

HOUSE BILL No. 1019

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 for whom the therapeutic foster parent is a parent, stepparent, guardian, custodian, or other relative. Allows the division of family and children
(Continued next page)

Effective: July 1, 1999.

Budak, Smith V, Dickinson

January 6, 1999, read first time and referred to Committee on Human Affairs.



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. 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 and 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 of family and children 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 of family and children 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, 1999, and ending July 1, 2001. Requires the board for the coordination of child care regulation to study laws governing the regulation of child care and to make recommendations to the general assembly concerning changes in the law that the board for the coordination of child care regulation finds appropriate. (The introduced version of this bill was prepared by the interim study committee on family law issues.)



Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1019

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, 1999]: **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, physical, or emotional disability; and**
8 (B) **will require additional supervision or assistance in
9 behavior management, activities of daily living, or
10 management of medical problems; and**
11 (2) **that meets the additional requirements under
12 IC 12-17.4-4-1.7.**

13 SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family
16 home", for purposes of IC 12-17.4, means a foster family home:**



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

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

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

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

9 (C) a licensed child placing agency; and

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

12 SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 1999]:

15 **Chapter 3.1. Board for the Coordination of Child Care**
16 **Regulation**

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

20 (1) One (1) employee of the division to be designated by the
21 director of the division.

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

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

26 (4) Ten (10) members, not more than five (5) of whom may be
27 from the same political party, to be appointed as follows:

28 (A) One (1) member with child development experience to
29 represent the public.

30 (B) One (1) member to represent operators of foster family
31 homes.

32 (C) Two (2) members to represent operators of child care
33 homes.

34 (D) One (1) member to represent operators of child caring
35 institutions.

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

38 (F) One (1) member who is knowledgeable about the
39 delivery of child care services to children and who is not an
40 owner or operator of a facility, a ministry, or an agency
41 that is licensed or registered under this chapter.

42 (G) Two (2) members to represent operators of child care



- 1 centers.
- 2 (H) One (1) member to represent child care ministries.
- 3 (5) Two (2) members of the house of representatives, not more
- 4 than one (1) of whom is a member of the same political party,
- 5 to be appointed by and serve at the pleasure of the speaker of
- 6 the house of representatives.
- 7 (6) Two (2) members of the senate, not more than one (1) of
- 8 whom is a member of the same political party, to be appointed
- 9 by and serve at the pleasure of the president pro tempore of
- 10 the senate.
- 11 (b) The president pro tempore of the senate shall appoint the
- 12 board members listed under subsection (a)(4)(A), (a)(4)(B), and
- 13 (a)(4)(D), and one (1) member each under subsection (a)(4)(C) and
- 14 (a)(4)(G). The speaker of the house of representatives shall appoint
- 15 the board members listed under subsection (a)(4)(E), (a)(4)(F), and
- 16 (a)(4)(H), and one (1) member each under subsection (a)(4)(C) and
- 17 (a)(4)(G). At least one (1) of the members appointed under this
- 18 section must have knowledge or expertise, or both, in the area of
- 19 children with special needs.
- 20 (c) The legislative council shall appoint the chairperson of the
- 21 board from among the board members.
- 22 Sec. 2. The terms of the members expire November 1, 2001.
- 23 Sec. 3. The board shall elect necessary officers from among the
- 24 board's members.
- 25 Sec. 4. The board shall meet upon the call of the chairperson.
- 26 Sec. 5. A majority of the members must be present for the
- 27 transaction of business.
- 28 Sec. 6. The board may appoint subcommittees of the board's
- 29 members to receive public testimony, visit facilities, and make
- 30 recommendations to the full committee.
- 31 Sec. 7. The legislative services agency shall provide the
- 32 personnel necessary to staff the board.
- 33 Sec. 8. Each member of the board who is not a member of the
- 34 general assembly is entitled to reimbursement for traveling and
- 35 other expenses actually incurred in connection with the member's
- 36 duties, as provided in the state travel policies and procedures
- 37 established by the Indiana department of administration and
- 38 approved by the budget agency. Each member who is not a state
- 39 employee is entitled to the minimum salary per diem as provided
- 40 in IC 4-10-11-2.1(b).
- 41 Sec. 9. Each member of the board who is a member of the
- 42 general assembly is entitled to receive the same per diem, mileage,



1 and travel allowances paid to members of the general assembly
 2 serving on interim study committees established by the legislative
 3 council. Payments made to a member of the general assembly
 4 under this section shall be paid from funds appropriated to the
 5 legislative council and the legislative services agency for this
 6 purpose.

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

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

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

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

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

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

32 **Sec. 11.** This chapter expires November 1, 2001.

33 SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5.** (a) A person may not operate
 36 a therapeutic foster family home without a license issued under this
 37 article.

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

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



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

4 (d) An applicant for a therapeutic foster family home license
 5 must do the following:

- 6 (1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.
 7 (2) Participate in thirty (30) hours of pre-service training that
 8 includes:

9 (A) twenty (20) hours of pre-service training to be licensed
 10 as a foster parent under 470 IAC 3-1-1 et seq.; and

11 (B) ten (10) hours of additional pre-service training in
 12 therapeutic foster care.

- 13 (3) Participate in twenty (20) hours of training each
 14 subsequent licensing year that includes:

15 (A) ten (10) hours of training as required in order to be
 16 licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

17 (B) ten (10) hours of additional training in order to be
 18 licensed as a therapeutic foster parent under this chapter.

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

27 SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 1999]: Sec. 1.7. (a) A person may not operate
 30 a special needs foster family home without a license issued under
 31 this article.

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

35 (c) The division may only issue a license for a special needs
 36 foster family home that meets:

- 37 (1) all of the licensing requirements of a foster family home;
 38 and
 39 (2) the additional requirements described in this section.

40 (d) An applicant for a special needs foster family home license
 41 must:

- 42 (1) be licensed as a foster parent under 470 IAC 3-1-1 et seq.



1 that includes participating in twenty (20) hours of pre-service
2 training; and

3 (2) participate in twenty (20) hours of training each
4 subsequent licensing year that includes:

5 (A) ten (10) hours of training as required in order to be
6 licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

7 (B) ten (10) hours of additional training that includes
8 specialized training to meet the child's specific needs.

9 (e) An operator of a special needs foster family home may not
10 provide supervision and care as a special needs foster family home
11 if more than:

12 (1) eight (8) individuals, each of whom either:

13 (A) is less than eighteen (18) years of age; or

14 (B) is at least eighteen (18) years of age and is receiving
15 care and supervision under an order of a juvenile court; or

16 (2) four (4) individuals less than six (6) years of age;

17 including the children for whom the provider is a parent,
18 stepparent, guardian, custodian, or other relative, receive care and
19 supervision in the home at the same time. Not more than four (4)
20 of the eight (8) individuals described in subdivision (1) may be less
21 than six (6) years of age. The division may grant an exception to
22 this section whenever the division determines that the placement
23 of siblings in the same special needs foster home is desirable.

24 (f) The division shall consider the specific needs of each special
25 needs foster child whenever the division determines the
26 appropriate number of children to place in the special needs foster
27 home under subsection (e). The division may require a special
28 needs foster family home to provide care and supervision to less
29 than the maximum number of children allowed under subsection
30 (e) upon consideration of the specific needs of a special needs foster
31 child.

