investigation by a local child protection  
13 service for reported child abuse or neglect;

14 (2) the child is a patient in a hospital; and

15 (3) the hospital has reported or has been informed of the report  
16 and investigation;

17 the hospital may not release the child to the child's parent, guardian,  
18 custodian, or to a court approved placement until the hospital receives  
19 authorization or a copy of a court order from the investigating local  
20 child protection service indicating that the child may be released to the  
21 child's parent, guardian, custodian, or court approved placement.

22 (b) If the authorization that is granted under this section is verbal,  
23 the investigating local child protection service shall send a letter to the  
24 hospital confirming that the local child protection service has granted  
25 authorization for the child's release.

26 (c) ~~The individual or third party payor responsible financially for the~~  
27 ~~hospital stay of the child remains responsible for any extended stay~~  
28 ~~under this section. If no party is responsible for the extended stay, The~~  
29 ~~division of family and children shall pay the expenses of the extended~~  
30 ~~hospital stay under this section.~~

31 SECTION 21. IC 31-33-17-2, AS ADDED BY P.L.1-1997,  
32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 1998]: Sec. 2. The division of family and children shall enter  
34 a substantiated report into the registry only if at least one (1) of the  
35 following applies:

36 ~~(1) An arrest of the alleged perpetrator of the child abuse or~~  
37 ~~neglect is made.~~

38 ~~(2) (1) Criminal charges are filed in state or federal court against~~  
39 ~~the alleged perpetrator of the child abuse or neglect.~~

40 ~~(3) (2) A court determines that a child is a child in need of~~  
41 ~~services based on a report of child abuse or neglect~~

42 ~~(4) A court approves a program of informal adjustment relating to~~

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1 the child abuse or neglect report under IC 31-34-8.

2 (5) A person does not substantially comply with the terms of a  
3 services referral agreement under IC 31-33-13:

4 **that is substantiated in cases of:**

5 (A) **physical harm against the child;**

6 (B) **sexual violence against the child; or**

7 (C) **extreme neglect of the child.**

8 SECTION 22. IC 31-33-17-3, AS ADDED BY P.L.1-1997,  
9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 1998]: Sec. 3. The division of family and children:

11 (1) may not enter an unsubstantiated report into the registry; **and**

12 (2) **shall immediately destroy all records of an**  
13 **unsubstantiated child abuse or neglect report upon**  
14 **determination that the report is unsubstantiated.**

15 SECTION 23. IC 31-33-17-4, AS ADDED BY P.L.1-1997,  
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 1998]: Sec. 4. The division of family and children shall store  
18 data regarding the child abuse or neglect reports in a manner so that the  
19 data is accessible under the following if known:

20 (1) The child's name.

21 (2) The child's date of birth.

22 (3) The alleged perpetrator's name.

23 ~~(4) The child's mother's name.~~

24 ~~(5) The child's father's name.~~

25 ~~(6) The name of a sibling of the child.~~

26 ~~(7) The name of the child's guardian or custodian if applicable.~~

27 SECTION 24. IC 31-33-17-7, AS ADDED BY P.L.1-1997,  
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 1998]: Sec. 7. The division of family and children shall  
30 administer the registry and each local child protection service shall  
31 administer the automated child protection system under IC 31-33-20 in  
32 a manner that enables the division of family and children or each local  
33 child protection service to do the following:

34 (1) Immediately identify and locate prior **substantiated** reports of  
35 child abuse or neglect through the use of the division of family  
36 and children's computerized tracking system and the local child  
37 protection service's automated risk assessment system.

38 (2) Track steps in the investigative process to ensure compliance  
39 with all requirements for a report of child abuse and neglect.

40 (3) Maintain and produce aggregate statistical reports monitoring  
41 patterns of child abuse and neglect that the division of family and  
42 children shall make available to the public upon request.



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1 (4) Serve as a resource for the evaluation, management, and  
2 planning of preventative and remedial services to children who  
3 have been subject to child abuse or neglect.

4 SECTION 25. IC 31-33-18-4, AS ADDED BY P.L.1-1997,  
5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 1998]: Sec. 4. (a) Whenever a child abuse or neglect  
7 investigation is conducted under this article, the local child protection  
8 service shall give verbal and written notice to each parent, guardian, or  
9 custodian of the child that:

- 10 (1) the reports and information described under section 1 of this  
11 chapter relating to the child abuse or neglect investigation; and
- 12 (2) if the child abuse or neglect allegations are pursued in juvenile  
13 court, the juvenile court's records described under IC 31-39;

14 are available upon the request of the parent, guardian, or custodian  
15 except as prohibited by federal law.

16 (b) A parent, guardian, or custodian requesting information under  
17 this section may be required to sign a written release form that  
18 delineates the information that is requested before the information is  
19 made available. However, no other prerequisites for obtaining the  
20 information may be placed on the parent, guardian, or custodian except  
21 for reasonable copying costs.

22 (c) **The entire file of a child abuse or neglect investigation must**  
23 **be made available to the accused and the parents of the child who**  
24 **is the subject of the investigation at all stages of the proceedings.**  
25 **The identity of a party reporting the alleged child abuse or neglect**  
26 **is confidential.**

27 (d) **The accused has the right to provide written evidence and**  
28 **documentation to be kept in the accused's files and records for as**  
29 **long as the files and records remain in existence.**

30 SECTION 26. IC 31-33-19-1, AS ADDED BY P.L.1-1997,  
31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 1998]: Sec. 1. Except as provided in sections 6 and 7 of this  
33 chapter, ~~the division of family and children~~ **a hearing officer who is**  
34 **not employed by or under the direction of the office of the**  
35 **secretary of family and social services** shall conduct an  
36 administrative hearing under IC 4-21.5-3 upon a request made under  
37 IC 31-33-17-8.

38 SECTION 27. IC 31-33-19-2, AS ADDED BY P.L.1-1997,  
39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 1998]: Sec. 2. At the administrative hearing, the classifying  
41 agency must prove by ~~some credible~~ **a preponderance of the** evidence  
42 that the alleged perpetrator is responsible for the child's abuse or

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1 neglect.

2 SECTION 28. IC 31-34-4-2, AS ADDED BY P.L.1-1997,  
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 1998]: Sec. 2. (a) If a child alleged to be a child in need of  
5 services is taken into custody under an order of the court under this  
6 chapter, the court shall **first** consider placing the child with a suitable  
7 and willing blood or adoptive relative caretaker, including a  
8 grandparent, an aunt, an uncle, or an adult sibling, before considering  
9 any other out-of-home placement.

10 (b) Before placing a child in need of services with a blood relative  
11 or an adoptive relative caretaker, the court may order the division of  
12 family and children to:

- 13 (1) complete a home study of the relative's home; and  
14 (2) provide the court with a placement recommendation.

15 **(c) Notwithstanding subsection (b), a child is entitled to remain  
16 in the child's family home unless danger to the child exists.**

17 **(d) Parents or other family members may not be required to  
18 reimburse the state or a provider of family services for costs  
19 related to supervised visitation.**

20 **(e) A child may not be removed from a juvenile facility or other  
21 out-of-home placement by a person who is not related to the child  
22 unless the removal is done by an authorized state employee who  
23 acts within the employee's scope of professional duties.**

24 SECTION 29. IC 31-34-10-3, AS ADDED BY P.L.1-1997,  
25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 1998]: Sec. 3. Before complying with the other requirements  
27 of this chapter, the juvenile court shall first determine whether the  
28 following conditions make it appropriate to appoint a guardian ad litem  
29 or a court appointed special advocate, or both, for the child:

- 30 (1) If the child is alleged to be a child in need of services:  
31 (A) under IC 31-34-1-6;  
32 (B) under IC 31-34-1-10 or IC 31-34-1-11;  
33 (C) due to the inability, refusal, or neglect of the child's parent,  
34 guardian, or custodian to supply the child with the necessary  
35 medical care; or  
36 (D) because the location of both of the child's parents is  
37 unknown;  
38 the court shall appoint a guardian ad litem or court appointed  
39 special advocate, or both, for the child.  
40 (2) If the child is alleged to be a child in need of services under:  
41 (A) IC 31-34-1-1;  
42 (B) IC 31-34-1-2;



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- 1 (C) IC 31-34-1-3;
- 2 (D) IC 31-34-1-4;
- 3 (E) IC 31-34-1-5;
- 4 (F) IC 31-34-1-7; or
- 5 (G) IC 31-34-1-8;

6 the court may appoint a guardian ad litem, court appointed special  
7 advocate, or both, for the child.

8 (3) If the parent, guardian, or custodian of a child denies the  
9 allegations of a petition under section 6 of this chapter, the court  
10 shall appoint a guardian ad litem, court appointed special  
11 advocate, or both, for the child. **However, a child is entitled to  
12 remain in the child's home unless danger to the child exists. A  
13 family member shall be given first priority for placement of  
14 a child if the child is removed from the child's home.**

15 SECTION 30. IC 31-34-10-5, AS ADDED BY P.L.1-1997,  
16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 1998]: Sec. 5. (a) The juvenile court shall inform the parent  
18 or guardian of the estate that if the child is adjudicated a child in need  
19 of services:

20 (1) the parent, guardian, or custodian of the child may be required  
21 to participate in a program of care, treatment, or rehabilitation for  
22 the child;

23 ~~(2) the parent or guardian may be held financially responsible for  
24 services provided for the parent, guardian, or child; and~~

25 ~~(3) (2) the parent, guardian, or custodian of the child may  
26 controvert the following:~~

27 ~~(A) allegations made at the child's dispositional or other  
28 hearing concerning the parent's, guardian's, or custodian's  
29 participation.~~

30 ~~(B) Allegations concerning the parent's or guardian's financial  
31 responsibility for services that would be provided.~~

32 **(b) A family that is required to participate in family services  
33 under subsection (a)(1) may use a family services provider of the  
34 family's choice, including clergy.**

35 SECTION 31. IC 31-34-10-10 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 1998]: **Sec. 10. Family services required  
38 under this chapter must be concluded within twelve (12) months  
39 after the determination that a child is a child in need of services,  
40 except when a petition for termination of the parent-child  
41 relationship is filed. Within twelve (12) months after a  
42 determination that a child is a child in need of services, the juvenile**

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**court shall:**

- (1) dismiss the case; or**
- (2) initiate on its own motion a proceeding to terminate the parent-child relationship.**

SECTION 32. IC 31-34-12-2, AS ADDED BY P.L.1-1997, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. A finding **by a juvenile court** in a proceeding to:

- (1) terminate parental rights; or**
- (2) determine if a child is a child in need of services;**

must be based upon clear and convincing evidence.

SECTION 33. IC 31-34-12-3, AS ADDED BY P.L.1-1997, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A finding **by a juvenile court in a proceeding** not covered by section 1 or 2 of this chapter must be based upon a preponderance of the evidence.

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

- (1) A permanent plan for the child and an estimated date for achieving the goal of the plan.
- (2) The appropriate placement for the child based on the child's special needs and best interests.
- (3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is recommended. If an out-of-home placement is appropriate, the county department shall **first** consider whether a child in need of services should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child. **However, a child is entitled to remain in the child's home unless danger to the child exists.**
- (4) Family services recommended for the child, parent, guardian, or custodian.
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.
- (6) Efforts that will be made to provide family services that are ordered by the court.

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1 SECTION 35. IC 31-34-19-1, AS ADDED BY P.L.55-1997,  
 2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 1998]: Sec. 1. (a) The juvenile court shall hold a dispositional  
 4 hearing to consider the following:

5 (1) Alternatives for the care, treatment, rehabilitation, or  
 6 placement of the child.

7 (2) The necessity, nature, and extent of the participation by a  
 8 parent, a guardian, or a custodian in the program of care,  
 9 treatment, or rehabilitation for the child.

10 ~~(3) The financial responsibility of the parent or guardian of the  
 11 estate for services provided for the parent or guardian or the child.~~

12 **(b) A court may not require reimbursement by a family to:**

13 **(1) the state;**

14 **(2) a provider of family services;**

15 **(3) a guardian ad litem; or**

16 **(4) a court appointed special advocate.**

17 SECTION 36. IC 31-34-19-7, AS ADDED BY P.L.1-1997,  
 18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 1998]: Sec. 7. In addition to the factors under section 6 of this  
 20 chapter, if the court enters a dispositional decree regarding a child in  
 21 need of services that includes an out-of-home placement, the court  
 22 shall **first** consider whether the child should be placed with the child's  
 23 suitable and willing blood or adoptive relative caretaker, including a  
 24 grandparent, an aunt, an uncle, or an adult sibling, before considering  
 25 other out-of-home placements for the child. **However, a child is**  
 26 **entitled to remain in the child's home unless danger to the child**  
 27 **exists.**

28 SECTION 37. IC 31-34-20-3, AS ADDED BY P.L.1-1997,  
 29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 1998]: Sec. 3. (a) If the juvenile court determines that a  
 31 parent, guardian, or custodian should participate in a program of care,  
 32 treatment, or rehabilitation for the child, the court may order the parent,  
 33 guardian, or custodian to do the following:

34 (1) Obtain assistance in fulfilling the obligations as a parent,  
 35 guardian, or custodian.

36 (2) Provide specified care, treatment, or supervision for the child.

37 (3) Work with a person providing care, treatment, or rehabilitation  
 38 for the child.

39 (4) Participate in a program operated by or through the  
 40 department of correction.

41 **(b) A family required to participate in family services under**  
 42 **subsection (a)(1) may use a provider of family services of the**

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1 **family's choice, including clergy.**

2 SECTION 38. IC 31-34-21-7, AS ADDED BY P.L.1-1997,  
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 1998]: Sec. 7. (a) The court shall hold a formal hearing

5 ~~(1) every within~~ twelve (12) months after

6 ~~(A) the date of the original dispositional decree. or~~

7 ~~(B) a child in need of services was removed from the child's~~  
8 ~~parent, guardian, or custodian;~~

9 ~~whichever comes first; or~~

10 ~~(2) more often if ordered by the juvenile court.~~

11 (b) The court shall:

12 (1) make the determination and findings required by section 5 of  
13 this chapter;

14 ~~(2) consider the question of continued jurisdiction and whether~~  
15 ~~the dispositional decree should be modified;~~

16 ~~(3) determine whether the child should:~~

17 ~~(A) return home;~~

18 ~~(B) continue in foster care;~~

19 ~~(C) be placed for adoption; or~~

20 ~~(D) be placed under another permanent plan; and~~

21 ~~(4) (2) examine procedural safeguards used by the county office~~  
22 ~~of family and children to protect parental rights.~~

23 (c) ~~The state must show that jurisdiction should continue by proving~~  
24 ~~that the objectives of the dispositional decree have not been~~  
25 ~~accomplished and that a continuation of the decree with or without any~~  
26 ~~modifications has a probability of success. If the state does not sustain~~  
27 ~~its burden for continued jurisdiction; The court may:~~

28 (1) authorize **the filing of** a petition for termination of the  
29 parent-child relationship; or

30 (2) **initiate on its own motion a proceeding for termination of**  
31 **the parent-child relationship; or**

32 (3) discharge the child or **and** the child's parent, guardian, or  
33 custodian.

34 **(d) The orders of the court contained in the original disposition**  
35 **decree may be modified by the court during the pendency of a**  
36 **proceeding to terminate the parent-child relationship initiated**  
37 **under this section.**

38 SECTION 39. IC 31-34-22-3, AS ADDED BY P.L.1-1997,  
39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 1998]: Sec. 3. (a) ~~Any A~~ report **that complies with the rules**  
41 **of evidence** may be admitted into evidence. ~~to the extent that the report~~  
42 ~~contains evidence of probative value even if the evidence would~~



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~~otherwise be excluded.~~

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

SECTION 40. IC 31-37-14-2, AS ADDED BY P.L.1-1997, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. A finding **by a juvenile court** in a proceeding to:

- (1) terminate parental rights; or**
- (2) determine if a child is a child in need of services;**

must be based upon clear and convincing evidence.

SECTION 41. IC 31-37-14-3, AS ADDED BY P.L.1-1997, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A finding **by a juvenile court in a proceeding** not covered by section 1 or 2 of this chapter must be based upon a preponderance of the evidence.

SECTION 42. IC 31-37-18-1, AS ADDED BY P.L.55-1997, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. **(a)** The juvenile court shall hold a dispositional hearing to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- ~~(3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.~~

**(b) A court may not require reimbursement by a family to:**

- (1) the state;**
- (2) a provider of family services;**
- (3) a guardian ad litem; or**
- (4) a court appointed special advocate.**

SECTION 43. IC 31-37-19-24, AS ADDED BY P.L.1-1997, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 24. **(a)** If the juvenile court determines that a parent, guardian, or custodian should participate in a program of care,

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1 treatment, or rehabilitation for the child, the court may order the parent,  
 2 guardian, or custodian to:

- 3 (1) obtain assistance in fulfilling the obligations as a parent,
- 4 guardian, or custodian;
- 5 (2) provide specified care, treatment, or supervision for the child;
- 6 (3) work with a person providing care, treatment, or rehabilitation
- 7 for the child; and
- 8 (4) participate in a program operated by or through the
- 9 department of correction.

10 **(b) A family required to participate in family services under**  
 11 **subsection (a)(1) may use a provider of family services of the**  
 12 **family's choice, including clergy.**

13 SECTION 44. IC 31-37-20-2, AS ADDED BY P.L.1-1997,  
 14 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 1998]: Sec. 2. (a) The court shall hold a formal hearing:

- 16 ~~(1) every within~~ twelve (12) months after
- 17 ~~(A) the date of the original dispositional decree. or~~
- 18 ~~(B) a delinquent child was removed from the child's parent,~~
- 19 ~~guardian, or custodian;~~
- 20 ~~whichever occurs first; or~~
- 21 ~~(2) more often if ordered by the juvenile court.~~

22 (b) The court shall determine whether the dispositional decree  
 23 should be modified and whether the present placement is in the best  
 24 interest of the child. The court, in making the court's determination,  
 25 may consider the following:

- 26 (1) The services that have been provided or offered to a parent,
- 27 guardian, or custodian to facilitate a reunion.
- 28 (2) The extent to which the parent, guardian, or custodian has
- 29 enhanced the ability to fulfill parental obligations.
- 30 (3) The extent to which the parent, guardian, or custodian has
- 31 visited the child, including the reasons for infrequent visitation.
- 32 (4) The extent to which the parent, guardian, or custodian has
- 33 cooperated with the county office of family and children or
- 34 probation department.
- 35 (5) The child's recovery from any injuries suffered before
- 36 removal.
- 37 (6) Whether additional services are required for the child or the
- 38 child's parent, guardian, or custodian and, if so, the nature of the
- 39 services.
- 40 (7) The extent to which the child has been rehabilitated.

41 SECTION 45. IC 31-37-21-1, AS ADDED BY P.L.1-1997,  
 42 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 1998]: Sec. 1. (a) Before a hearing under IC 31-37-20-2, ~~or~~  
 2 ~~IC 31-37-20-3~~; the probation department or the county office of family  
 3 and children shall prepare a report on the progress made in  
 4 implementing the dispositional decree, including the progress made in  
 5 rehabilitating the child, preventing placement out-of-home, or reuniting  
 6 the family. **The report must comply with the rules of evidence.**

7 (b) Before preparing the report required by subsection (a), the  
 8 probation department or the county office of family and children shall  
 9 consult a foster parent of the child about the child's progress made  
 10 while in the foster parent's care.

11 (c) If modification of the dispositional decree is recommended, the  
 12 probation department or the county office of family and children shall  
 13 prepare a modification report containing the information required by  
 14 IC 31-37-17 and request a formal court hearing.

15 SECTION 46. IC 31-37-21-2, AS ADDED BY P.L.1-1997,  
 16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 1998]: Sec. 2. (a) Except as provided by subsection (b), a  
 18 report prepared by the state:

19 (1) for the juvenile court's review of the court's dispositional  
 20 decree; or

21 (2) for use at a periodic case review or hearing under  
 22 IC 31-37-20-2; ~~or IC 31-37-20-3~~;

23 shall be made available to the child and the child's parent, guardian,  
 24 guardian ad litem, custodian, or court appointed special advocate  
 25 within a reasonable time after the report's presentation to the court or  
 26 before the hearing.

27 (b) If the court determines on the record that the report contains  
 28 information that should not be released to the child or the child's  
 29 parent, guardian, or custodian, the court shall provide a copy of the  
 30 report to the following:

31 (1) Each attorney or a guardian ad litem representing the child.

32 (2) Each attorney representing the child's parent, guardian, or  
 33 custodian.

34 (3) A court appointed special advocate.

35 (c) The court may also provide a factual summary of the report to  
 36 the child or the child's parent, guardian, or custodian.

37 (d) In addition to the requirements of subsection (a), any report  
 38 prepared by the state for the juvenile court's review shall also be made  
 39 available to any court appointed special advocate within the same time  
 40 period and in the same manner as required in the case of a parent under  
 41 subsection (a). However, if under subsection (a) the court determines  
 42 on the record that the report contains information that should not be



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1 released to the parent, the court shall still provide a copy of the report  
2 to any court appointed special advocate.

3 SECTION 47. IC 31-37-21-3, AS ADDED BY P.L.1-1997,  
4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 1998]: Sec. 3. (a) ~~Any A~~ report **that complies with the rules**  
6 **of evidence** may be admitted into evidence. ~~to the extent that the report~~  
7 ~~contains evidence of probative value even if the evidence would~~  
8 ~~otherwise be excluded.~~

9 (b) If a report contains information that should not be released to the  
10 child or the child's parent, guardian, or custodian, a factual summary of  
11 the report may be admitted.

12 (c) The:

- 13 (1) child;  
14 (2) child's parent, guardian, or custodian; and  
15 (3) person representing the interests of the state;

16 shall be given a fair opportunity to controvert any part of the report  
17 admitted into evidence.

18 SECTION 48. IC 31-40-1-2, AS ADDED BY P.L.1-1997,  
19 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 1998]: Sec. 2. (a) The county shall pay the cost of:

- 21 (1) any services ordered by the juvenile court for any child or the  
22 child's parent, guardian, or custodian; and  
23 (2) returning a child under IC 31-37-23.

24 (b) The county fiscal body shall provide sufficient money to meet  
25 the court's requirements.

26 (c) ~~The child's parent or the guardian of the estate of a child shall~~  
27 ~~reimburse the county for the costs paid under subsection (a) (or~~  
28 ~~IC 31-6-4-18(b) before its repeal) as provided under this article.~~

29 (d) ~~After receiving a petition for reimbursement from a county that~~  
30 ~~has paid for services under subsection (a) (or IC 31-6-4-18(b) before~~  
31 ~~its repeal); the court shall hold a hearing to determine whether to order~~  
32 ~~reimbursement by the child's parents or the guardian of the child's~~  
33 ~~estate to the county as described under this article.~~

34 (c) **A court may not require reimbursement by a family under**  
35 **this section to:**

- 36 (1) **the state;**  
37 (2) **a provider of family services;**  
38 (3) **a guardian ad litem; or**  
39 (4) **a court appointed special advocate.**

40 SECTION 49. IC 31-40-2-1, AS ADDED BY P.L.1-1997,  
41 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 1998]: Sec. 1. (a) ~~Subject to IC 31-40-1-3,~~ A juvenile court

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1 may order each delinquent child who receives supervision under  
 2 IC 31-37-19 or the child's parent, guardian, or custodian to pay to the  
 3 probation department:

- 4 (1) an initial probation user's fee of at least twenty-five dollars  
 5 (\$25) but not more than one hundred dollars (\$100); and  
 6 (2) a probation user's fee of at least five dollars (\$5) but not more  
 7 than fifteen dollars (\$15) for each month the child receives  
 8 supervision.

9 (b) The probation department shall deposit the probation user's fees  
 10 paid under subsection (a) into the county supplemental juvenile  
 11 probation services fund.

12 SECTION 50. IC 31-40-4-1, AS ADDED BY P.L.1-1997,  
 13 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 1998]: Sec. 1. If the parent or guardian of the estate

15 ~~(1) defaults in reimbursing the county; or~~

16 ~~(2) fails to pay a fee authorized by this article~~

17 the juvenile court may find the parent or guardian in contempt and  
 18 enter judgment for the amount due.

19 SECTION 51. IC 33-2.1-7-3.1, AS AMENDED BY P.L.1-1997,  
 20 SECTION 120, IS AMENDED TO READ AS FOLLOWS

21 [EFFECTIVE JULY 1, 1998]: Sec. 3.1. (a) The division of state court  
 22 administration shall establish and administer an office of guardian ad  
 23 litem and court appointed special advocate services. The division shall  
 24 use money it receives from the state general fund to administer the  
 25 office. If funds for guardian ad litem and court appointed special  
 26 advocate programs are appropriated by the general assembly, the  
 27 division shall provide matching funds to counties that are required to  
 28 implement and administer, in courts with juvenile jurisdiction, a  
 29 guardian ad litem and court appointed special advocate program for  
 30 children who are alleged to be victims of child abuse or neglect under  
 31 IC 31-33. However, the division may not use more than seventy-five  
 32 thousand dollars (\$75,000) per state fiscal year for administration of  
 33 the program. Matching funds must be distributed in accordance with  
 34 the provisions of section 3.2 of this chapter. A county may use these  
 35 matching funds to supplement amounts that are collected as fees under  
 36 ~~IC 31-40-3-1~~ **IC 31-40-2-1** and used for the operation of guardian ad  
 37 litem and court appointed special advocate programs. The division may  
 38 use its administrative fund to provide training services and  
 39 communication services for local officials and local guardian ad litem  
 40 and court appointed special advocate programs. The county fiscal body  
 41 shall appropriate adequate funds for the county to be eligible for  
 42 matching funds under this section.



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1 (b) Matching funds provided to a county under this provision shall  
 2 be used for guardian ad litem and court appointed special advocate  
 3 programs and may be deposited in the county's guardian ad litem or  
 4 court appointed special advocate fund described in ~~IC 31-40-3~~.  
 5 **IC 31-40-2.**

6 (c) Any matching funds appropriated to the division of state court  
 7 administration that are not used before July 1 of each fiscal year do not  
 8 revert but shall be redistributed under this section on July 1. The  
 9 division shall redistribute the funds among counties providing guardian  
 10 ad litem and court appointed special advocate programs that are  
 11 entitled to receive matching funds.

12 (d) Money appropriated to the division of state court administration  
 13 does not revert at the end of a state fiscal year to the state general fund.

14 SECTION 52. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 15 JULY 1, 1998]: IC 31-34-12-4; IC 31-34-18-3; IC 31-37-17-3;  
 16 IC 31-37-20-3; IC 31-40-1-3; IC 31-40-1-4; IC 31-40-1-5;  
 17 IC 31-40-3-1; IC 31-40-3-2; IC 31-40-3-3.

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