
HOUSE BILL No. 1194

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-58.5; IC 31-33; IC 31-34.

Synopsis: Child abuse reporting. Requires the local child protection service (CPS) to conduct in-home visits at least once every 30 days to ensure compliance with a: (1) voluntary services referral agreement; or (2) program of informal adjustment. Provides that a CPS child abuse or neglect report may conclude that abuse or neglect is indicated. (Current law allows only substantiated and unsubstantiated findings.) Provides that a child is a child in need of services if the child's physical or mental condition is impaired or endangered. (Current law provides that a child is a child in need of services if the child's physical or mental condition is seriously impaired or seriously endangered.)

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Human Affairs.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1194



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

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

1 SECTION 1. IC 31-9-2-58.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 58.5. "Indicated", for purposes of IC 31-33-8-12,**
4 **means facts obtained during an investigation of suspected child**
5 **abuse or neglect that:**

- 6 (1) **provide:**
7 (A) **significant indications that a child may be at risk for**
8 **abuse or neglect; or**
9 (B) **evidence that abuse or neglect previously occurred;**
10 **and**
11 (2) **cannot be classified as substantiated or unsubstantiated.**

12 SECTION 2. IC 31-33-8-12 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. Upon completion
14 of an investigation, the local child protection service shall classify
15 reports as substantiated, **indicated**, or unsubstantiated.

16 SECTION 3. IC 31-33-13-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) A person who is



1 accused of child abuse or neglect may enter into a voluntary services
2 referral agreement with the local child protection service under this
3 chapter. Under the terms of the agreement, the person shall
4 successfully participate in and complete any family or rehabilitative
5 services recommended by the local child protection service.

6 **(b) The local child protection service shall conduct or arrange**
7 **for in-home visits at least once every thirty (30) days for the**
8 **duration of the voluntary services referral agreement to ensure**
9 **compliance with the agreement.**

10 SECTION 4. IC 31-34-1-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A child is a child in
12 need of services if before the child becomes eighteen (18) years of age:

13 (1) the child's physical or mental condition is ~~seriously~~
14 or ~~seriously~~ endangered as a result of the inability, refusal, or
15 neglect of the child's parent, guardian, or custodian to supply the
16 child with necessary food, clothing, shelter, medical care,
17 education, or supervision; and

18 (2) the child needs care, treatment, or rehabilitation that the child:
19 (A) is not receiving; and
20 (B) is unlikely to be provided or accepted without the coercive
21 intervention of the court.

22 SECTION 5. IC 31-34-1-2, AS AMENDED BY P.L.17-2001,
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2004]: Sec. 2. (a) A child is a child in need of services if
25 before the child becomes eighteen (18) years of age:

26 (1) the child's physical or mental health is ~~seriously~~
27 due to injury by the act or omission of the child's parent, guardian,
28 or custodian; and

29 (2) the child needs care, treatment, or rehabilitation that the child:
30 (A) is not receiving; and
31 (B) is unlikely to be provided or accepted without the coercive
32 intervention of the court.

33 (b) Evidence that the illegal manufacture of a drug or controlled
34 substance is occurring on property where a child resides creates a
35 rebuttable presumption that the child's physical or mental health is
36 ~~seriously~~ endangered.

37 SECTION 6. IC 31-34-2-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) If a law
39 enforcement officer's action under section 2 of this chapter will not
40 adequately protect the safety of the child, the child may be taken into
41 custody by a law enforcement officer, probation officer, or caseworker
42 acting with probable cause to believe the child is a child in need of

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1 services if:

2 (1) it appears that the child's physical or mental condition will be

3 ~~seriously~~ impaired or ~~seriously~~ endangered if the child is not

4 immediately taken into custody;

5 (2) there is not a reasonable opportunity to obtain an order of the

6 court; and

7 (3) consideration for the safety of the child precludes the

8 immediate use of family services to prevent removal of the child.

9 (b) A probation officer or caseworker may take a child into custody

10 only if the circumstances make it impracticable to obtain assistance

11 from a law enforcement officer.

12 (c) If a person takes a child into custody under this section, the

13 person shall make written documentation not more than twenty-four

14 (24) hours after the child is taken into custody as provided in section

15 6 of this chapter.

16 SECTION 7. IC 31-34-2-6 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A person taking

18 a child into custody under section 3 of this chapter shall make written

19 documentation evidencing the following:

20 (1) The facts establishing probable cause to believe that the child

21 is a child in need of services.

22 (2) Why the child's physical or mental condition will be ~~seriously~~

23 impaired or ~~seriously~~ endangered if the child is not immediately

24 taken into custody.

25 (3) Why the person is unable to obtain a court order and what

26 steps have been taken to obtain a court order.

27 (4) Why the local child protection service is unable to protect the

28 safety of the child without taking the child into custody.

29 (5) Why the person is unable to obtain the assistance of a law

30 enforcement officer if the child is taken into custody by a

31 probation officer or caseworker without the assistance of a law

32 enforcement officer.

33 (b) The division shall create forms to be used for documentation

34 under this section.

35 (c) The person taking the child into custody shall immediately

36 forward a copy of the documentation to the local child protection

37 service to be included in the report required by IC 31-33-7-4.

38 SECTION 8. IC 31-34-8-5 IS AMENDED TO READ AS

39 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. Whenever the court

40 approves a program of informal adjustment arising out of a child abuse

41 or neglect report, the local child protection service shall:

42 (1) transmit the report to the child abuse registry within five (5)

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1 working days as required by IC 31-33-8-13; **and**
2 **(2) conduct or arrange for in-home visits at least once every**
3 **thirty (30) days for the duration of the program of informal**
4 **adjustment to ensure compliance with the program.**

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