



Reprinted
April 10, 2001

ENGROSSED

SENATE BILL No. 538

DIGEST OF SB 538 (Updated April 9, 2001 7:04 PM - DI 77)

Citations Affected: IC 12-7; IC 12-22.

Synopsis: Childrens' services. Provides for the division of mental health to award grants to local units of government for the establishment of local programs responsible for developing a coordinated, family centered, community based system of services for children with serious emotional disturbances and their families. Provides that the division of family and children may not initiate a court proceeding to terminate parental rights or transfer legal custody, or require a parent to agree to the termination of parental rights or transfer of custody, of a child with certain disorders who is voluntarily placed out of the home in order to receive treatment. Requires the division and parent to sign a voluntary placement agreement. (The introduced version of this bill was prepared by the Indiana commission on mental health.)

Effective: July 1, 2001.

Johnson

(HOUSE SPONSORS — CROSBY, GOEGLEIN)

January 23, 2001, read first time and referred to Committee on Health and Provider Services.

February 8, 2001, reported favorably — Do Pass.

February 12, 2001, read second time, ordered engrossed.

February 13, 2001, engrossed.

February 26, 2001, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Human Affairs.

April 2, 2001, amended, reported — Do Pass.

April 9, 2001, read second time, amended, ordered engrossed.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

ENGROSSED SENATE BILL No. 538

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

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

1 SECTION 1. IC 12-7-2-55.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 55.1. "Dawn project", for purposes of IC 12-22-4, has**
4 **the meaning set forth in IC 12-22-4-1.**

5 SECTION 2. IC 12-22-4 IS ADDED TO THE INDIANA CODE AS
6 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2001]:

8 **Chapter 4. Dawn Project**

9 **Sec. 1. As used in this chapter, "dawn project" refers to a local**
10 **program that is responsible for developing a coordinated, family**
11 **centered, and community based system of services for children**
12 **with serious emotional disturbances and their families.**

13 **Sec. 2. (a) The division may award grants to local units of**
14 **government that meet the qualifications of this chapter for**
15 **establishing dawn projects. A dawn project may include more than**
16 **one (1) county.**

17 **(b) The division may award five (5) grants.**

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1 (c) The division shall provide technical assistance for all dawn
2 projects funded by grants awarded by the division under this
3 chapter.

4 Sec. 3. An applicant for a grant under this chapter must meet
5 the following qualifications:

6 (1) Develop and demonstrate a plan to blend county and state
7 funds that support services for children with serious
8 emotional disturbances who meet the qualifications under
9 section 5 of this chapter.

10 (2) Demonstrate that the plan to blend funds under
11 subdivision (1) is able to blend funds from the following
12 sources:

13 (A) Child welfare.

14 (B) Juvenile justice.

15 (C) State or local educational systems.

16 (D) Division of mental health.

17 (E) Other governmental agencies.

18 (3) Demonstrate that the plan to blend funds under
19 subdivision (1) includes the following components:

20 (A) Risk sharing with mental health organizations that
21 manage the care of eligible children.

22 (B) Additional direct services for eligible children.

23 (C) Flexibility in providing services.

24 (D) Individualized case coordination plans that encourage
25 creativity when providing services to eligible children and
26 families.

27 (E) Access to consultation with appropriate expertise.

28 (F) Evaluation.

29 (4) Create a coordinating committee that includes
30 representatives of the following:

31 (A) The county office of family and children.

32 (B) Mental health service providers.

33 (C) A mental health advocacy organization.

34 (D) The juvenile court.

35 (E) The largest school district in the county.

36 (F) At least two (2) family members of eligible children.

37 (G) An organization that provides advocacy for children
38 and families.

39 The committee may include other representatives, including
40 representatives of law enforcement, county government,
41 medical care, and nonprofit health and human service
42 agencies.

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1 **Sec. 4. A coordinating committee created under section 3(4) of**
 2 **this chapter is responsible for the following:**

3 **(1) Administering the plan to blend funds to provide**
 4 **comprehensive services for children who are:**

5 **(A) eligible under the dawn project; and**

6 **(B) described in section 5 of this chapter.**

7 **(2) Ensuring that any funds saved as a result of reduced use**
 8 **of institutional services under the plan to blend funds will be**
 9 **used to provide additional services to eligible children.**

10 **(3) Establishing a process to identify children to be served**
 11 **under the dawn project.**

12 **Sec. 5. (a) A coordinating committee created under section 3(4)**
 13 **of this chapter must select children to be served based on the**
 14 **following criteria:**

15 **(1) The child has a mental illness diagnosed under the most**
 16 **current edition of the American Psychiatric Association's**
 17 **Diagnostic and Statistical Manual of Mental Disorders, as**
 18 **amended.**

19 **(2) The child experiences significant functional impairment in**
 20 **at least one (1) of the following areas:**

21 **(A) Activities of daily living.**

22 **(B) Interpersonal functioning.**

23 **(C) Concentration, persistence, and pace.**

24 **(D) Adaptation to change.**

25 **(3) The child has:**

26 **(A) a mental illness that has continued, or is expected to**
 27 **continue, for at least twelve (12) months; or**

28 **(B) experienced a situational trauma and is receiving**
 29 **services from at least two (2) of the following:**

30 **(i) A special education agency.**

31 **(ii) A mental health agency.**

32 **(iii) A child welfare agency.**

33 **(iv) A law enforcement agency.**

34 **(4) The child is not more than eighteen (18) years of age.**

35 **(5) The child is at risk of separation from the child's family or**
 36 **is separated from the family.**

37 **(b) The coordinating committee may add additional eligibility**
 38 **criteria or other target groups in the plan approved by the division.**

39 **SECTION 3. IC 31-34-1-16 IS ADDED TO THE INDIANA CODE**
 40 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 41 **1, 2001]: Sec. 16. (a) The division of family and children may not**
 42 **initiate a proceeding to terminate the parental rights relating to a**

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1 child or require a parent, guardian, or custodian to transfer legal
2 custody of a child, if the child:
3 (1) has a physical or developmental disability or an emotional,
4 behavioral, or mental disorder; or
5 (2) is voluntarily placed out of the home for the purpose of
6 obtaining special treatment or care;
7 solely because the parent, guardian, or custodian is unable to
8 provide the treatment or care.
9 (b) Termination of the parental rights relating to a child or the
10 transfer of custody of a child may not be a condition for the
11 provision of services or care delivered or funded by the division of
12 family and children.
13 (c) If a child is voluntarily placed out of the home to receive
14 special treatment or care, the division of family and children and
15 the parent, guardian, or custodian of the child shall execute a
16 voluntary placement agreement that:
17 (1) contains a provision that states that legal custody of the
18 child is not transferred to the division of family and children;
19 and
20 (2) delineates the responsibilities and rights of the parent,
21 guardian, or custodian.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 538, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 538 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "chapter" insert ",".

Page 1, line 11, after "centered," insert "**and**".

Page 3, delete lines 38 through 42

Delete page 4.

and when so amended that said bill do pass.

(Reference is to SB 538 as printed February 9, 2001.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 538 be amended to read as follows:

Page 3, line 15, after "the" insert "**most current edition of the**".
Page 3, line 17, delete "(DSM-IV)." and insert ", **as amended.**".

(Reference is to SB 538 as printed April 3, 2001.)

CROSBY

HOUSE MOTION

Mr. Speaker: I move that Senate Bill 538 be amended to read as follows:

Page 3, after line 37, begin a new paragraph and insert:

"SECTION 3. IC 31-34-1-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 16. (a) The division of family and children may not initiate a proceeding to terminate the parental rights relating to a child or require a parent, guardian, or custodian to transfer legal custody of a child, if the child:**

(1) has a physical or developmental disability or an emotional, behavioral, or mental disorder; or

(2) is voluntarily placed out of the home for the purpose of obtaining special treatment or care;

solely because the parent, guardian, or custodian is unable to provide the treatment or care.

(b) Termination of the parental rights relating to a child or the transfer of custody of a child may not be a condition for the provision of services or care delivered or funded by the division of family and children.

(c) If a child is voluntarily placed out of the home to receive special treatment or care, the division of family and children and the parent, guardian, or custodian of the child shall execute a voluntary placement agreement that:

(1) contains a provision that states that legal custody of the child is not transferred to the division of family and children; and

(2) delineates the responsibilities and rights of the parent,

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guardian, or custodian."

(Reference is to SB 538 as printed April 3, 2001.)

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