Reprinted
January 31, 2006

SENATE BILL No. 132

DIGEST OF SB 132 (Updated January 30, 2006 5:46 pm - DI 107)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Correction of 2005 child services legislation. Makes technical corrections as directed by Senate Enrolled Act 529-2005. Relocates appropriation provisions in current law to a new location in the Indiana Code. Repeals obsolete provisions and provisions being moved to a new location. Provides that certain license applications may be denied or revoked if an employee or volunteer of the applicant or licensee have certain criminal convictions. Provides that a person may not operate a child caring institution and a child placing agency may not operate a foster family home if the number of children exceeds the number authorized by the license or if the children are maintained in a place not designated by the license. Creates the division of family resources child care fund and the department of child services child care fund. (The introduced version of this bill was prepared by the select committee on reorganization of child services.)

Effective: July 1, 2006.

Lawson C

January 9, 2006, read first time and referred to Committee on Health and Provider Services.
January 19, 2006, amended, reported favorably — Do Pass.
January 30, 2006, read second time, amended, ordered engrossed.

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Reprinted
January 31, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 132

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

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

SECTION 1. IC 3-7-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The general assembly finds that the following offices in Indiana provide public assistance within the scope of NVRA:

(1) Each county office of family and children established under IC 12-19-1 that administers:

(A) the Aid to Families with Dependent Children program (AFDC) under IC 12-14; or

(B) the Medicaid program under IC 12-15.

(2) Each office of the division of family ~~and children~~ **resources** that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

SECTION 2. IC 3-10-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the

election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The alcohol and tobacco commission for purposes of enforcing IC 7.1-5-10-1.

(5) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.

(6) The adjutant general for purposes of enforcing IC 10-16-7-17.

(7) The division of family ~~and children~~ **resources** for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(8) The state department of health for voter registration purposes under IC 16-35-1.6.

(9) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.246-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.

(2) Department of workforce development.

(3) The programs administered by:

(A) the division of family ~~and children,~~ **resources;**

(B) the division of mental health and addiction;

(C) the division of disability, aging, and rehabilitative services; and

(D) the office of Medicaid policy and planning;

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of

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broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

~~(10) Health professions bureau.~~

~~(11)~~ **(10)** Indiana professional licensing agency.

~~(12)~~ **(11)** Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

~~(13)~~ **(13)** A pension fund administered by the board of trustees of the public employees' retirement fund.

~~(14)~~ **(14)** The Indiana state teachers' retirement fund.

~~(15)~~ **(15)** The state police benefit system.

~~(16)~~ **(16)** The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau,~~ and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other

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business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-12-1-14.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the division of family ~~and children~~ **resources** for the division's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

(1) the total amount necessary to carry out the program during that fiscal year; minus

(2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

SECTION 5. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility,

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Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services, state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children,~~ **resources, department of child services,** Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 6. IC 4-31-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. "Bureau" refers to the child support bureau ~~of the division of family and children~~ established by ~~IC 12-17-2-5.~~ **IC 31-25-3-1.**

SECTION 7. IC 4-31-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-34(h),~~ **IC 31-25-4-32(h),** the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35,~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date

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the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-36(c),~~ **IC 31-25-4-34(c),** the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

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(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 8. IC 4-33-2-3.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.7. "Bureau" refers to the child support bureau of the ~~division of family and children~~ **department of child services** established by ~~IC 12-17-2-5.~~ **IC 31-25-3-1.**

SECTION 9. IC 4-33-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-34(h),~~ **IC 31-25-4-32(h),** the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35,~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

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(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-36(c),~~ **IC 31-25-4-34(c),** the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

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within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 10. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than fourteen (14) years of age at a methamphetamine laboratory shall notify the ~~division of family and children.~~ **department of child services.**

SECTION 11. IC 5-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Assisted" means, with respect to a loan:

(1) the payment by the United States or any duly authorized agency of the United States of assistance payments, interest payments, or mortgage reduction payments with respect to such loan; or

(2) the provision of insurance, guaranty, security, collateral, subsidies, or other forms of assistance or aid acceptable to the authority for the making, holding, or selling of a loan from the United States, any duly authorized agency of the United States, or any entity or corporation acceptable to the authority, other than the sponsor.

"Authority" means the Indiana housing finance authority created under this chapter.

"Bonds" or "notes" means the bonds or notes authorized to be issued by the authority under this chapter.

"Development costs" means the costs approved by the authority as appropriate expenditures and credits which may be incurred by sponsors, builders, and developers of residential housing prior to commitment and initial advance of the proceeds of a construction loan or of a mortgage, including but not limited to:

(1) payments for options to purchase properties on the proposed residential housing site, deposits on contracts of purchase, or, with prior approval of the authority, payments for the purchase of such properties;

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(2) legal, organizational, and marketing expenses, including payments of attorney's fees, project manager, clerical, and other incidental expenses;

(3) payment of fees for preliminary feasibility studies and advances for planning, engineering, and architectural work;

(4) expenses for surveys as to need and market analyses;

(5) necessary application and other fees;

(6) credits allowed by the authority to recognize the value of service provided at no cost by the sponsors, builders, or developers; and

(7) such other expenses as the authority deems appropriate for the purposes of this chapter.

"Governmental agency" means any department, division, public agency, political subdivision, or other public instrumentality of the state of Indiana, the federal government, any other state or public agency, or any two (2) or more thereof.

"Construction loan" means a loan to provide interim financing for the acquisition or construction of single family residential housing, including land development.

"Mortgage" or "mortgage loan" means a loan to provide permanent financing for:

(1) the rehabilitation, acquisition, or construction of single family residential housing, including land development; or

(2) the weatherization of single family residences.

"Mortgage lender" means a bank, trust company, savings bank, savings association, credit union, national banking association, federal savings association or federal credit union maintaining an office in this state, a public utility (as defined in IC 8-1-2-1), a gas utility system organized under IC 8-1-11.1, an insurance company authorized to do business in this state, or any mortgage banking firm or mortgagee authorized to do business in this state and approved by either the authority or the Department of Housing and Urban Development.

"Land development" means the process of acquiring land primarily for residential housing construction for persons and families of low and moderate income and making, installing, or constructing nonresidential housing improvements, including water, sewer, and other utilities, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or works, whether on or off the site, which the authority deems necessary or desirable to prepare such land primarily for residential housing construction.

"Obligations" means any bonds or notes authorized to be issued by the authority under this chapter.

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"Persons and families of low and moderate income" means persons and families of insufficient personal or family income to afford adequate housing as determined by the standards established by the authority, and in determining such standards the authority shall take into account the following:

(1) The amount of total income of such persons and families available for housing needs.

(2) The size of the family.

(3) The cost and condition of housing facilities available in the different geographic areas of the state.

(4) The ability of such persons and families to compete successfully in the private housing market and to pay the amounts at which private enterprise is providing sanitary, decent, and safe housing.

The standards shall, however, comply with the applicable limitations of section 4(b) of this chapter.

"Residential facility for children" means a facility:

(1) that provides residential services to individuals who are:

(A) under twenty-one (21) years of age; and

(B) adjudicated to be children in need of services under IC 31-34 (or IC 31-6-4 before its repeal) or delinquent children under IC 31-37 (or IC 31-6-4 before its repeal); and

(2) that is:

(A) a child caring institution that is or will be licensed under ~~IC 12-17.4,~~ **IC 31-27;**

(B) a residential facility that is or will be licensed under IC 12-28-5; or

(C) a facility that is or will be certified by the division of mental health and addiction under IC 12-23.

"Residential facility for the developmentally disabled" means a facility that is approved for use in a community residential program for the developmentally disabled under IC 12-11-1.1.

"Residential facility for the mentally ill" means a facility that is approved by the division of mental health and addiction for use in a community residential program for the mentally ill under IC 12-22-2-3(1), IC 12-22-2-3(2), IC 12-22-2-3(3), or IC 12-22-2-3(4).

"Residential housing" means a specific work or improvement undertaken primarily to provide single or multiple family housing for rental or sale to persons and families of low and moderate income, including the acquisition, construction, or rehabilitation of lands, buildings, and improvements to the housing, and such other nonhousing facilities as may be incidental or appurtenant to the

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housing.

"Sponsors", "builders", or "developers" means corporations, associations, partnerships, limited liability companies, or other entities and consumer housing cooperatives organized pursuant to law for the primary purpose of providing housing to low and moderate income persons and families.

"State" means the state of Indiana.

"Tenant programs and services" means services and activities for persons and families living in residential housing, including the following:

(1) Counseling on household management, housekeeping, budgeting, and money management.

(2) Child care and similar matters.

(3) Access to available community services related to job training and placement, education, health, welfare, and other community services.

(4) Guard and other matters related to the physical security of the housing residents.

(5) Effective management-tenant relations, including tenant participation in all aspects of housing administration, management, and maintenance.

(6) Physical improvements of the housing, including buildings, recreational and community facilities, safety measures, and removal of code violations.

(7) Advisory services for tenants in the creation of tenant organizations which will assume a meaningful and responsible role in the planning and carrying out of housing affairs.

(8) Procedures whereby tenants, either individually or in a group, may be given a hearing on questions relating to management policies and practices either in general or in relation to an individual or family.

SECTION 12. IC 5-20-1-4, AS AMENDED BY P.L.235-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

(1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar

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entities approved by the authority;

(2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;

(3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;

(4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;

(5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;

(6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;

(7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or a loan of any type permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes

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to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;

(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

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(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for the developmentally disabled or for the mentally ill or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for the developmentally disabled or for the mentally ill;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority

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and to impose and collect reasonable fees and charges in connection with such servicing; and

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of purchasing or participating in the purchasing from mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars ($95,000);

(C) to be used as the purchaser's principal residence; and

(D) for which the purchaser has made a down payment in an amount determined by the authority;

(2) no mortgage loan exceeds seventy-five thousand dollars ($75,000);

(3) any bonds or notes issued which are backed by mortgage loans purchased by the authority under this subsection shall be offered for sale to the retirement plans covered by IC 5-10-1.7; and

(4) qualified members of a retirement plan shall be given preference with respect to the mortgage loans that in the

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aggregate do not exceed the amount invested by their retirement plan in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under this subsection.

(d) As used in this section, "a qualified member of a retirement plan" means an active or retired member:

(1) of a retirement plan covered by IC 5-10-1.7 that has invested in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under subsection (c); and

(2) who for a minimum of two (2) years preceding the member's application for a mortgage loan has:

(A) been a full-time state employee, teacher, judge, police officer, or firefighter;

(B) been a full-time employee of a political subdivision participating in the public employees' retirement fund;

(C) been receiving retirement benefits from the retirement plan; or

(D) a combination of employment and receipt of retirement benefits equaling at least two (2) years.

(e) Beginning with the 1991 program year, the authority, when directed by the governor, shall administer:

(1) the rental rehabilitation program established by the Housing Assistance Act of 1937 (42 U.S.C. 1437o); and

(2) federal funds allocated to the rental rehabilitation program under the Housing Assistance Act of 1937 (42 U.S.C. 1437o).

(f) The authority may contract with the division of family ~~and children~~ **resources** and the department of commerce so that the authority may administer the program and funds described under subsection (e) for program years before 1991.

(g) Beginning May 15, 2005, the authority shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the authority using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing this subsection.

SECTION 13. IC 5-20-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The housing trust fund advisory committee is established.

(b) The committee consists of sixteen (16) members to be appointed by the governor as follows:

(1) One (1) member of the division of mental health and

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addiction.

(2) One (1) member of the division of family ~~and children.~~ **resources.**

(3) One (1) member of the division of disability, aging, and rehabilitative services.

(4) One (1) member of the ~~department of commerce.~~ **office of the lieutenant governor.**

(5) One (1) member to represent residential real estate developers.

(6) One (1) member to represent construction trades.

(7) One (1) member to represent banks and other lending institutions.

(8) One (1) member to represent the interests of persons with disabilities.

(9) One (1) member to represent service providers.

(10) Two (2) members to represent neighborhood groups.

(11) One (1) member to represent low income families.

(12) One (1) member to represent nonprofit community based organizations and community development corporations.

(13) One (1) member to represent real estate brokers or salespersons.

(14) One (1) member to represent the Indiana Apartment Owner's Association.

(15) One (1) member to represent the manufactured housing industry.

At least three (3) members of the committee shall be from a city with a population of less than thirty-five thousand (35,000), a town, or a rural area.

(c) Members of the advisory committee shall serve a term of three (3) years. However, the governor may remove for cause an appointed member of the advisory committee and fill vacancies of appointed members on the advisory committee.

(d) The advisory committee shall make recommendations to the housing ~~finance~~ **and community development** authority regarding:

(1) the development of policies and procedures under section 14 of this chapter; and

(2) long term sources to capitalize the housing trust fund, including the following:

(A) Revenue from development ordinances, fees, or taxes.

(B) Market based or private revenue.

(C) Revenue generated from government programs, foundations, private individuals, or corporations.

(e) The advisory committee shall prepare and present an annual

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report that:

(1) describes disbursements under the housing trust fund; and

(2) makes recommendations to the board of the Indiana housing ~~finance~~ **and community development** authority regarding long term sources to capitalize the housing trust fund.

SECTION 14. IC 5-22-4-9, AS ADDED BY P.L.234-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The department of child services is the purchasing agency for services procured by the department under ~~IC 31-33-1.5-10.~~ **IC 31-25-2-17.**

SECTION 15. IC 5-22-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "division" refers to the division of family ~~and children~~ **resources** established by IC 12-13-1-1.

(b) As used in this section, "EBT program" refers to an electronic benefits transfer program.

(c) Notwithstanding section 3 of this chapter, the division may enter into a contract for supplies and services to implement an EBT program for an initial period not to exceed five (5) years. The division may renew the contract for any number of successive periods not to exceed two (2) years each.

SECTION 16. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

(1) the records of a county office of family and children, the division of family ~~and children,~~ **resources,** or the division of disability, aging, and rehabilitative services; or

(2) the written statement of a physician who is licensed by this

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state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that he is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 17. IC 6-3.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The division of family ~~and children~~ **resources** shall apply the refundable portion of the credits provided under this chapter as expenditures toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).

(b) The department of state revenue shall collect and provide the data requested by the division of family ~~and children~~ **resources** that is necessary to comply with this section.

SECTION 18. IC 6-4.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The department, the department's counsel, agents, clerks, stenographers, other employees, or former employees, or any other person who gains access to the inheritance tax files shall not divulge any information disclosed by the documents required to be filed under this article. However, disclosure may be made in the following cases:

(1) To comply with an order of a court.

(2) To the members and employees of the department.

(3) To the members and employees of county offices and courts to the extent they need the information for inheritance tax purposes. IC 5-14-3-6.5 does not apply to this subdivision.

(4) To the governor.

(5) To the attorney general.

(6) To any other legal representative of the state in any action pertaining to the tax due under this article.

(7) To any authorized officer of the United States, when the recipient agrees that the information is confidential and will be used solely for official purposes.

(8) Upon the receipt of a certified request, to any designated officer of a tax department of any other state, district, territory, or possession of the United States, when the state, district, territory, or possession permits the exchange of like information with the taxing officials of Indiana and when the recipient agrees that the information is confidential and will be used solely for tax

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collection purposes.

(9) Upon receipt of a written request, to the director of the **department of child services or to the director of the** division of family ~~and children~~ **resources** and to any county director of family and children, when the recipient agrees that the information is confidential and will be used only in connection with their official duties.

(10) To the attorney listed on the inheritance tax return under IC 6-4.1-4-1 or IC 6-4.1-4-7.

(11) To a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent for whom an inheritance tax return was filed or, upon the receipt of a written request, to an agent or attorney of a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent.

(b) Any person who knowingly violates this section:

(1) commits a Class C misdemeanor; and

(2) shall be immediately dismissed from the person's office or employment, if the person is an officer or employee of the state.

SECTION 19. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

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(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family ~~and children,~~ **resources,** and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

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(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

(1) the beer excise tax (IC 7.1-4-2);
(2) the liquor excise tax (IC 7.1-4-3);
(3) the wine excise tax (IC 7.1-4-4);
(4) the hard cider excise tax (IC 7.1-4-4.5);
(5) the malt excise tax (IC 7.1-4-5);
(6) the motor vehicle excise tax (IC 6-6-5);
(7) the commercial vehicle excise tax (IC 6-6-5.5); and
(8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

SECTION 20. IC 6-8.1-9.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Notwithstanding IC 6-8.1-7 or any other provision of law prohibiting disclosure of a taxpayer's records or information, all information exchanged among the department, the claimant agency, and the debtor necessary to accomplish the purpose of this chapter is lawful.

(b) Whenever the child support bureau of the ~~division of family and~~

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~~children~~ **department of child services** seeks to enforce a child support obligation through a setoff against a debtor's tax refund, the department shall make the following information available to that agency and to any other state's Title IV-D agency that is enforcing the child support order against the debtor:

(1) The debtor's Social Security account number (or numbers, if the debtor has more than one (1) number).

(2) The debtor's home address.

SECTION 21. IC 8-23-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

AFDC assistance.
AFDC burials.
AFDC IMPACT/J.O.B.S.
AFDC-UP assistance.
ARCH.
Blind relief.
Child care.
Child welfare adoption assistance.
Child welfare adoption opportunities.
Child welfare assistance.
Child welfare child care improvement.
Child welfare child abuse.
Child welfare child abuse and neglect prevention.
Child welfare children's victim advocacy program.
Child welfare foster care assistance.
Child welfare independent living.
Child welfare medical assistance to wards.
Child welfare program review action group (PRAG).
Child welfare special needs adoption.
Food Stamp administration.
Health care for indigent (HIC).
ICES.
IMPACT (food stamps).
Title IV-D (ICETS).
Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).
Medicaid assistance.

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Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other law of this state administered by the division of family ~~and children.~~ **resources or the department of child services.**

SECTION 22. IC 8-23-17-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

AFDC assistance.
AFDC burials.
AFDC IMPACT/J.O.B.S.
AFDC-UP assistance.
ARCH.
Blind relief.
Child care.
Child welfare adoption assistance.
Child welfare adoption opportunities.
Child welfare assistance.
Child welfare child care improvement.
Child welfare child abuse.
Child welfare child abuse and neglect prevention.
Child welfare children's victim advocacy program.
Child welfare foster care assistance.
Child welfare independent living.
Child welfare medical assistance to wards.
Child welfare program review action group (PRAG).
Child welfare special needs adoption.
Food Stamp administration.
Health care for indigent (HIC).
ICES.
IMPACT (food stamps).
Title IV-D (ICETS).
Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).

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Medicaid assistance.
Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other Indiana law administered by the division of family ~~and children.~~ **resources or the department of child services.**

SECTION 23. IC 9-18-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of motor vehicles shall design and issue a kids first trust license plate, beginning January 1, 2004. The kids first trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25. The final design of the plate must be approved by the board (as defined in ~~IC 12-17-16-2).~~ **IC 31-26-4-2).**

SECTION 24. IC 9-18-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The annual fee described in section 4(a)(2) of this chapter shall be deposited with the treasurer of state in a special account.

(b) The auditor of state shall monthly distribute the money in the special account established under subsection (a) to the Indiana kids first trust fund established by ~~IC 12-17-16-12.~~ **IC 31-26-4-12.**

SECTION 25. IC 9-25-6-20, AS AMENDED BY P.L.68-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in ~~IC 12-17-2-2.5)~~ **IC 31-25-4-4)** either requested a hearing under ~~IC 12-17-2-35~~ **IC 31-25-4-33** and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:

(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:
(A) paid the obligor's child support arrearage in full; or
(B) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.
(2) That the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

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(A) to and from the obligor's regular place of employment;
(B) in the course of the obligor's regular employment;
(C) to and from the obligor's place of worship; or
(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or
(2) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.

SECTION 26. IC 10-13-3-7.5, AS ADDED BY P.L.234-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by the department of child services established by ~~IC 31-33-1.5-2~~ **IC 31-25-1-1** or a court as a result of exigent circumstances, including an out-of-home placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability of the child's parent, guardian, or custodian. The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 27. IC 10-13-3-27, AS AMENDED BY P.L.234-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;
(2) has applied for a license and criminal history data as required by law to be provided in connection with the license;
(3) is a candidate for public office or a public official;
(4) is in the process of being apprehended by a law enforcement agency;
(5) is placed under arrest for the alleged commission of a crime;
(6) has charged that the subject's rights have been abused

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repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by ~~IC 31-33-1.5-2)~~ **IC 31-25-1-1)** or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the ~~division of family and children;~~ **department of child services;**

(13) is or was required to register as a sex and violent offender under IC 5-2-12; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

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(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 28. IC 10-13-3-27.5, AS ADDED BY P.L.234-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) If:

(1) exigent circumstances require the emergency placement of a child; and

(2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by ~~IC 31-33-1.5-2,~~ **IC 31-25-1-1,** a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

(1) use fingerprint identification to positively identify each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location; or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) days after the date on which the national

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name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

(1) notification to the subject of the check; and

(2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

(1) a complete set of the individual's fingerprints; and

(2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 29. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as

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provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar ($3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar ($7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the ~~division of family and children.~~ **department of child services.**

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12.

SECTION 30. IC 10-13-3-36, AS AMENDED BY P.L.177-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) that has been in existence for at least ten (10) years; and

(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;

(C) is a community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-39);

(D) is a supervised group living facility licensed under IC 12-28-5;

(E) is an area agency on aging designated under IC 12-10-1;

(F) is a community action agency (as defined in

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IC 12-14-23-2);

(G) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the ~~division of family and children~~ **department of child services** or ~~a county office of family and children~~ **the division of family resources** if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or ~~IC 12-17.4.~~ **IC 31-27.**

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of an employee or adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution (as defined in IC 20-12-0.5-1). The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the ~~health professions bureau~~ **Indiana professional licensing agency** established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the office of technology; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

SECTION 31. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; and

(4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the ~~division of family and children~~ **department of child services** and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and

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(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) in coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability, aging, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 32. IC 12-7-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. "Applicant" means the following:

(1) For purposes of the following statutes, a person who has applied for assistance for the applicant or another person under any of the following statutes:

(A) IC 12-10-6.

(B) IC 12-10-12.

(C) IC 12-13.

(D) IC 12-14.

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(E) IC 12-15.
~~(F) IC 12-17-1.~~
~~(G) IC 12-17-2.~~
~~(H) IC 12-17-3.~~
~~(I) IC 12-17-9.~~
~~(J) IC 12-17-10.~~
~~(K) IC 12-17-11.~~
~~(L)~~ **(F)** IC 12-19.

(2) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-1.

(3) For purposes of IC 12-17-13, the meaning set forth in IC 12-17-13-1.

(4) For the purposes of IC 12-17.2, a person who seeks a license to operate a child care center or child care home.

(5) For purposes of ~~IC 12-17.4,~~ **IC 31-27,** a person who seeks a license to operate a child caring institution, foster family home, group home, or child placing agency.

SECTION 33. IC 12-7-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. "Assistance", for purposes of the following statutes, means money or services regardless of the source, paid or furnished under any of the following statutes:

(1) IC 12-10-6.
(2) IC 12-10-12.
(3) IC 12-13.
(4) IC 12-14.
(5) IC 12-15.
~~(6) IC 12-17-1.~~
~~(7) IC 12-17-2.~~
~~(8) IC 12-17-3.~~
~~(9) IC 12-17-9.~~
~~(10) IC 12-17-10.~~
~~(11) IC 12-17-11.~~
~~(12)~~ **(6)** IC 12-19.

SECTION 34. IC 12-7-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. "Blind" means the following:

(1) For purposes of the following statutes, the term refers to an individual who has vision in the better eye with correcting glasses of 20/200 or less, or a disqualifying visual field defect as determined upon examination by an ophthalmologist or optometrist who has been designated to make such examinations by the county office and approved by the division of family ~~and~~

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~~children~~ **resources** or by the division in the manner provided in any of the following statutes:

(A) IC 12-10-6.

(B) IC 12-10-12.

(C) IC 12-13.

(D) IC 12-14.

(E) IC 12-15.

~~(F) IC 12-17-1.~~

~~(G) IC 12-17-2.~~

~~(H) IC 12-17-3.~~

~~(I) IC 12-17-9.~~

~~(J) IC 12-17-10.~~

~~(K) IC 12-17-11.~~

~~(L)~~ **(F)** IC 12-19.

(2) For purposes of the following statutes, the term refers to an individual who has a central visual acuity of 20/200 or less in the individual's better eye with the best correction or a field of vision that is not greater than twenty (20) degrees at its widest diameter:

(A) IC 12-12-1.

(B) IC 12-12-3.

(C) IC 12-12-5.

(D) IC 12-12-6.

SECTION 35. IC 12-7-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. "Board" means the following:

(1) For purposes of IC 12-10-10 and IC 12-10-11, the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.

(2) For purposes of 12-12-7-5, the meaning set forth in IC 12-12-7-5(a).

(3) For purposes of IC 12-15-35, the meaning set forth in IC 12-15-35-2.

~~(4) For purposes of IC 12-17-2-36, the meaning set forth in IC 12-17-2-36(a).~~

SECTION 36. IC 12-7-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. "Bureau" means the following:

(1) For purposes of IC 12-10, the bureau of aging and in-home services established by IC 12-10-1-1.

(2) For purposes of IC 12-11, the bureau of developmental disabilities services established by IC 12-11-1.1-1.

(3) For purposes of IC 12-12, the rehabilitation services bureau of

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the division of disability, aging, and rehabilitative services established by IC 12-12-1-1.

(4) For purposes of IC 12-12.5, the bureau of quality improvement services established by IC 12-12.5-1-1.

~~(5) For purposes of IC 12-17-2, the meaning set forth in IC 12-17-2-1.~~

SECTION 37. IC 12-7-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. "Child" means the following:

~~(1) For purposes of IC 12-13-15, the meaning set forth in IC 12-13-15-1.~~

~~(2) For purposes of IC 12-13-15.1, the meaning set forth in IC 12-13-15.1-1.~~

~~(3)~~ **(1)** For purposes of IC 12-17.2, ~~and IC 12-17.4,~~ an individual who is less than eighteen (18) years of age.

~~(4)~~ **(2)** For purposes of IC 12-26, the meaning set forth in IC 31-9-2-13(d).

SECTION 38. IC 12-7-2-28.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.2. "Child care", for purposes of IC 12-17.2, ~~and IC 12-17.4,~~ means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

SECTION 39. IC 12-7-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. "Child caring institution", ~~means the following:~~

~~(1) For purposes of IC 12-17.4:~~

~~(A) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or~~

~~(B) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home.~~

~~(2)~~ for purposes of section 82(3) of this chapter and IC 12-26, **means** an institution that:

~~(A)~~ **(1)** operates under a license issued under ~~IC 12-17.4;~~ **IC 31-27;**

~~(B)~~ **(2)** provides for delivery of mental health services that are appropriate to the needs of the individual; and

~~(C)~~ **(3)** complies with the rules adopted under IC 4-22-2 by the ~~division of family and children.~~ **department of child services.**

SECTION 40. IC 12-7-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. "Child in need of services", for purposes of the following statutes, has the meaning set

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forth in IC 31-34-1-1 through IC 31-34-1-9:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

~~(5) IC 12-17-2.~~

~~(6) IC 12-17-3.~~

~~(7) IC 12-17-9.~~

~~(8) IC 12-17-10.~~

~~(9) IC 12-17-11.~~

~~(10)~~ **(4)** IC 12-19.

SECTION 41. IC 12-7-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. "Child welfare services", for purposes of the following statutes, means the services for children prescribed in ~~IC 12-17-3-1.~~ **IC 31-26-3-1:**

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

~~(5) IC 12-17-2.~~

~~(6) IC 12-17-3.~~

~~(7) IC 12-17-9.~~

~~(8) IC 12-17-10.~~

~~(9) IC 12-17-11.~~

~~(10)~~ **(4)** IC 12-19.

SECTION 42. IC 12-7-2-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. "County director" refers to a director of a county office or a director of a district office of the division of family ~~and children.~~ **resources or the department of child services.**

SECTION 43. IC 12-7-2-46.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46.5. "Court", for purposes of IC 12-17.2, ~~and IC 12-17.4,~~ means a circuit or superior court.

SECTION 44. IC 12-7-2-57 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 57. "Delinquent child", for purposes of the following statutes, has the meaning set forth in IC 31-37-1 and IC 31-37-2:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

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~~(5) IC 12-17-2.~~
~~(6) IC 12-17-3.~~
~~(7)~~ **(4)** IC 12-19.

SECTION 45. IC 12-7-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 58. (a) "Dependent child", for purposes of the statutes listed in subsection (b), means a needy individual who satisfies either of the following conditions:

(1) The individual is less than sixteen (16) years of age.

(2) The individual is less than eighteen (18) years of age and the county office that has jurisdiction of the individual finds all of the following:

(A) The individual regularly attends school.

(B) The individual has been deprived of parental support or care because of a parent's:

(i) death;

(ii) continued absence from the home; or

(iii) physical or mental incapacity.

(C) The individual's parent or other relative who is legally responsible for the child's support is not able to provide adequately for the individual without public assistance.

(D) The individual is living in the home of at least one (1) of the following relatives:

(i) The individual's parent.

(ii) The individual's sibling.

(iii) The individual's grandparent.

(iv) The individual's stepparent.

(v) The individual's stepbrother or stepsister.

(vi) The individual's aunt or uncle.

(b) This section applies to the following statutes:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~
~~(5) IC 12-17-2.~~
~~(6) IC 12-17-3.~~
~~(7) IC 12-17-10.~~
~~(8) IC 12-17-11.~~
~~(9)~~ **(4)** IC 12-19.

SECTION 46. IC 12-7-2-60 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 60. (a) "Destitute child", for purposes of the statutes listed in subsection (b), means an individual:

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(1) who is needy;
(2) who is not a public ward;
(3) who is less than eighteen (18) years of age;
(4) who has been deprived of parental support or care because of a parent's:
(A) death;
(B) continued absence from the home; or
(C) physical or mental incapacity; and
(5) whose relatives liable for the individual's support are not able to provide adequate care or support for the individual without public assistance; and
(6) who is in need of foster care, under circumstances that do not require the individual to be made a public ward.

(b) This section applies to the following statutes:
(1) IC 12-13.
(2) IC 12-14.
(3) IC 12-15.
~~(4) IC 12-17-1.~~
~~(5) IC 12-17-2.~~
~~(6) IC 12-17-3.~~
~~(7) IC 12-17-9.~~
~~(8) IC 12-17-10.~~
~~(9) IC 12-17-11.~~
~~(10)~~ **(4)** IC 12-19.

SECTION 47. IC 12-7-2-64, AS AMENDED BY P.L.234-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Director" refers to the following:
(1) With respect to a particular division, the director of the division.
(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.
(3) For purposes of IC 12-10-15, the term refers to the director of the division of disability, aging, and rehabilitative services.
(4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by ~~IC 31-33-1.5-2.~~ **IC 31-25-1-1.**
(5) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.
(6) For purposes of IC 12-26, the term:
(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

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(B) includes the director's designee.

(7) If subdivisions (1) through (6) do not apply, the term refers to the director of any of the divisions.

SECTION 48. IC 12-7-2-76 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 76. (a) "Eligible individual", for purposes of IC 12-10-10, has the meaning set forth in IC 12-10-10-4.

(b) "Eligible individual" has the meaning set forth in IC 12-14-18-1.5 for purposes of the following:

(1) IC 12-10-6.
(2) IC 12-14-2.
(3) IC 12-14-18.
(4) IC 12-14-19.
(5) IC 12-15-2.
(6) IC 12-15-3.
(7) IC 12-16-3.5.
~~(8) IC 12-17-1.~~
~~(9)~~ **(8)** IC 12-20-5.5.

SECTION 49. IC 12-7-2-81 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 81. (a) "Expenses and obligations", for purposes of the statutes listed in subsection (b), refer to expenses, obligations, assistance, and claims:

(1) of a county office;
(2) incurred in the administration of the welfare services of the county;
(3) incurred as provided by law; and
(4) for:
(A) assistance for aged persons in need;
(B) assistance to dependent children; and
(C) other assistance or services that a county office is authorized by law to allow.

(b) This section applies to the following statutes:

(1) IC 12-13.
(2) IC 12-14.
(3) IC 12-15.
~~(4) IC 12-17-1.~~
~~(5) IC 12-17-2.~~
~~(6) IC 12-17-3.~~
~~(7) IC 12-17-9.~~
~~(8) IC 12-17-10.~~
~~(9) IC 12-17-11.~~
~~(10)~~ **(4)** IC 12-19.

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SECTION 50. IC 12-7-2-85.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 85.3. ~~(a)~~ "Financial institution", for purposes of IC 12-13-14, has the meaning set forth in IC 12-13-14-1.

~~(b) "Financial institution, for purposes of IC 12-17-2, has the meaning set forth in IC 12-17-2-1.7.~~

SECTION 51. IC 12-7-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 89. (a) "Foster care", for purposes of the statutes listed in subsection (b), means living in a place licensed under ~~IC 12-17.4.~~ **IC 31-27.**

(b) This section applies to the following statutes:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

~~(5) IC 12-17-2.~~

~~(6) IC 12-17-3.~~

~~(7) IC 12-17-9.~~

~~(8) IC 12-17-10.~~

~~(9) IC 12-17-11.~~

~~(10) IC 12-17.4.~~

~~(11)~~ **(4)** IC 12-19.

SECTION 52. IC 12-7-2-95 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 95. (a) "Grant-in-aid", for purposes of the statutes listed in subsection (b), means any money paid by the federal government to the state or any money paid by the state to a county for the purpose of defraying any of the expenses, claims, allowances, assistance, or obligations authorized by this title.

(b) This section applies to the following statutes:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

~~(5) IC 12-17-2.~~

~~(6) IC 12-17-3.~~

~~(7) IC 12-17-9.~~

~~(8) IC 12-17-10.~~

~~(9) IC 12-17-11.~~

~~(10)~~ **(4)** IC 12-19.

SECTION 53. IC 12-7-2-104.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 104.5. "Holocaust victim's settlement payment" has the meaning set forth in

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IC 12-14-18-1.7 for purposes of the following:

(1) IC 12-10-6.

(2) IC 12-14-2.

(3) IC 12-14-18.

(4) IC 12-14-19.

(5) IC 12-15-2.

(6) IC 12-15-3.

(7) IC 12-16-3.5.

~~(8) IC 12-17-1.~~

~~(9)~~ **(8)** IC 12-20-5.5.

SECTION 54. IC 12-7-2-123.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 123.2. "Licensee", ~~means the following:~~

~~(1)~~ for the purposes of IC 12-17.2, **means** a person who holds a valid license issued under IC 12-17.2.

~~(2) For the purposes of IC 12-17.4, a person who holds a valid license issued under IC 12-17.4.~~

SECTION 55. IC 12-7-2-131.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 131.5. "Monitor", ~~means the following:~~

~~(1)~~ for the purposes of IC 12-17.2, **means** observation to determine the licensee's continuing compliance with IC 12-17.2.

~~(2) For the purposes of IC 12-17.4, observation to determine the licensee's continuing compliance with IC 12-17.4.~~

SECTION 56. IC 12-7-2-137 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 137. (a) "Person", except as provided in subsections (b) and (c), means an association, a corporation, a limited liability company, a governmental entity, an individual, or a partnership.

(b) "Person", for purposes of IC 12-13-14, has the meaning set forth in IC 12-13-14-1.

(c) "Person", for purposes of IC 12-17.2, ~~and IC 12-17.4,~~ means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

SECTION 57. IC 12-7-2-149.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 149.1. "Provider" means the following:

(1) For purposes of IC 12-10-7, the meaning set forth in IC 12-10-7-3.

(2) For purposes of the following statutes, an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under

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IC 4-22-2 by the office of Medicaid policy and planning:

(A) IC 12-14-1 through IC 12-14-9.5.

(B) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

~~(C) IC 12-17-10.~~

~~(D) IC 12-17-11.~~

~~(E)~~ **(C)** IC 12-17.6.

~~(3) For purposes of IC 12-17-9, the meaning set forth in IC 12-17-9-2.~~

~~(4)~~ **(3)** Except as provided in subdivision ~~(5),~~ **(4),** for purposes of IC 12-17.2, a person who operates a child care center or child care home under IC 12-17.2.

~~(5)~~ **(4)** For purposes of IC 12-17.2-3.5, a person that:

(A) provides child care; and

(B) is directly paid for the provision of the child care under the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

The term does not include an individual who provides services to a person described in clauses (A) and (B), regardless of whether the individual receives compensation.

~~(6) For purposes of IC 12-17.4, a person who operates a child caring institution, foster family home, group home, or child placing agency under IC 12-17.4.~~

SECTION 58. IC 12-7-2-153, AS AMENDED BY P.L.73-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 153. (a) "Public welfare", for purposes of the statutes listed in subsection (b), means any form of public welfare or social security provided for in the statutes listed in subsection (b). The term does not include direct township assistance as administered by township trustees under IC 12-20.

(b) This section applies to the following statutes:

(1) IC 12-13.

(2) IC 12-14.

(3) IC 12-15.

~~(4) IC 12-17-1.~~

~~(5) IC 12-17-2.~~

~~(6) IC 12-17-3.~~

~~(7) IC 12-17-9.~~

~~(8) IC 12-17-10.~~

~~(9) IC 12-17-11.~~

~~(10)~~ **(4)** IC 12-19.

SECTION 59. IC 12-7-2-158, AS AMENDED BY P.L.73-2005,

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SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 158. "Recipient" means the following:

(1) For purposes of the following statutes, a person who has received or is receiving assistance for the person or another person under any of the following statutes:

(A) IC 12-10-6.

(B) IC 12-13.

(C) IC 12-14.

(D) IC 12-15.

~~(E) IC 12-17-1.~~

~~(F) IC 12-17-2.~~

~~(G) IC 12-17-3.~~

~~(H) IC 12-17-9.~~

~~(I) IC 12-17-10.~~

~~(J) IC 12-17-11.~~

~~(K)~~ **(E)** IC 12-19.

(2) For purposes of IC 12-20-10 and IC 12-20-11:

(A) a single individual receiving township assistance; or

(B) if township assistance is received by a household with at least two (2) individuals, the member of the household most suited to perform available work.

SECTION 60. IC 12-7-2-162.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 162.5. "Related", for purposes of IC 12-17.2, ~~and IC 12-17.4,~~ means any of the following relationships to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption:

(1) Parent.

(2) Grandparent.

(3) Brother.

(4) Sister.

(5) Stepparent.

(6) Stepgrandparent.

(7) Stepbrother.

(8) Stepsister.

(9) First cousin.

(10) Uncle.

(11) Aunt.

SECTION 61. IC 12-7-2-191 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 191. "Title IV-A Agency", for purposes of IC 12-17, refers to the division of family ~~and children.~~ **resources.**

SECTION 62. IC 12-7-2-200 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 200. (a) "Warrant", for purposes of the statutes listed in subsection (b), means an instrument that is:

(1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

(b) This section applies to the following statutes:

(1) IC 12-10-6.

(2) IC 12-13.

(3) IC 12-14.

(4) IC 12-15.

~~(5) IC 12-17-1.~~

~~(6) IC 12-17-9.~~

~~(7) IC 12-17-10.~~

~~(8) IC 12-17-11.~~

~~(9)~~ **(5)** IC 12-19.

SECTION 63. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

(1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.

(2) Formulating overall policy for family, health, and social services in Indiana.

(3) Coordinating activities between the programs of the division of family ~~and children~~ **resources** and the maternal and child health programs of the state department of health.

(4) Coordinating activities concerning long term care between the division of disability, aging, and rehabilitative services and the state department of health.

(5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 64. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

(1) The family and social services committee established by IC 12-8-3-2.

(2) The following advisory councils:

(A) The division of disability, aging, and rehabilitative

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services advisory council.

(B) The division of family ~~and children~~ **resources** advisory council.

(C) The division of mental health and addiction advisory council.

(3) A body:

(A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

SECTION 65. IC 12-8-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The office, ~~and~~ the division of family ~~and children~~ **resources, and the department of child services** shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

SECTION 66. IC 12-8-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent

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that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

(1) Money appropriated or allocated to a state agency from money received by the state under the Social Services Block Grant Act (42 U.S.C. 1397 et seq.).

(2) The division of disability, aging, and rehabilitative services, except this chapter does not apply to money expended under the following:

(A) The following statutes, unless application of this chapter is required by another subdivision of this section:

(i) IC 12-10-6.

(ii) IC 12-10-12.

(B) Epilepsy services.

(3) The division of family ~~and children,~~ **resources,** for money expended under the following:

(A) The following statutes:

(i) IC 12-14-10.

(ii) IC 12-14-11.

(iii) IC 12-14-12.

(B) The following programs:

(i) The child development associate scholarship program.

(ii) The dependent care program.

(iii) Migrant day care.

(iv) The youth services bureau.

(v) The project safe program.

(vi) The commodities program.

(vii) The migrant nutrition program.

(viii) Any emergency shelter program.

(ix) The energy weatherization program.

(x) Programs for individuals with developmental disabilities.

(4) The state department of health, for money expended under the following statutes:

(A) IC 16-19-10.

(B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

(A) The purchases are made under a contract between the state agency and the office of the secretary.

(B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.

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(C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 67. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family ~~and children,~~ **resources,** the division of disability, aging, and rehabilitative services, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 68. IC 12-10-11-2, AS AMENDED BY P.L.137-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board consists of the following fifteen (15) members:

(1) The director of the division of family ~~and children~~ **resources** or the director's designee.

(2) The chairman of the Indiana state commission on aging or the chairman's designee.

(3) Three (3) citizens at least sixty (60) years of age, nominated by two (2) or more organizations that:

(A) represent senior citizens; and

(B) have statewide membership.

(4) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:

(A) represent individuals with disabilities; and

(B) have statewide membership.

(5) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:

(A) represent individuals with mental illness; and

(B) have statewide membership.

(6) One (1) provider who provides services under IC 12-10-10.

(7) One (1) licensed physician, nurse, or nurse practitioner who specializes either in the field of gerontology or in the field of disabilities.

(8) Two (2) home care services advocates or policy specialists nominated by two (2) or more:

(A) organizations;

(B) associations; or

(C) nongovernmental agencies;

that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior

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citizens or persons with disabilities.

(9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by subsection (a)(3) through (a)(8) shall be appointed by the governor for terms of two (2) years. In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

(1) the area agencies on aging; and

(2) all organizations, associations, and nongovernmental agencies that work with the division on home care issues and programs.

SECTION 69. IC 12-10-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "housing with services establishment" means an establishment providing sleeping accommodations to at least five (5) residents and offering or providing for a fee:

(1) at least one (1) regularly scheduled health related service; or

(2) at least two (2) regularly scheduled supportive services;

whether offered or provided directly by the establishment or by another person arranged for by the establishment.

(b) The term does not include the following:

(1) A comprehensive care facility licensed under IC 16-28-2.

(2) A hospital licensed under IC 16-21.

(3) A group home licensed under ~~IC 12-17.4~~ **IC 31-27** or IC 12-28-4.

(4) An establishment that serves as a shelter for battered women or other similar purpose.

(5) Private homes in which the residents are related by kinship, law, or affinity with the person offering the services.

(6) An organized condominium, cooperative, common interest community, or owner's association where at least eighty percent (80%) of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who

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are the owners, members, or shareholders of the units.

SECTION 70. IC 12-11-1.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The bureau may continue the approved placement of a developmentally disabled individual in a child caring institution licensed under ~~IC 12-17.4,~~ **IC 31-27,** a county home regulated by IC 12-30-3, or a health facility licensed under IC 16-28 if:

(1) the individual was placed in the institution, home, or facility before July 1, 1985; and

(2) the placement continues to be appropriate for the individual, as determined by the bureau.

SECTION 71. IC 12-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The comprehensive plan required by section 5(3) of this chapter must include an interagency cooperation agreement among the following:

(1) The department of education.

(2) The division of mental health and addiction.

(3) The division of family ~~and children.~~ **resources.**

(4) The division.

(5) **The department of child services.**

(6) Any other appropriate agencies.

SECTION 72. IC 12-11-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The following shall cooperate with the commission and each other in developing and updating the comprehensive plan required by section 5(3) of this chapter and in developing and complying with the interagency cooperation agreement required by section 6 of this chapter:

(1) The department of education.

(2) The division of mental health and addiction.

(3) The division of family ~~and children.~~ **resources.**

(4) The division.

(5) **The department of child services.**

(6) Any other appropriate agencies.

SECTION 73. IC 12-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of family ~~and children~~ **resources** advisory council established by this chapter.

SECTION 74. IC 12-13-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of family ~~and children~~ **resources** advisory council is established.

SECTION 75. IC 12-13-5-1, AS AMENDED BY P.L.234-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 1. The division shall administer or supervise the public welfare activities of the state. The division has the following powers and duties:

(1) The administration of old age assistance, aid to dependent children, and assistance to the needy blind and persons with disabilities, excluding assistance to children with special health care needs.

(2) The administration of the licensing and inspection under IC 12-17.2.

(3) The provision of services to county governments, including the following:

(A) Organizing and supervising county offices for the effective administration of public welfare functions.

(B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.

(C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.

(4) Prescribing the form of, printing, and supplying to the county offices blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.

(5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:

(A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.

(B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.

(6) Appointing from eligible lists established by the state personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.

(7) Assisting the office of Medicaid policy and planning in fixing

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fees to be paid to ophthalmologists and optometrists for the examination of applicants for and recipients of assistance as needy blind persons.

(8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.

(9) Acting as the agent of the federal government for the following:

(A) In welfare matters of mutual concern under IC 12-13 through IC 12-19, except for responsibilities of the department of child services under ~~IC 31-33-1.5.~~ **IC 31-25-2.**

(B) In the administration of federal money granted to Indiana in aiding welfare functions of the state government.

(10) Administering additional public welfare functions vested in the division by law and providing for the progressive codification of the laws the division is required to administer.

(11) Supervising day care centers.

(12) Compiling information and statistics concerning the ethnicity and gender of a program or service recipient.

SECTION 76. IC 12-13-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission consists of nineteen (19) members appointed as follows:

(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(3) The director of the division of family ~~and children~~ **resources** or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The superintendent of public instruction or the superintendent's designee.

(7) The commissioner of the department of correction or the commissioner's designee.

(8) The director of the civil rights commission or the director's designee.

(9) The commissioner of the department of administration or the

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commissioner's designee.

(10) The director of the department of commerce or the director's designee.

(11) A minority business person, appointed by the governor.

(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

SECTION 77. IC 12-13-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The division of family ~~and children~~ **resources** shall provide staff and administrative support to the commission.

SECTION 78. IC 12-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of family and children~~ **department of child services** shall prepare a report in an electronic format under IC 5-14-6 for the general assembly regarding the ~~division's~~ **department's** management of child abuse and neglect cases.

SECTION 79. IC 12-14-2-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.3. (a) This section does not apply to a dependent child:

(1) described in section 5.1(b)(3) or 5.1(b)(4) of this chapter;

(2) who is the firstborn of a child less than eighteen (18) years of age who is included in an AFDC assistance group when the child becomes a first time minor parent (including all children in the case of a multiple birth); or

(3) who was conceived in a month the family was not receiving AFDC assistance.

(b) Except as provided in subsection (c), after July 1, 1995, an additional payment (other than for medical expenses payable under IC 12-15) may not be made for a dependent child who is born more than ten (10) months after the date the family qualifies for assistance under this article.

(c) The division may adopt rules under IC 4-22-2 that authorize a voucher for goods and services related to child care that do not exceed one-half (1/2) of the assistance that a dependent child described in subsection (b) would otherwise receive under section 5 of this chapter.

(d) A dependent child described in subsection (b) is eligible for all

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child support enforcement services provided in ~~IC 12-17-2.~~ **IC 31-25.**

(e) Families receiving AFDC assistance are encouraged to receive family planning counseling.

SECTION 80. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of family resources is established within the division of family ~~and children.~~ **resources.**

SECTION 81. IC 12-14-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The codirectors of the election division shall notify the division of family ~~and children~~ **resources and the department of child services** of the following:

(1) The scheduled date of each primary, general, municipal, and special election.

(2) The jurisdiction in which the election will be held.

SECTION 82. IC 12-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A county office shall serve as an agent of the division of family ~~and children.~~ **resources.**

SECTION 83. IC 12-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division of family ~~and children~~ **resources** shall supervise the county offices **regarding services provided under this chapter**.

SECTION 84. IC 12-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and the division of family ~~and children~~ **resources** shall formulate written protocols that specify the following:

(1) That the county offices are responsible for all eligibility determinations made under the state Medicaid program.

(2) That the office is responsible for payment of a claim made under the state Medicaid plan.

(b) The office may enter into any contract to implement the state program.

SECTION 85. IC 12-15-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The codirectors of the election division shall provide the division of family ~~and children~~ **resources and the department of child services** with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The division **of family resources and the department of child services** shall promptly forward the list and each revision of the list to each county office.

(b) The codirectors shall provide the division of family ~~and children~~ **resources and the department of child services** with pre-addressed

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packets for county offices to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 86. IC 12-15-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. An individual:

(1) who is less than eighteen (18) years of age;

(2) who is described in 42 U.S.C. 1396a(a)(10)(A)(ii); and

(3) who is:

(A) a child in need of services (as defined in IC 31-34-1);

(B) a child placed in the custody of the ~~division of family and children~~ **department of child services** or a county office under IC 31-35-6-1 (or IC 31-6-5-5 before its repeal); or

(C) a child placed under the supervision or in the custody of the ~~division of family and children~~ **department of child services** or a county office by an order of the court;

is eligible to receive Medicaid.

SECTION 87. IC 12-15-9-0.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the local office of the division of family ~~and children.~~ **resources.**

SECTION 88. IC 12-17-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "applicant" means either:

(1) a school corporation; or

(2) a nonprofit organization that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(B) has provided extracurricular activities or services to children continuously for at least one (1) year before the date of application for a grant under this chapter;

that applies to the division of family ~~and children~~ **resources** for a grant from the school age child care fund for the purpose of establishing and operating a school age child care program or for the purpose of maintaining an existing school age child care program.

SECTION 89. IC 12-17-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division may approve a grant to an applicant if the applicant demonstrates to the division that the applicant can do the following:

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(1) Provide a physical environment that is safe and appropriate to the various age levels of the children to be served.

(2) Meet licensing standards required under IC 12-17.2 and ~~IC 12-17.4.~~ **IC 31-27.**

(3) If necessary, provide transportation to and from the facility operated by the applicant.

(4) Provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.

(5) Provide efficient and effective program administration.

(6) Provide a staff that meets standards set by the division under this chapter.

(7) Provide for nutritional needs of children enrolled in the program.

(8) Provide emergency health services to children served by the program.

(9) Operate a preschool child care program in accordance with the cost and expense standards set by the division under this chapter.

SECTION 90. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

(1) The division of mental health and addiction.

(2) The state department of health.

(3) The division of family ~~and children.~~ **resources.**

(4) The division of disability, aging, and rehabilitative services.

(5) The department of education.

SECTION 91. IC 12-17.2-2-1, AS AMENDED BY P.L.162-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 10-13-3-39 before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

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(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of a child care home. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5(b); and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome.

SECTION 92. IC 12-17.2-2-1.5, AS AMENDED BY P.L.1-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division shall require all child care centers or child care homes to submit a report containing the names and birth dates of all children who are enrolled in the child care center or child care home within three (3) months from the date the child care center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as

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required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family ~~and children~~ **resources** pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian

_____

Date _____"

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse on missing children established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation.

SECTION 93. IC 12-17.2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The **division of family resources** child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of this article. ~~and IC 12-17.4.~~ The fund shall be administered by the division.

(b) The fund consists of the fees and civil penalties collected under this article. ~~and IC 12-17.4.~~

(c) The expenses of administering the fund shall be paid from

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money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 94. IC 12-17.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing child care centers, **or** child care homes. ~~child caring institutions, foster homes, group homes, or child placing agencies.~~ A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the variance in the form and manner specified by the division.

(2) Documents that compliance with an alternative method of compliance approved by the division will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the division.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the waiver in the form and manner specified by the division.

(2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.

(3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.

(4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes, ~~or foster homes,~~ a variance or waiver of a rule under this

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section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 95. IC 12-17.2-3.2-2, AS ADDED BY P.L.107-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The committee on child care is established.

(b) The committee consists of the following voting members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.

(3) The director of the division of family ~~and children~~ **resources** or the director's designee.

(4) The commissioner of the department of workforce development or the commissioner's designee.

(5) One (1) individual who holds a degree in the study of early childhood development.

(6) One (1) administrator of an elementary school.

(7) One (1) individual who operates or administers a Head Start program.

(8) One (1) individual who operates or administers a child care center.

(9) One (1) individual who operates or administers a class I child care home.

(10) One (1) individual who operates or administers a class II child care home.

(11) One (1) individual who operates or administers a child care ministry.

(12) One (1) individual who operates or administers an after school care program.

(13) One (1) individual who operates or administers child care in an employer offered setting.

(14) One (1) individual who is a consumer of child care and who does not operate or administer a child care program.

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

(c) The president pro tempore of the senate shall appoint the members listed in ~~subsections~~ **subsection** (b)(5), (b)(8), (b)(9), (b)(12), and (b)(14). In making the appointments, the president pro tempore of

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the senate shall attempt to appoint individuals that represent both rural and urban areas. The president pro tempore of the senate shall appoint a member described in subsection (b)(2) as chairperson of the committee in 2006.

(d) The speaker of the house of representatives shall appoint the members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and (b)(13). In making the appointments, the speaker of the house of representatives shall attempt to appoint individuals that represent both rural and urban areas. The speaker of the house of representatives shall appoint a member described in subsection (b)(1) as chairperson of the committee in 2005.

SECTION 96. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center.

(e) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

(f) Upon request, the county office of family and children shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family ~~and children~~ **resources** concerning a licensed child care center.

SECTION 97. IC 12-17.2-4-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15.~~ **IC 10-13-3-39.**

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

SECTION 98. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the ~~county department of public welfare~~ **division's** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

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(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the **division of family resources** child care fund **established by IC 12-17.2-3-2.**

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 99. IC 12-17.2-4-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars ($1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**

SECTION 100. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter; and

(2) charged with:

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(A) a felony;
(B) a misdemeanor relating to the health or safety of children;
(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter;
during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to:
(1) conduct a criminal history check on the applicant's spouse; and
(2) obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15.~~ **IC 10-13-3-39.**

(e) An applicant must do the following:
(1) Conduct a criminal history check of the applicant's:
(A) employees;
(B) volunteers; and
(C) household members who are:
(i) at least eighteen (18) years of age; or
(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.
(2) Maintain records of each criminal history check.

SECTION 101. IC 12-17.2-5-6.5, AS AMENDED BY P.L.162-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:
(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
(2) Provide a smoke detection system that is:
(A) hard wired to the building's electrical system; and
(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.
(3) Provide a fire extinguisher in each room that is used to provide child care services.
(4) Meet:
(A) the exit requirements for an E-3 building occupancy

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classification under the Indiana building code adopted by the fire prevention and building safety commission, except for any illumination requirements, in effect at the time the class II child care home provider initially applies for licensure; and

(B) the illumination requirements established in section 6.3(b)(2)(D) of this chapter.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family ~~and children~~ **resources** for class II child care homes.

(9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 102. IC 12-17.2-5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care home and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care home is located.

(b) The attorney general or the county department of public welfare attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care home if there is reasonable cause to believe that:

(A) the child care home is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred

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dollars ($100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child care homes described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the **division of family resources** child care fund **established by IC 12-17.2-3-2.**

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 103. IC 12-17.2-5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars ($1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**

SECTION 104. IC 12-17.2-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the office of the state fire marshal shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY ~~AND CHILDREN~~ **RESOURCES**

THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE _____

SIGNATURE _____

STATE FIRE

MARSHAL'S OFFICE".

SECTION 105. IC 12-18-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. On June 30 and December 31 of each year, the treasurer of state shall transfer money

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from the fund as follows:

(1) Fifty-five percent (55%) of the balance on deposit in the fund or two hundred forty-five thousand dollars ($245,000), whichever is greater, shall be deposited in the domestic violence prevention and treatment fund established by IC 12-18-4.

(2) The balance in the fund after the transfer of money under subdivision (1) shall be deposited as follows:

(A) One-third (1/3) shall be deposited in the Indiana kids first trust fund established by ~~IC 12-17-16-12.~~ **IC 31-26-4-12.**

(B) Two-thirds (2/3) shall be deposited in the victim and witness assistance fund established by IC 5-2-6-14.

SECTION 106. IC 12-17.2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division shall charge a child care ministry a fifty dollar ($50) fee for processing a registration under section 2 of this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**

SECTION 107. IC 12-19-1-7, AS AMENDED BY P.L.234-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The county director shall appoint from eligible lists established by the state personnel department the number of assistants necessary to:

(1) administer the welfare activities within the county that are administered by the division under IC 12-13 through IC 12-19 or by an administrative rule, with the approval of the director of the division; or

(2) administer the child ~~protection~~ services **(as defined in IC 12-19-7-1)** and child welfare activities within the county that are the responsibility of the department under IC 12-13 through IC 12-19 and ~~IC 31-33-1.5~~ **IC 31-25 through IC 31-40** or by an administrative rule, with the approval of the director of the department.

(b) The:

(1) division, for personnel performing activities described in subsection (a)(1);

(2) department, for personnel performing activities described in subsection (a)(2); or

(3) ~~the~~ division and the department jointly for personnel performing activities in both subsection (a)(1) and (a)(2);

shall determine the compensation of the assistants within the salary ranges of the pay plan adopted by the state personnel department and

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approved by the budget agency, with the advice of the budget committee, and within lawfully established appropriations.

SECTION 108. IC 12-19-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) After petition to and with the approval of the judge of the circuit court, a county office may take the actions described in subsection (b) if:

(1) an applicant for public assistance is physically or mentally incapable of completing an application for assistance; or

(2) a recipient of public assistance:

(A) is incapable of managing the recipient's affairs; or

(B) refuses to:

~~(i)~~ **(i)** take care of the recipient's money properly; or

(ii) comply with the director of the division's rules and policies.

(b) If the conditions of subsection (a) are satisfied, the county office may designate a responsible person to do the following:

(1) Act for the applicant or recipient.

(2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the following:

(A) This chapter.

(B) IC 12-10-6.

(C) IC 12-14-1 through IC 12-14-9.5.

(D) IC 12-14-13 through IC 12-14-19.

(E) IC 12-15.

~~(F) IC 12-17-1 through IC 12-17-3.~~

~~(G)~~ **(F)** IC 16-35-2.

(c) A fee for services provided under this section may be paid to the responsible person in an amount not to exceed ten dollars ($10) each month. The fee may be allowed:

(1) in the monthly assistance award; or

(2) by vendor payment if the fee would cause the amount of assistance to be increased beyond the maximum amount permitted by statute.

SECTION 109. IC 12-19-7-1, AS AMENDED BY P.L.1-2005, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "child services" means the following:

(1) Child welfare services specifically provided for children who are:

(A) adjudicated to be:

(i) children in need of services; or

(ii) delinquent children; or

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(B) recipients of or are eligible for:
(i) informal adjustments;
(ii) service referral agreements; and
(iii) adoption assistance;
including the costs of using an institution or facility in Indiana for providing educational services as described in either IC 20-33-2-29 (if applicable) or IC 20-26-11-13 (if applicable), all services required to be paid by a county under IC 31-40-1-2, and all costs required to be paid by a county under IC 20-26-11-12.

(2) Assistance awarded by a county to a destitute child under ~~IC 12-17-1.~~ **IC 31-26-2.**

(3) Child welfare services as described in ~~IC 12-17-3.~~ **IC 31-26-3.**

SECTION 110. IC 12-19-7-1.5, AS AMENDED BY P.L.234-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division ~~of family resources~~ **or the department of child services** may transfer any of the following to a county family and children's fund:

(1) Money transferred under P.L.273-1999, SECTION 126, to the division from a county welfare fund on or after July 1, 2000, without regard to the county from which the money was transferred.

(2) Money appropriated to the division or department for any of the following:

(A) Assistance awarded by **the department or** a county **office** to a destitute child under ~~IC 12-17-1.~~ **IC 31-26-2.**

(B) Child welfare services as described in ~~IC 12-17-3.~~ **IC 31-26-3.**

(C) Any other services for which the expenses were paid from a county welfare fund before January 1, 2000.

(b) Money transferred under subsection (a)(1) or (a)(2) must be used for purposes described in subsection (a)(2).

SECTION 111. IC 12-20-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A township trustee is not under the jurisdiction of the division of family ~~and children.~~ **resources.**

(b) The division of family ~~and children.~~ **resources:**

(1) may not subject a township trustee to investigation concerning the trustee's official duties; and

(2) has no authority to make a report with reference to the official duties of a township trustee.

SECTION 112. IC 12-20-6-3, AS AMENDED BY P.L.73-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family ~~and children~~ **resources** and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a township assistance applicant or a member of the applicant's household may be eligible for a public assistance program, the trustee may not extend aid to the applicant or the applicant's household unless the applicant verifies that:

(1) the applicant has filed, within the one hundred eighty (180) days preceding the application for township assistance, an application for assistance under a federal or state public assistance program administered by the division of family ~~and children~~ **resources** and county offices or by another federal or state governmental entity;

(2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity; or

(3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

SECTION 113. IC 12-20-6-5, AS AMENDED BY P.L.73-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

SECTION 114. IC 12-20-6-5.5, AS AMENDED BY P.L.73-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section does not apply in an

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emergency.

(b) If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

(1) the division of family ~~and children~~ **resources** and county offices; or

(2) any other federal or state governmental entity.

(c) An applicant or a household member who fails to:

(1) file an application as specified in subsection (b); and

(2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days.

SECTION 115. IC 12-20-7-1, AS AMENDED BY P.L.73-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

(1) The applicant's name, case number, and address.

(2) The types of information being solicited, including the following:

(A) Countable income.

(B) Countable assets.

(C) Wasted resources.

(D) Relatives capable of providing assistance.

(E) Past or present employment.

(F) Pending claims or causes of action.

(G) A medical condition if relevant to work or workfare requirements.

(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal

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statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family ~~and children~~ **resources** and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family ~~and children,~~ **resources,** county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 116. IC 12-20-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division of family ~~and children~~ **resources** and county offices shall use the consent forms received under this chapter to do the following:

(1) Assist in making eligibility determinations for public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

(2) Assist in reducing fraud and abuse in public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 117. IC 12-20-7-5, AS AMENDED BY P.L.73-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the following:

(1) The administration of the township trustee's township assistance program.

(2) The administration of public assistance programs that are administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 118. IC 12-20-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A township trustee, an assistant of a township trustee, or an employee or a director of the division of family ~~and children,~~ **resources,** the office of Medicaid policy and planning, and county offices who knowingly discloses or

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uses information that is obtained through the use of a consent form described in section 1 of this chapter, except as authorized by this chapter, commits a Class A misdemeanor.

SECTION 119. IC 12-20-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A township trustee may not provide food assistance for more than thirty (30) days unless an individual files an application with the township trustee that includes the following:

(1) Evidence of application for food stamps from the division of family ~~and children.~~ **resources.**

(2) The amount of assistance received or the reason for denial of assistance.

(b) The township trustee shall inform an applicant for food assistance that food stamps may be available from the division of family ~~and children~~ **resources** and that the township trustee may not provide food assistance for more than thirty (30) days unless the individual files an application for food stamps with the division of family ~~and children.~~ **resources.**

SECTION 120. IC 12-20-25-8, AS AMENDED BY P.L.73-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Upon receipt of a certification under section 7 of this chapter, the governor shall appoint a four (4) member management committee to assume the township trustee's duties as administrator of township assistance. The committee must consist of one (1) representative from each of the following:

(1) The budget agency. This member serves as chairperson.

(2) The state board of accounts.

(3) The department.

(4) The division of family ~~and children.~~ **resources.**

SECTION 121. IC 12-20-25-29, AS AMENDED BY P.L.73-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A township assistance control board is established for each distressed township. The governor shall appoint the following members to the control board:

(1) The budget director or the director's designee, who shall serve as the chairman of the board.

(2) One (1) representative of the state board of accounts.

(3) One (1) representative of the department.

(4) One (1) representative of the division of family ~~and children.~~ **resources.**

(5) One (1) elected public official of the county.

(6) One (1) township trustee.

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(7) One (1) individual who:

(A) resides in the county or is employed in the county by an employer paying taxes in the county; and

(B) is or agrees to become familiar with township assistance.

(8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.

(b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 122. IC 12-20-28-3, AS AMENDED BY P.L.180-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "case contact" means any act of service in which a township employee has reason to enter a comment or narrative into the record of an application for township assistance under this article regardless of whether the applicant receives or does not receive township assistance funds.

(c) As used in this section, "total number of households containing township assistance recipients" means the sum to be determined by counting the total number of individuals who file an application for which assistance is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(d) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

(1) number of times assistance is provided; or

(2) number of households in which the individual resides during a particular year.

(e) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(f) The township trustee shall file an annual statistical report on

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township housing, medical care, utility assistance, food assistance, burial assistance, food pantry assistance, services related to representative payee programs, services related to special nontraditional programs, and case management services with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (k), the report must be made on a form provided by the state board of accounts. The report must contain the following information:

(1) The total number of requests for assistance.

(2) The total number of each of the following:

(A) Recipients of township assistance.

(B) Households containing recipients of township assistance.

(C) Case contacts made with or on behalf of:

(i) recipients of township assistance; or

(ii) members of a household receiving township assistance.

(3) The total value of benefits provided to recipients of township assistance.

(4) The total value of benefits provided through the efforts of township staff from sources other than township funds.

(5) The total number of each of the following:

(A) Recipients of township assistance and households receiving utility assistance.

(B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.

(6) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other than township funds.

(7) The total number of each of the following:

(A) Recipients of township assistance and households receiving housing assistance.

(B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.

(8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.

(9) The total number of each of the following:

(A) Recipients of township assistance and households receiving food assistance.

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(B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.

(10) The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.

(11) The total number of each of the following:

(A) Recipients of township assistance and households provided health care.

(B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.

(12) The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.

(13) The total number of funerals, burials, and cremations.

(14) The total value of funerals, burials, and cremations, including the difference between the:

(A) actual value of the funerals, burials, and cremations; and

(B) amount paid by the township for the funerals, burials, and cremations.

(15) The total of each of the following:

(A) Number of nights of emergency shelter provided to the homeless.

(B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than township funds.

(C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.

(16) The total of each of the following:

(A) Number of referrals of township assistance applicants to other programs.

(B) Value of the services provided by the township in making referrals to other programs.

(17) The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

(18) The number of hours spent by recipients of township assistance at workfare.

(19) The total value of the services provided by workfare to the township and other agencies.

(20) The total amount of reimbursement for assistance received

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from:
(A) recipients;
(B) members of recipients' households; or
(C) recipients' estates;
under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
(21) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).
(22) The total of each of the following:
(A) Number of individuals assisted through a representative payee program.
(B) Amount of funds processed through the representative payee program that are not township funds.
(23) The total of each of the following:
(A) Number of individuals assisted through special nontraditional programs provided through the township without the expenditure of township funds.
(B) Amount of funds used to provide the special nontraditional programs that are not township funds.
(24) The total of each of the following:
(A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.
(B) Value of the case management services provided.
(25) The total number of housing inspections performed by the township.

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

(g) The state board of accounts shall compare and compile all data reported under subsection (f) into a statewide statistical report. The department shall summarize the data compiled by the state board of accounts that relate to the fixing of township budgets, levies, and tax rates and shall include the department's summary within the statewide statistical report prepared under this subsection. Before July 1, of each year, the state board of accounts shall file the statewide statistical report prepared under this subsection with the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(h) The state board of accounts shall forward a copy of:
(1) each annual report forwarded to the board under subsection (f); and

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(2) the statewide statistical report under subsection (g);

to the department and the division of family ~~and children.~~ **resources.**

(i) The division of family ~~and children~~ **resources** shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary Assistance to Needy Families (TANF) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (h) concerning the total number of recipients of township assistance and the total dollar amount of benefits provided.

(j) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (f) in the preceding calendar year.

(k) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(l) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6.

SECTION 123. IC 12-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The division may continue the placement of a mentally ill individual in a child caring institution licensed under ~~IC 12-17.4,~~ **IC 31-27,** a county home regulated by IC 12-30-3, or a health facility licensed under IC 16-28 if:

(1) the individual was placed in the institution, home, or facility before July 1, 1985; and

(2) the placement continues to be appropriate for the individual, as determined by the division.

SECTION 124. IC 12-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The bureau head is responsible for the following:

(1) Developing a definition and criteria for emotional disturbance and serious emotional disturbance.

(2) Assessing current and projected needs for emotionally disturbed children and youth within geographic areas of Indiana.

(3) Developing an annual plan for children's mental health services, including an implementation plan and fiscal

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requirements.

(4) Developing the budget and budget requests for the bureau.

(5) Implementing plans required under federal Public Law 99-660 (1986).

(6) Developing and coordinating programs and services for prevention and family support.

(7) Providing technical assistance and oversight of children's mental health programs and services within mental health facilities that are licensed or certified by the state.

(8) Coordinating with the director of the ~~division of family and children~~ **department of child services** on matters concerning children with mental health needs.

(9) Coordinating with other bureaus of the division.

(10) Maintaining sufficient staff to carry out the duties of the bureau.

SECTION 125. IC 12-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The ~~division of family and children~~ **department of child services** or a county office is responsible for the cost of treatment or maintenance of a child under the ~~division's~~ **department's** or county office's custody or supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

SECTION 126. IC 12-26-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the comfort and the care of an individual are not otherwise provided:

(1) from the individual's estate;

(2) by the individual's relatives or friends; or

(3) through financial assistance from the **department of child services, the** division of family ~~and children~~ **resources,** or a county office;

the court may order the assistance furnished and paid for out of the general fund of the county.

SECTION 127. IC 12-30-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The superintendent of a county home shall carefully observe the rules prescribed by the board of commissioners and shall be guided by suggestions that are made by the division of family ~~and children~~ **resources** and the county office. The superintendent shall make reports to the board of commissioners when the board of commissioners orders and shall make reports to the division of family ~~and children~~ **resources** when directed by the division.

SECTION 128. IC 12-30-3-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

(1) within the county in going to and from officially called meetings of the county home board; and

(2) within Indiana in going to and from meetings of the county home board officially called by the division of family ~~and children,~~ **resources;**

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars ($25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars ($25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

SECTION 129. IC 12-30-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county offices of the division of family ~~and children,~~ **resources,** and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care.

SECTION 130. IC 14-11-3-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.3. As used in this chapter, "bureau" refers to the child support bureau (Title IV-D agency)

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established under ~~IC 12-17-2.~~ **IC 31-25-3.**

SECTION 131. IC 14-11-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Upon receiving an order from the bureau under ~~IC 12-17-2-34(j),~~ **IC 31-25-4-32(j),** the director shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35;~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) Upon receiving an order from the bureau under

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~~IC 12-17-2-36(c),~~ **IC 31-25-4-34(e),** the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the director shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the notice required under subsection (b) is mailed, the director shall suspend the person's license.

(d) The director may not reinstate a license placed on probation or suspended under this section until the director receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 132. IC 16-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The hospital council is created.

(b) The council consists of nine (9) members appointed by the governor as follows:

(1) One (1) must be a licensed physician.

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(2) One (1) must be a registered nurse licensed under IC 25-23 and experienced in providing acute care services.

(3) Three (3) must be individuals engaged in hospital administration.

(4) One (1) must be an individual engaged in freestanding ambulatory outpatient surgical center administration.

(5) One (1) must be from the division of family ~~and children.~~ **resources.**

(6) One (1) must be the state health commissioner.

(7) One (1) must be an individual who is not associated with hospitals, except as a consumer.

(c) Except for the members of the council appointed under subsection (b)(3) and (b)(4), a member of the council may not have a pecuniary interest in the operation of, or provide professional services through employment or under contract to, an institution or agency licensed under this article.

SECTION 133. IC 16-22-8-34, AS AMENDED BY P.L.184-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, sue and be sued in any court with jurisdiction.

(2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.

(3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:

(A) To protect property owned or managed by the corporation.

(B) To determine, prevent, and abate public health nuisances.

(C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects,

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capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the animal's breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation has no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children.~~ **resources.**

(7) To determine the public health policies and programs to be carried out and administered by the corporation.

(8) To adopt an annual budget ordinance and levy taxes.

(9) To incur indebtedness in the name of the corporation.

(10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the

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divisions and subdivisions.
(11) To acquire and dispose of property.
(12) To receive and make gifts.
(13) To receive and distribute federal, state, local, or private grants.
(14) To erect buildings or structures or improvements to existing buildings or structures.
(15) To determine matters of policy regarding internal organization and operating procedures.
(16) To do the following:
(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.
(C) Require security for the payment of the charges.
(17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.
(18) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.
(19) To purchase supplies, materials, and equipment for the corporation.
(20) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.
(21) To employ attorneys admitted to practice law in Indiana.
(22) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
(23) To dispose of surplus property in accordance with a policy by the board.
(24) To determine the duties of officers and division directors.
(25) To fix the compensation of the officers and division directors.
(26) To carry out the purposes and object of the corporation.
(27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.
(28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 134. IC 16-28-1-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

(1) One (1) licensed physician.

(2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.

(3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.

(4) One (1) registered nurse licensed under IC 25-23.

(5) One (1) registered pharmacist licensed under IC 25-26.

(6) Two (2) citizens having knowledge or experience in the field of gerontology.

(7) One (1) representative of a statewide senior citizens organization.

(8) One (1) citizen having knowledge or experience in the field of mental health.

(9) One (1) nurse-educator of a practical nurse program.

(10) The commissioner.

(11) The director of the division of family ~~and children~~ **resources** or the director's designee.

(12) The director of the division of disability, aging, and rehabilitative services or the director's designee.

(b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 135. IC 16-28-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The council shall do the following:

(1) Propose the adoption of rules by the department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.

(B) Qualifications of applicants for licenses issued under this

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article to assure the proper care of patients.

(C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.

(D) Manner, form, and content of the license, including rules governing disclosure of ownership interests.

(E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family ~~and children,~~ **resources,** and other agencies authorized to pay for the services.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

(4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.

(5) Act as an advisory body for the division, commissioner, and state department.

(6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 136. IC 16-33-4-11, AS AMENDED BY P.L.1-2005, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

(1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.

(2) The child is at least three (3) years of age but less than eighteen (18) years of age.

(3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

(1) grandchildren;

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(2) stepchildren;
(3) brothers;
(4) sisters;
(5) nephews; and
(6) nieces;

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent may accept for residence children referred:

(1) by the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1,~~ **IC 31-33-1.5-2;** or

(2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the state health commissioner or the commissioner's designee.

SECTION 137. IC 16-33-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An application for admission to the home may be made by a responsible parent, a guardian, a representative of the court, or the county office of family and children.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent of the home shall cooperate with the appropriate county office of family and children, either directly or through the ~~division of family and children,~~ **department of child services,** to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the home.

SECTION 138. IC 16-33-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Each child, the estate of the child, the parent or parents of the child, or the guardian of the child, individually or collectively, are liable for the payment of the costs of maintenance of the child of up to one hundred percent (100%) of the per capita cost, except as otherwise provided. The cost shall be computed annually by dividing the total annual cost of operation for the fiscal year, exclusive of the cost of education programs, construction, and equipment, by the total child days each year. The maintenance cost shall be referred to as maintenance charges. The charge may not be levied against any of the following:

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(1) The ~~division of family and children~~ **department of child services** or the county office of family and children to be derived from county tax sources.

(2) A child orphaned by reason of the death of the natural parents.

(b) The billing and collection of the maintenance charges as provided for in subsection (a) shall be made by the superintendent of the home based on the per capita cost for the preceding fiscal year. All money collected shall be deposited in a fund to be known as the Indiana soldiers' and sailors' children's home maintenance fund. The fund shall be used by the state health commissioner for the:

(1) preventative maintenance; and

(2) repair and rehabilitation;

of buildings of the home that are used for housing, food service, or education of the children of the home.

(c) The superintendent of the home may, with the approval of the state health commissioner, agree to accept payment at a lesser rate than that prescribed in subsection (a). The superintendent of the home shall, in determining whether or not to accept the lesser amount, take into consideration the amount of money that is necessary to maintain or support any member of the family of the child. All agreements to accept a lesser amount are subject to cancellation or modification at any time by the superintendent of the home with the approval of the state health commissioner.

(d) A person who has been issued a statement of amounts due as maintenance charges may petition the superintendent of the home for a release from or modification of the statement and the superintendent shall provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the state health commissioner and after the hearing, cancel or modify the former statement and at any time for due cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as determined under subsection (a).

(e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of sufficient size to provide for immediate expenses upon graduation or discharge.

(f) The superintendent may make agreements with instrumentalities of the federal government for application of any monetary awards to be applied toward the maintenance charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to

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provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter.

SECTION 139. IC 16-37-1-11.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.7. (a) The department shall design, promote, and sell heirloom birth certificates.

(b) An heirloom birth certificate must:

(1) contain the same information as a birth certificate issued under IC 16-37-2-9;

(2) be specially designed for framing and display;

(3) contain a background design, an emblem, or colors that designate the birth certificate as an heirloom birth certificate; and

(4) contain any other information that the department considers necessary.

(c) The department shall charge a fee of thirty dollars ($30) for an heirloom birth certificate. The fee is apportioned as follows:

(1) Seven dollars ($7) must be retained by the state department to offset the cost of the heirloom birth certificate.

(2) Twenty-three dollars ($23) must be deposited in the infant mortality account established under ~~IC 12-17-16-13.5.~~ **IC 31-26-4-14.**

SECTION 140. IC 16-37-2-2.1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.

(2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

(1) The mother's sworn statement asserting that a person described in subsection (a)(2) is the child's biological father.

(2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.

(3) Written information furnished by the ~~division of family and children.~~ **child support bureau of the department of child services:**

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

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(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

(1) establishes paternity; and

(2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including the right of the child's mother or the Title IV-D agency to obtain a child support order against the person.

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law:

(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or

(2) a man who is a party to a paternity affidavit executed under this section;

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit.

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (g)(2) of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court shall set aside the paternity affidavit upon a showing from a genetic test that sufficiently demonstrates that the person who executed the paternity affidavit is excluded as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.

SECTION 141. IC 16-39-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

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(i) the provider at the same facility or agency;
(ii) a managed care provider (as defined in IC 12-7-2-127(b)); or
(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.
(B) Are involved in the planning, provision, and monitoring of services.
(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.
(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.
(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability, aging, and rehabilitative services, or the rules of the provider.
(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127(b)) who are operating under a contract with the division of mental health and addiction.
(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.
(7) To a law enforcement agency if any of the following conditions are met:
(A) A patient escapes from a facility to which the patient is committed under IC 12-26.
(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.
(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.
(D) A patient is in the custody of a law enforcement officer or agency for any reason and:
(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and
(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.
Mental health records released under this clause must be

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maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

~~(B) IC 12-17-2-16.~~

~~(C)~~ **(B)** IC 12-24-17-5.

~~(D)~~ **(C)** IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the

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mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 142. IC 16-41-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, ~~"division"~~ **"department"** refers to the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1.~~ **IC 31-33-1.5-2.**

SECTION 143. IC 16-41-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The state department, with the assistance of the ~~division,~~ **department of child services** shall establish a program focusing on awareness and prevention of childhood hazards.

(b) If a program is established under subsection (a), the state department or the ~~division~~ **department of child services** may contract with a statewide nonprofit organization with experience and knowledge in childhood hazards to implement all or part of the program.

SECTION 144. IC 16-41-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the state department and the ~~division~~ **department of child services** establish a program under section 3 of this chapter, the state department, with the assistance of the ~~division,~~ **department of child services,** shall design and implement strategies for raising public awareness concerning the causes and nature of childhood hazards, including the following concerning shaken baby syndrome:

(1) Factors placing parents, guardians, and other caregivers at risk for shaking an infant.

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(2) The risks associated with shaking an infant.

(3) Suggestions for preventing shaken baby syndrome.

SECTION 145. IC 16-41-40-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A program established under this chapter must include the distribution of readily understandable information and instructional materials regarding childhood hazards. Information concerning shaken baby syndrome, must explain its medical effects on infants and children and emphasize preventive measures.

(b) The information and instructional materials described in subsection (a) concerning shaken baby syndrome must be provided without cost by the following:

(1) Each hospital licensed under IC 16-21, to a parent or guardian of each newborn upon discharge from the hospital.

(2) The ~~division of family and children~~ **department of child services** to each provider (as defined in ~~IC 12-7-2-149(4))~~ **IC 12-7-2-149.1 or IC 31-9-2-99.3)** when:

(A) the provider applies for a license from the division **or the department of child services** under IC 12-17.2 or ~~IC 12-17.4;~~ **IC 31-27;** or

(B) the division **or the department of child services** inspects a facility operated by a provider.

SECTION 146. IC 16-41-40-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The state department, with the assistance of the ~~division,~~ **department of child services** may do the following:

(1) Work to improve the capacity of community based services available to victims of childhood hazards.

(2) Work with:

(A) other state and local governmental agencies;

(B) community and business leaders;

(C) community organizations;

(D) health care and human service providers;

(E) national organizations; and

(F) university safety programs;

to coordinate efforts and maximize state and private resources in the areas of prevention of and education about childhood hazards.

(3) Identify and, when appropriate, replicate or use successful childhood hazard programs and procure related materials and services from organizations with appropriate experience and knowledge of childhood hazards.

SECTION 147. IC 16-46-6-4, AS AMENDED BY P.L.2-2005,

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SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The council consists of the following twenty-one (21) members:

(1) Two (2) members of the house of representatives from different political parties appointed by the speaker of the house of representatives.

(2) Two (2) members of the senate from different political parties appointed by the president pro tempore of the senate.

(3) The governor or the governor's designee.

(4) The state health commissioner or the commissioner's designee.

(5) The director of the division of family ~~and children~~ **resources** or the director's designee.

(6) The director of the office of Medicaid policy and planning or the director's designee.

(7) The director of the division of mental health and addiction or the director's designee.

(8) The commissioner of the department of correction or the commissioner's designee.

(9) One (1) representative of a local health department appointed by the governor.

(10) One (1) representative of a public health care facility appointed by the governor.

(11) One (1) psychologist appointed by the governor who:

(A) is licensed to practice psychology in Indiana; and

(B) has knowledge and experience in the special health needs of minorities.

(12) One (1) member appointed by the governor based on the recommendation of the Indiana State Medical Association.

(13) One (1) member appointed by the governor based on the recommendation of the National Medical Association.

(14) One (1) member appointed by the governor based on the recommendation of the Indiana Hospital and Health Association.

(15) One (1) member appointed by the governor based on the recommendation of the American Cancer Society.

(16) One (1) member appointed by the governor based on the recommendation of the American Heart Association.

(17) One (1) member appointed by the governor based on the recommendation of the American Diabetes Association.

(18) One (1) member appointed by the governor based on the recommendation of the Black Nurses Association.

(19) One (1) member appointed by the governor based on the

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recommendation of the Indiana Minority Health Coalition.

(b) At least fifty-one percent (51%) of the members of the council must be minorities.

SECTION 148. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the ~~division of family and children;~~ **department of child services;**

(2) by a court order; or

(3) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;**

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted

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by the state board under ~~IC 20-35-2-1(c)(5).~~ *IC 20-35-2-1(b)(5).*

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 149. IC 20-26-11-9, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies to each student:

(1) described in section 8(a) of this chapter;

(2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and

(3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after **the department of child services or** a county **office of family and children** places or changes the placement of a student, the **department of child services or the** county **office of family and children** that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before June 30 of each year, a county that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school

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corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

(1) the county office (as defined in IC 12-7-2-45) if the county office or the ~~division~~ **department** of ~~family and children~~ **child services** placed or consented to the placement of the student; or

(2) if subdivision (1) does not apply, the court or other agency making the placement.

SECTION 150. IC 20-26-11-12, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the county office of family and children for the county placing the child shall pay from the county family and children's fund to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

(1) The amount under a written agreement among the county office, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

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(d) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school;

the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the ~~division of family and children.~~ **department of child services.** However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 151. IC 20-26-13-10, AS ADDED BY P.L.242-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. Except as provided in section 11 of this chapter, the graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

(i) began the reporting year in a cohort that expects to graduate during a future reporting year; and

(ii) graduate during the current reporting year.

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STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the ~~division of family and children.~~ **department of child services.**

(F) Enrollment in a virtual school.

(G) Graduation before the beginning of the reporting year.

(H) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(I) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children.

(J) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

(A) the number determined under STEP SIX; by

(B) the remainder determined under STEP FIVE.

SECTION 152. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;

(2) representative of the state's population; and

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(3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

(1) Parents of children with disabilities.

(2) Individuals with disabilities.

(3) Teachers.

(4) Representatives of higher education institutions that prepare special education and related services personnel.

(5) State and local education officials.

(6) Administrators of programs for children with disabilities.

(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability, aging, and rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the ~~division of family and children~~ **department of child services** or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

(11) A representative from each of the following:

(A) The Indiana School for the Blind and Visually Impaired board.

(B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

(1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.

(4) To provide public comment on rules proposed by the state

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board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the state superintendent.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 153. IC 20-35-6-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family ~~and children~~ **resources** shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

SECTION 154. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

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(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability, aging, and rehabilitative services.

(4) State hospitals operated by the division of mental health and addiction.

(5) State schools and programs operated by the state department of health.

(6) Programs operated by the department of correction.

(7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children,~~ **department of child services,** or other public entity.

SECTION 155. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005, SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and ~~*beginning in the school year that ends in the 2005 calendar year,*~~ as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall,

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before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of

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P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the ~~division of family and children;~~ **department of child services;**

(ii) by a court order;

(iii) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;** or

(iv) by a parent or guardian under ~~*IC 20-8.1-6.1,*~~

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IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-8.
For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~*(l) "At risk index" means the following:*~~

~~*(1) For a school corporation that is a not a charter school, the sum of:*~~

~~*(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);*~~

~~*(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and*~~

~~*(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.*~~

~~*The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.*~~

~~*(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.*~~

~~*(m)*~~ *(l)* "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

~~*(n)*~~ *(m)* "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.

SECTION 156. IC 24-6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The division of weights and measures shall take charge of the standards adopted by this chapter as the standards of the state, cause them to be kept in a fireproof building belonging to the state, and from which they shall not

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be removed except for repairs or for certification, and take all other necessary precautions for their safekeeping.

(b) The division shall maintain the state standards in good order and shall submit them once in ten (10) years to the National Institute of Standards and Technology for certification. The division or inspectors at the division's direction, shall correct the standards of the several cities and counties, and as often as once in two (2) years compare the same with those in the division's possession, and where not otherwise provided by law the division shall have the general supervision of the weights, measures, and measuring and weighing devices in use in Indiana.

(c) The division of weights and measures is also authorized to adopt rules, specifications, and tolerances necessary for the enforcement of this chapter. The division shall, upon the written request of any Indiana citizen, firm, corporation, limited liability company, or institution, test or calibrate weights, measures, weighing, or measuring devices and instruments or apparatus used as standards in Indiana. The division or inspectors at the division's direction, shall at least once annually test all scales, weights, and measures and devices used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the ~~division of family and children~~ **department of child services** and the division shall report in writing the findings to the executive officer of the institution concerned.

(d) The division of weights and measures shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take a receipt for the same from the successor in office to the head of the division.

(e) The division or inspectors at the division's direction, shall at least once in two (2) years visit the various cities and counties in Indiana that have appointed sealers of weights and measures in order to inspect the work of the local sealers. In the performance of such duties, the division may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person.

(f) The division of weights and measures shall issue from time to time rules for the guidance of state, county, and city sealers or inspectors. The rules shall govern the procedure to be followed by those officers in the discharge of their duties.

SECTION 157. IC 25-1-1.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "bureau" means the child support bureau established by ~~IC 12-17-2-5.~~ **IC 31-25-3-1.**

SECTION 158. IC 25-1-1.2-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board shall, upon receiving an order from the bureau under ~~IC 12-17-2-34(c),~~ **IC 31-25-4-32(e),** send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35,~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner

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who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 159. IC 25-11-1-1, AS AMENDED BY P.L.234-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, unless the context otherwise requires:

(a) The term "person" means any individual, firm, partnership, limited liability company, or corporation.

(b) The term "collection agency" means and includes all persons engaging directly or indirectly and as a primary or secondary object,

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business, or pursuit, in soliciting claims for collection, or in the collection of claims owed or due or asserted to be owed or due to another, including child support arrearages under ~~IC 12-17-2.~~ **IC 31-25-4.** The term "collection agency" also means and includes, but shall not be limited to, any person who sells, furnishes, or maintains a letter or written demand service, including stickers or coupon books, designed for the purpose of making demand on any debtor on behalf of any creditor for the payment of any claim wherein the person furnishing or maintaining such letter or written demand service, including stickers or coupon books, shall sell such services for a stated amount or for a percentage of money collected whether paid to the creditor or to the collection agency, or where such services may be rendered as a part of a membership in such collection agency regardless of whether or not a separate fee or percentage is charged. The term "collection agency" shall also include, but not be limited to, any individual, firm, partnership, limited liability company, or corporation who uses a fictitious name, or any name other than the individual's or entity's name, in the collection of accounts receivable with the intention of conveying to the debtor that a third person has been employed.

(c) The term "claim" means any obligation for the payment of money or its equivalent and any sum or sums owed or due or asserted to be owed or due to another, for which any person may be employed to demand payment and to collect or enforce payment thereof. The term "claim" also includes obligations for the payment of money in the form of conditional sales agreements, notwithstanding that the personal property sold thereunder, for which payment is claimed, may be or is repossessed in lieu of payment.

SECTION 160. IC 25-16-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The term "employment agency", as used in this chapter, means any person, firm, limited liability company, or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured.

(b) Nothing in this chapter shall apply to the business and vocation of babysitting.

(c) Nothing in this chapter shall apply to charitable and benevolent organizations and associations approved by the division of family ~~and children.~~ **resources.** All charitable and benevolent organizations and

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associations approved by the division of family ~~and children~~ **resources** shall, before being authorized to conduct such employment agency or department, secure a permit from the department of state revenue by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.

SECTION 161. IC 25-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of fourteen (14) members as follows:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of family ~~and children~~ **resources** or the director's designee.

(3) The state long term care ombudsman or the state long term care ombudsman's designee.

(4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.

(5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.

(6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.

(7) Four (4) administrators of licensed proprietary health facilities.

(8) Two (2) administrators of licensed nonproprietary health facilities.

(9) Two (2) members representing the public at large, who:

(A) are residents of Indiana; and

(B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations

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and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 162. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family ~~and children,~~ **resources,** the division of mental health and addiction, the division of disability, aging, and rehabilitative services, the department of correction, or the state department of health in one (1) of the following classifications:

(1) 2AA3 Behavioral clinician 3.
(2) 2AA4 Behavioral clinician 4.
(3) 2AA5 Clinical associate 5.
(4) 2FL1 Mental health administrator 1.
(5) 2FL2 Mental health administrator 2.
(6) 2FL3 Mental health administrator 3.
(7) 2AN3 Substance abuse counselor 3.
(8) 2AN4 Substance abuse counselor 4.
(9) 2AN5 Substance abuse counselor 5.
(10) 2AH2 Social services specialist 2.
(11) 2AH3 Social services specialist 3.
(12) 2AH4 Social services specialist 4.
(13) 2AI1 Psychiatric services director 1.
(14) 2AE2 Psychiatric social services specialist 2.
(15) 2AE3 Psychiatric social services specialist 3.

SECTION 163. IC 27-1-15.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The following definitions apply throughout this chapter, IC 27-1-15.7, and IC 27-1-15.8:

(1) "Bureau" refers to the child support bureau ~~of the division of family and children~~ established ~~under IC 12-17-2-5.~~ **by IC 31-25-3-1.**

(2) "Business entity" means a corporation, an association, a partnership, a limited liability company, a limited liability

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partnership, or another legal entity.
(3) "Commissioner" means the insurance commissioner appointed under IC 27-1-1-2.
(4) "Consultant" means a person who:
(A) holds himself or herself out to the public as being engaged in the business of offering; or
(B) for a fee, offers;
any advice, counsel, opinion, or service with respect to the benefits, advantages, or disadvantages promised under any policy of insurance that could be issued in Indiana.
(5) "Delinquent" means the condition of being at least:
(A) two thousand dollars ($2,000); or
(B) three (3) months;
past due in the payment of court ordered child support.
(6) "Home state" means the District of Columbia or any state or territory of the United States in which an insurance producer:
(A) maintains the insurance producer's principal place of residence or principal place of business; and
(B) is licensed to act as an insurance producer.
(7) "Insurance producer" means a person required to be licensed under the laws of Indiana to sell, solicit, or negotiate insurance.
(8) "License" means a document issued by the commissioner authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent, or inherent, in the holder to represent or commit an insurance carrier.
(9) "Limited line credit insurance" includes the following:
(A) Credit life insurance.
(B) Credit disability insurance.
(C) Credit property insurance.
(D) Credit unemployment insurance.
(E) Involuntary unemployment insurance.
(F) Mortgage life insurance.
(G) Mortgage guaranty insurance.
(H) Mortgage disability insurance.
(I) Guaranteed automobile protection (gap) insurance.
(J) Any other form of insurance:
(i) that is offered in connection with an extension of credit and is limited to partially or wholly extinguishing that credit obligation; and
(ii) that the insurance commissioner determines should be designated a form of limited line credit insurance.

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(10) "Limited line credit insurance producer" means a person who sells, solicits, or negotiates one (1) or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

(11) "Limited lines insurance" means any of the following:

(A) The lines of insurance defined in section 18 of this chapter.

(B) Any line of insurance the recognition of which is considered necessary by the commissioner for the purpose of complying with section 8(e) of this chapter.

(C) For purposes of section 8(e) of this chapter, any form of insurance with respect to which authority is granted by a home state that restricts the authority granted by a limited lines producer's license to less than total authority in the associated major lines described in section 7(a)(1) through 7(a)(6) of this chapter.

(12) "Limited lines producer" means a person authorized by the commissioner to sell, solicit, or negotiate limited lines insurance.

(13) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(14) "Person" means an individual or a business entity.

(15) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of a company.

(16) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(17) "Surplus lines producer" means a person who sells, solicits, negotiates, or procures from an insurance company not licensed to transact business in Indiana an insurance policy that cannot be procured from insurers licensed to do business in Indiana.

(18) "Terminate" means:

(A) the cancellation of the relationship between an insurance producer and the insurer; or

(B) the termination of a producer's authority to transact insurance.

(19) "Uniform business entity application" means the current version of the national association of insurance commissioners uniform business entity application for resident and nonresident

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business entities.

(20) "Uniform application" means the current version of the national association of insurance commissioners uniform application for resident and nonresident producer licensing.

SECTION 164. IC 27-1-15.6-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-34(i),~~ **IC 31-25-4-32(i),** the commissioner shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2, and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35;~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to a license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

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(b) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-36(d),~~ **IC 31-25-4-34(d),** the commissioner shall send a notice to the person who is the subject of the order stating the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice was mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice by the bureau (Title IV-D agency) under ~~IC 12-17-2-34(i)~~ **IC 31-25-4-32(i)** that the person whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the notice required under subsection (b) is mailed, the commissioner shall suspend the person's license.

(d) The commissioner may not reinstate any license placed on probation or suspended under this section until the commissioner receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 165. IC 27-1-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "foster parent" means a person who holds a license to operate a foster family home under ~~IC 12-17.4.~~ **IC 31-27.**

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SECTION 166. IC 27-10-1-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.3. "Bureau" refers to the child support bureau ~~of the division of family and children~~ established by ~~IC 12-17-2-5.~~ **IC 31-25-3-1.**

SECTION 167. IC 27-10-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-34(i),~~ **IC 31-25-4-32(i),** the commissioner shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under ~~IC 12-17-2-35,~~ **IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under ~~IC 12-17-2-35.~~ **IC 31-25-4-33.**

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

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(b) Upon receiving an order from the bureau (Title IV-D agency) under ~~IC 12-17-2-36(d),~~ **IC 31-25-4-34(d),** the commissioner shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice from the bureau (Title IV-D agency) under ~~IC 12-17-2-34(i)~~ **IC 31-25-4-32(i)** that the person whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the notice required under subsection (b) is mailed, the commissioner shall suspend the person's license.

(d) The commissioner may not reinstate any license placed on probation or suspended under this section until the commissioner receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

SECTION 168. IC 29-3-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. "Person" means an individual, an organization, an association, a nonprofit corporation, a corporation for profit, a limited liability company, a partnership, a

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financial institution, a trust, the division of family ~~and children~~ **resources** or other governmental entity, or other legal entity.

SECTION 169. IC 29-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~division of family and children~~ **department** or county office of family and children shall investigate and report to the court concerning the conditions and circumstances of a minor or an alleged incapacitated person or protected person and the fitness and conduct of the guardian or the proposed guardian whenever ordered to do so by the court.

SECTION 170. IC 31-9-2-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.7. (a) "Account", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-3.**

(b) "Account", for purposes of IC 31-26-1, has the meaning set forth in IC 31-26-1-1.

SECTION 171. IC 31-9-2-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.3. (a) "Applicant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means a person who has applied for assistance for the applicant or another person.**

(b) "Applicant", for purposes of IC 31-27, means a person who seeks a license to operate a child caring institution, foster family home, group home, or child placing agency.

SECTION 172. IC 31-9-2-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.5. "Appropriate public authorities", for purposes of IC 31-28-4, has the meaning set forth in IC 31-28-4-3.**

SECTION 173. IC 31-9-2-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.7. "Assistance", for purposes of the following statutes, means money or services regardless of the source, paid or furnished under any of the following statutes:**

(1) IC 31-25-3.
(2) IC 31-25-4.
(3) IC 31-26-2.
(4) IC 31-26-3.
(5) IC 31-28-1.
(6) IC 31-28-2.
(7) IC 31-28-3.

SECTION 174. IC 31-9-2-10.3 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.3. "Blind", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an individual who has vision in the better eye with correcting glasses of 20/200 or less, or a disqualifying visual field defect as determined upon examination by an ophthalmologist or optometrist who has been designated to make such examinations by the county office and approved by the department.**

SECTION 175. IC 31-9-2-10.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.6. (a) "Board", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-34(a).**

(b) "Board", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-2.

SECTION 176. IC 31-9-2-10.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.8. "Bureau", for purposes of IC 31-25 has the meaning set forth in IC 31-25-4-1.**

SECTION 177. IC 31-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) "Child", for purposes of the juvenile law, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult; and

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(B) who was less than eighteen (18) years of age at the time of the alleged act.

(e) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(f) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

(g) "Child", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-1.

(h) "Child", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-1.

(i) "Child", for purposes of IC 31-27, means an individual who is less than eighteen (18) years of age.

SECTION 178. IC 31-9-2-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. "Child at imminent risk of placement", for purposes of IC 31-26-5, has the meaning set forth in IC 31-26-5-1.**

SECTION 179. IC 31-9-2-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.3. "Child care", for purposes of IC 31-27, means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.**

SECTION 180. IC 31-9-2-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.7. "Child caring institution", for purposes of IC 31-27, means:**

(1) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or

(2) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home.

SECTION 181. IC 31-9-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. "Child in need of services", for purposes of **IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, IC 31-28-3, and** IC 31-34, means a child described in IC 31-34-1.

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SECTION 182. IC 31-9-2-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 19.5. "Child welfare services", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means the services for children described in IC 31-26-3-1.**

SECTION 183. IC 31-9-2-22.5, AS ADDED BY P.L.234-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.5. "Conduct a criminal history check", for purposes of ~~IC 12-14-25.5,~~ IC 31-19, **IC 31-26, IC 31-27,** IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; and

(B) conduct a:

(i) national fingerprint based criminal history background check in accordance with IC 10-13-3-39; or

(ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person described in clause (A) as provided by IC 10-13-3-27.5; and

(2) collect each:

(A) substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe that a person described in subdivision (1)(A) resided; and

(B) adjudication for a delinquent act described in IC 31-37-1-2 reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe a person described in subdivision (1)(A) resided.

SECTION 184. IC 31-9-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. "County office", for purposes of **IC 31-25 through IC 31-40 and** the juvenile law, refers to a county office of family and children.

SECTION 185. IC 31-9-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

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(b) "Court", for purposes of IC 31-16-15, refers to the court having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(e) "Court", for purposes of IC 31-27, means a circuit or superior court.

SECTION 186. IC 31-9-2-35.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35.5. "De facto custodian", for purposes of IC 31-14-13 and IC 31-17-2, means a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least:

(1) six (6) months if the child is less than three (3) years of age; or

(2) one (1) year if the child is at least three (3) years of age.

Any period after a child custody proceeding has been commenced may not be included in determining whether the child has resided with the person for the required minimum period. The term does not include a person providing care for a child in a foster family home (as defined in ~~IC 12-7-2-90).~~ **IC 31-9-2-46.9).**

SECTION 187. IC 31-9-2-38.5, AS ADDED BY P.L.234-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 38.5. "Department", for purposes of IC 31-19, **IC 31-25, IC 31-26, IC 31-27, IC 31-28,** IC 31-33, IC 31-34, **IC 31-38,** and IC 31-40, has the meaning set forth in ~~IC 31-33-1.5-1.~~ **IC 31-25-2-1.**

SECTION 188. IC 31-9-2-39.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 39.5. "Destitute child", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an individual:**

(1) who is needy;

(2) who is not a public ward;

(3) who is less than eighteen (18) years of age;

(4) who has been deprived of parental support or care because of a parent's:

(A) death;

(B) continued absence from the home; or

(C) physical or mental incapacity;

(5) whose relatives liable for the individual's support are not able to provide adequate care or support for the individual

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without public assistance; and

(6) who is in need of foster care, under circumstances that do not require the individual to be made a public ward.

SECTION 189. IC 31-9-2-43.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 43.3. "Emergency medical services", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-2.**

(b) "Emergency medical services", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-2.

SECTION 190. IC 31-9-2-40, AS AMENDED BY P.L.234-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. "Director", for purposes of **IC 31-25-1, IC 31-25-2,** IC 31-33, IC 31-34, and IC 31-37, refers to the director of the department of child services.

SECTION 191. IC 31-9-2-44.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 44.3. "Expenses and obligations", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, refers to expenses, obligations, assistance, and claims:**

(1) of a county office;

(2) incurred in the administration of the welfare services of the county;

(3) incurred as provided by law; and

(4) for:

(A) assistance for aged persons in need;

(B) assistance to dependent children; and

(C) other assistance or services that a county office is authorized by law to allow.

SECTION 192. IC 31-9-2-46.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 46.5. "Financial institution", for purposes of IC 31-25-3 and IC 31-25-4, has the meaning set forth in IC 31-25-4-3.**

SECTION 193. IC 31-9-2-46.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 46.7. "Foster care", for purposes of IC 31-25, IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means living in a place licensed under IC 31-27.**

SECTION 194. IC 31-9-2-46.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: **Sec. 46.9. "Foster family home", for purposes of IC 31-27, means a place where an individual resides and provides care and supervision on a twenty-four (24) hour basis to a child who:**

(1) is not the:

(A) child;

(B) stepchild;

(C) grandchild;

(D) niece;

(E) nephew; or

(F) sibling;

of the individual providing care and supervision;

(2) is separated from the child's:

(A) parent;

(B) stepparent;

(C) guardian;

(D) custodian; or

(E) other relative; and

(3) is receiving care and supervision under an order of a juvenile court or for the purposes of placement.

SECTION 195. IC 31-9-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. "Foster parent", for purposes of the juvenile law, means an individual who provides care and supervision to a child in:

(1) a foster family home (as defined in ~~IC 12-7-2-90);~~ **IC 31-9-2-46.9);** or

(2) a home approved as a foster family home under ~~IC 12-17.4.~~ **IC 31-27.**

SECTION 196. IC 31-9-2-47.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 47.6. "Fund", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-3.**

SECTION 197. IC 31-9-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 48.5. "Group home", for purposes of IC 31-27, means a residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.**

SECTION 198. IC 31-9-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

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(1) An adoptee.
(2) A birth parent.
(3) An adoptive parent.
(4) A relative of a birth parent.
(5) A relative of an adoptive parent.
(6) The ~~division of family and children~~ **department** or **a** county office of family and children.
(7) An adoption agency.
(8) A court.

SECTION 199. IC 31-9-2-76.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 76.3. "Licensee", for purposes of IC 31-27, means a person who holds a valid license issued under IC 31-27.**

SECTION 200. IC 31-9-2-76.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 76.4. (a) "Local child fatality review team", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.**

(b) "Local child fatality review team", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-3.

SECTION 201. IC 31-9-2-80.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 80.5. (a) "Mental health provider", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-4.**

(b) "Mental health provider", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-4.

SECTION 202. IC 31-9-2-81.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 81.5. "Monitor", for purposes of IC 31-27, means observation to determine the licensee's continuing compliance with IC 31-27.**

SECTION 203. IC 31-9-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 86. (a) "Obligor", for purposes of IC 31-16-15 and IC 31-16-16, means an individual who has been ordered by a court to pay child support.

(b) "Obligor" or "respondent", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(c) "Obligor", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-4.

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SECTION 204. IC 31-9-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 89. (a) "Person", for purposes of the juvenile law, means:

(1) a human being;
(2) a corporation;
(3) a limited liability company;
(4) a partnership;
(5) an unincorporated association; or
(6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

SECTION 205. IC 31-9-2-92.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 92.5. (a) "Plan", for purposes of IC 31-34-24, has the meaning set forth in IC 31-34-24-1.

(b) "Plan", for purposes of IC 31-37-24, has the meaning set forth in IC 31-37-24-1.

(c) "Plan", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-5.

SECTION 206. IC 31-9-2-95.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 95.5. "Private organization", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-6.**

SECTION 207. IC 31-9-2-97.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 97.6. "Project", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-4.**

SECTION 208. IC 31-9-2-99.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 99.3. (a) "Provider", for purposes of IC 31-28-2 and IC 31-28-3, means an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under IC 4-22-2 by the office of Medicaid policy and planning.**

(b) "Provider", for purposes of IC 31-28-1, has the meaning set forth in IC 31-28-1-2.

(c) "Provider", for purposes of IC 31-27, means a person who operates a child caring institution, foster family home, group home, or child placing agency under IC 31-27.

SECTION 209. IC 31-9-2-99.7 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 99.7. "Public welfare", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means any form of public welfare or Social Security provided in IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, or IC 31-28-3. The term does not include direct township assistance as administered by township trustees under IC 12-20.**

SECTION 210. IC 31-9-2-102.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 102.5. "Recipient", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means a person who has received or is receiving assistance for the person or another person.**

SECTION 211. IC 31-9-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 106. (a) "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the ~~division of family and children~~ **department** under IC 31-33-17.

SECTION 212. IC 31-9-2-106.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 106.5. "Related", for purposes of IC 31-27, means any of the following relationships to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption:**

(1) Parent.
(2) Grandparent.
(3) Brother.
(4) Sister.
(5) Stepparent.
(6) Stepgrandparent.
(7) Stepbrother.
(8) Stepsister.
(9) First cousin.
(10) Uncle.
(11) Aunt.

SECTION 213. IC 31-9-2-115 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 115. **(a) Except as provided in subsection (b),** "secure private facility", for purposes of the juvenile law, means the following:

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(1) A facility that is licensed under ~~IC 12-17-4 and IC 12-17.4~~ **IC 31-27** to operate as a secure private facility.

(2) A private facility that is licensed in another state to provide residential care and treatment to one (1) or more children in a secure facility other than a detention center, prison, jail, or similar correctional facility.

(b) "Secure private facility", for purposes of IC 31-27, means a secure private facility other than the following:

(1) A juvenile detention facility established under IC 31-31-8 or IC 31-31-9 (or IC 31-6-9-5 or IC 31-6-9.5 before their repeal).

(2) A facility operated by the department of correction.

(3) A county jail.

(4) A detention center operated by a county sheriff.

SECTION 214. IC 31-9-2-117 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 117. **(a) Except as provided in subsection (b),** "shelter care facility", for purposes of the juvenile law, means a place of residence that:

(1) is licensed under the laws of any state; and

(2) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health.

(b) "Shelter care facility", for purposes of IC 31-27-3 and IC 31-27-5, means a child caring institution or group home that provides temporary service for not more than sixty (60) consecutive days to a child:

(1) who is admitted to a residential facility on an emergency basis;

(2) for twenty-four (24) hours a day; and

(3) who:

(A) is not the child, stepchild, grandchild, niece, nephew, or sibling of the individual providing care and supervision;

(B) is separated from the child's parent, stepparent, guardian, custodian, or other relative; and

(C) is:

(i) receiving care and supervision under an order of a juvenile court;

(ii) voluntarily placed by the parent or guardian of the child; or

(iii) self-referred.

SECTION 215. IC 31-9-2-117.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: **Sec. 117.5. "Special needs foster family home", for purposes of IC 31-27, means a foster family home:**

(1) that provides care for a child who:

(A) has a mental, physical, or emotional disability; and

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

(2) that meets the additional requirements under IC 31-27-4-3.

SECTION 216. IC 31-9-2-121.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 121.5. (a) "Statewide child fatality review committee", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-5.**

(b) "Statewide child fatality review committee", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-5.

SECTION 217. IC 31-9-2-130, AS AMENDED BY P.L.234-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 130. "Title IV-D agency" means:

(1) the bureau of child support established in the department of child services established by ~~IC 31-33-1.5-8,~~ **IC 31-25-3-1;** or

(2) a designated agent of the department described in subdivision (1).

SECTION 218. IC 31-9-2-135 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 135. "Warrant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an instrument that is:**

(1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

SECTION 219. IC 31-9-2-136 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 136. "Youth service bureau", for purposes of IC 31-26-1, has the meaning set forth in IC 31-26-1-2.**

SECTION 220. IC 31-14-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A paternity action may be filed by the following persons:

(1) The mother or expectant mother.

(2) A man alleging that:

(A) he is the child's biological father; or

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(B) he is the expectant father of an unborn child.

(3) The mother and a man alleging that he is her child's biological father, filing jointly.

(4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.

(5) A child.

(6) The ~~division of family and children~~ **department** or a county office of family and children under section 3 of this chapter.

(7) The prosecuting attorney under section 2 of this chapter.

SECTION 221. IC 31-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Upon the request of:

(1) the child;

(2) the mother or expectant mother;

(3) a man alleging to be the father or expectant father;

(4) the ~~division of family and children,~~ **department;** or

(5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

(1) or is alleged to be, a child in need of services; and

(2) under the supervision of the ~~division of family and children~~ **department** or the county office of family and children as the result of a court ordered out-of-home placement.

SECTION 222. IC 31-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~division of family and children~~ **department** or a county office of family and children may file a paternity action if:

(1) the mother;

(2) the person with whom the child resides; or

(3) the director of the county office of family and children;

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

SECTION 223. IC 31-14-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to an action filed by the ~~division of family and children~~ **department** or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the ~~division of family and children~~ **department** or its agents must file a paternity action not later than two (2) years after the child is born,

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unless:

(1) both the mother and the alleged father waive the limitation on actions and file jointly;

(2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

(A) the mother;

(B) a person acting on the mother's behalf; or

(C) a person acting on the child's behalf;

(3) the mother, the ~~division of family and children,~~ **department,** or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

SECTION 224. IC 31-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

(1) public assistance has been furnished for the child by the division of family ~~and children;~~ **resources;** and

(2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family ~~and children~~ **resources** or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first.

SECTION 225. IC 31-14-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The court shall require that support payments be made through the clerk of the court or the child support bureau under ~~IC 12-17-2~~ **IC 31-25-3 or IC 31-25-4** as trustee for remittance to the person entitled to receive the payments, unless the court has reasonable grounds for providing or approving another method of payment.

SECTION 226. IC 31-14-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If a court finds that

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a person is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until the bureau receives a further order of the court recommending reinstatement.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court recommending issuance.

SECTION 227. IC 31-14-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

(1) requiring that the person's or practitioner's license be suspended until further order of the court; or

(2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

SECTION 228. IC 31-14-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a court finds that a person who holds a license issued under IC 4-31-6 or IC 4-33 is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for child support, the court shall issue an order to:

(1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or

(2) the Indiana gaming commission if the person holds a license issued under IC 4-33;

requiring that the person's license be suspended until further order of the court.

SECTION 229. IC 31-14-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. If a court finds that

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a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

(1) requiring that the person's license be suspended until further order of the court;

(2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or

(3) ordering the commissioner not to renew the license of the person who is the subject of the order.

SECTION 230. IC 31-14-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The court may order a party to pay:

(1) a reasonable amount for the cost to the other party of maintaining an action under this article; and

(2) a reasonable amount for attorney's fees, including amounts for legal services provided and costs incurred, before the commencement of the proceedings or after entry of judgment.

(b) The court may order the amount to be paid directly to the attorney, who may enforce the order in the attorney's name.

(c) Except as otherwise provided by law, neither costs nor attorney's fees may be taxed against an agency or the agency's agents that is authorized to maintain proceedings under this article by Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) and ~~IC 12-17-2-21.~~ **IC 31-25-4-17.**

SECTION 231. IC 31-15-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Neither costs or attorney fees may be taxed against an agency, or the agency's agents, that is authorized to maintain proceedings under this article by Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) and ~~IC 12-17-2-21.~~ **IC 31-25-4-17.**

SECTION 232. IC 31-16-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The court shall consider modifying a support order to include basic health and hospitalization coverage for the child if a Title IV-D agency, authorized under the federal Social Security Act (42 U.S.C. 651 through 669) and ~~IC 12-17-2-21,~~ **IC 31-25-4-17,** petitions for the modification and the coverage is:

(1) available to the parent ordered to pay child support or the dependents of the parent as part of the parent's employee benefit

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plan; or

(2) available at reasonable cost to the parent ordered to pay child support.

SECTION 233. IC 31-16-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Neither costs or attorney's fees may be taxed against an agency, or the agency's agents, that is authorized to maintain proceedings under this chapter, IC 31-16-2 through IC 31-16-10, or IC 31-16-12 by Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) and ~~IC 12-17-2-21.~~ **IC 31-25-4-17.**

SECTION 234. IC 31-16-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. If a court finds that a person is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until further order of the court.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court.

SECTION 235. IC 31-16-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

(1) requiring that the person's or practitioner's license be suspended until further order of the court; or

(2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

SECTION 236. IC 31-16-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. If a court finds that a person who holds a license issued under IC 4-31-6 or IC 4-33 is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of

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an intentional violation of an order for child support, the court shall issue an order to:

(1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or

(2) the Indiana gaming commission if the person holds a license issued under IC 4-33;

requiring that the person's license be suspended until further order of the court.

SECTION 237. IC 31-16-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in ~~IC 12-17-2-1.5)~~ **IC 31-25-4-2)** as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

(1) requiring that the person's license be suspended until further order of the court;

(2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or

(3) ordering the commissioner not to renew the license of a person who is the subject of the order.

SECTION 238. IC 31-16-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A custodial parent may file a petition for a setoff of child support from a state income tax refund payable to a child support obligor in:

(1) the court that entered the original child support order; or

(2) a court of competent jurisdiction located in the county of residence of the custodial parent.

(b) The petition must be verified and must include all of the following:

(1) The full name of:

(A) the obligor;

(B) the custodial parent; and

(C) each child to whom the obligor owes child support.

(2) An averment that:

(A) the obligor's aggregate child support arrearage on the date the petition is filed is at least one thousand five hundred dollars ($1,500); and

(B) the obligor has intentionally violated the terms of the most recent child support order.

(3) An indication of whether the custodial parent:

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(A) has received or is receiving assistance under the Title IV-A program; or

(B) has assigned child support payments under IC 12-14-7-1;

during the period ~~of time~~ for which child support is owed by the obligor.

(c) The court shall notify the child support bureau of the ~~division of family and children~~ **department** of the pendency of an action under this chapter if the petition:

(1) indicates under subsection (b)(3)(A) that the custodial parent has received or is receiving assistance; or

(2) indicates under subsection (b)(3)(B) that an assignment has occurred.

(d) The state has a right to intervene as a party in a hearing under this chapter if the custodial parent has received or is receiving assistance as described in subsection (b)(3)(A) or if an assignment as described in subsection (b)(3)(B) has occurred.

SECTION 239. IC 31-16-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The child support bureau of the ~~division of family and children~~ **department** shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:

(1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or

(2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.

SECTION 240. IC 31-16-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:

(1) The parent.

(2) The township trustee.

(3) The county director of the county office of family and children.

(4) The director of the division of family ~~and children.~~ **resources.**

(5) The prosecuting attorney.

(b) Costs may not be taxed against:

(1) the prosecuting attorney;

(2) the county director of the county office of family and children;

(3) the township trustee; or

(4) the director of the division of family ~~and children.~~ **resources.**

SECTION 241. IC 31-17-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Neither costs nor

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attorney's fees may be taxed against an agency or its agents that is authorized to maintain proceedings under IC 31-17-2, IC 31-17-4, IC 31-17-6, or this chapter by Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) and ~~IC 12-17-2-21.~~ **IC 31-25-4-17.**

SECTION 242. IC 31-18-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If the ~~division of family and children~~ **department** determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the ~~division~~ **department** may:

(1) direct the agent to perform duties of the agent under this article; or

(2) provide the services directly to the individual.

SECTION 243. IC 31-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~division of family and children~~ **department** is the state information agency for Indiana under this article.

(b) The ~~division of family and children~~ **department** shall do the following:

(1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and transmit a copy of the list to the state information agency of every state.

(2) Maintain a registry of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the location in Indiana in which:

(A) the obligee or the obligor resides; or

(B) the obligor's property is believed to be located;

all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state.

(4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

~~(1)~~ **(A)** Postal verification.

~~(2)~~ **(B)** Federal or state locator services.

~~(3)~~ **(C)** Examination of telephone directories.

~~(4)~~ **(D)** Requests for the obligor's address from employers.

~~(5)~~ **(E)** Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:

~~(A)~~ **(i)** Real property.

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~~(B)~~ **(ii)** Vital statistics.
~~(C)~~ **(iii)** Law enforcement.
~~(D)~~ **(iv)** Taxation.
~~(E)~~ **(v)** Motor vehicles.
~~(F)~~ **(vi)** Driver's licenses.
~~(G)~~ **(vii)** Social Security.
~~(H)~~ **(viii)** Worker's compensation.

SECTION 244. IC 31-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as provided in ~~IC 12-17-8,~~ **IC 31-28-4,** the adoption of a child who is born in one (1) state by a person in another state is subject to the Interstate Compact on the Placement of Children under ~~IC 12-17-8.~~ **IC 31-28-4.**

SECTION 245. IC 31-19-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to:

(1) the ~~division of family and children,~~ **department;**
(2) a licensed child placing agency as described in IC 31-19-7-1, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and
(3) the county office of family and children whenever a subsidy is requested in a petition for adoption sponsored by a licensed child placing agency.

SECTION 246. IC 31-19-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except for a child who is under the care and supervision of the ~~division of family and children,~~ **department,** a petitioner for adoption may file a separate, ex parte, verified petition requesting temporary custody of a child sought to be adopted at the time of or any time after the filing of a petition for adoption. The petition for temporary custody must be signed by each petitioner for adoption.

(b) A court may grant a petition for temporary custody filed under subsection (a) if the court finds that:

(1) the petition for adoption is in proper form; and
(2) placing the child with the petitioner or petitioners for adoption pending the hearing on the petition for adoption is in the best interests of the child.

(c) If temporary custody is granted under this section, the petitioner or petitioners for adoption are legally and financially responsible for the child until otherwise ordered by the court.

SECTION 247. IC 31-19-7-1, AS AMENDED BY P.L.234-2005, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 1. (a) Except:

(1) for:

(A) a child sought to be adopted by a stepparent;

(B) a child sought to be adopted by a grandparent, an aunt, or an uncle; or

(C) a child received by the petitioner for adoption from an agency outside Indiana with the written consent of the ~~division of family resources,~~ **department;** or

(2) if the court in its discretion, after a hearing held upon proper notice, has waived the requirement for prior written approval;

a child may not be placed in a proposed adoptive home without the prior written approval of a licensed child placing agency or county office of family and children approved for that purpose by the ~~division of family resources.~~ **department.**

(b) Except as provided in subsection (d), before giving prior written approval for placement in a proposed adoptive home of a child who is under the care and supervision of:

(1) the juvenile court; or

(2) the department of child services;

a licensed child placing agency or the department of child services shall conduct a criminal history check (as defined in IC 31-9-2-22.5) concerning the proposed adoptive parent and any other person who is currently residing in the proposed adoptive home.

(c) The prospective adoptive parent shall pay the fees and other costs of the criminal history check required under this section.

(d) A licensed child placing agency or the department of child services is not required to conduct a criminal history check (as defined in IC 31-9-2-22.5) if a prospective adoptive parent provides the licensed child placing agency or county office of family and children with the results of a criminal history check conducted:

(1) in accordance with IC 31-9-2-22.5; and

(2) not more than one (1) year before the date on which the licensed child placing agency or county office of family and children provides written approval for the placement.

SECTION 248. IC 31-19-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. An adoption may be granted in Indiana only after:

(1) the court has heard the evidence; and

(2) a period of supervision, as described in section 2 of this chapter, by a licensed child placing agency or county office of family and children approved for that purpose by the ~~division of family and children.~~ **department.**

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SECTION 249. IC 31-19-8-3, AS AMENDED BY P.L.1-2005, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The ~~division of family and children~~ **department** shall annually compile a list of:

(1) licensed child placing agencies; and

(2) county offices of family and children;

that conduct the inspection and supervision required for adoption of a child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and county offices of family and children must include a description of the following:

(1) Fees charged by each agency and county office of family and children.

(2) Geographic area served by each agency and county office of family and children.

(3) Approximate waiting period for the inspection or supervision by each agency and county office of family and children.

(4) Other relevant information regarding the inspection and supervision provided by an agency or a county office of family and children under IC 31-19-7-1 and section 1 of this chapter.

(c) The ~~division of family and children~~ **department** shall do the following:

(1) Maintain in its office sufficient copies of the list compiled under this section for distribution to individuals who request a copy.

(2) Provide the following persons with sufficient copies of the list prepared under this section for distribution to individuals who request a copy:

(A) Each clerk of a court having probate jurisdiction in a county.

(B) Each county office of family and children.

(3) Provide a copy of the list to each public library organized under IC 36-12.

(d) The ~~division of family and children~~ **department** and each:

(1) county office of family and children;

(2) clerk of a court having probate jurisdiction in a county; and

(3) public library organized under IC 36-12;

shall make the list compiled under this section available for public inspection.

SECTION 250. IC 31-19-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. To facilitate adoption proceedings, the ~~division of family and children~~ **department** shall furnish to clerks of Indiana courts having probate jurisdiction a

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list of approved supervising agencies.

SECTION 251. IC 31-19-9-2, AS AMENDED BY P.L.130-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The consent to adoption may be executed at any time after the birth of the child either in the presence of:

(1) the court;

(2) a notary public or other person authorized to take acknowledgments; or

(3) an authorized agent of:

(A) the ~~division of family and children,~~ **department;**

(B) a county office of family and children; or

(C) a licensed child placing agency.

(b) The child's mother may not execute a consent to adoption before the birth of the child.

(c) The child's father may execute a consent to adoption before the birth of the child if the consent to adoption:

(1) is in writing;

(2) is signed by the child's father in the presence of a notary public; and

(3) contains an acknowledgment that:

(A) the consent to adoption is irrevocable; and

(B) the child's father will not receive notice of the adoption proceedings.

(d) A child's father who consents to the adoption of the child under subsection (c) may not challenge or contest the child's adoption.

SECTION 252. IC 31-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The ~~division of family and children~~ **department** may furnish to the clerks of courts prescribed forms for use by parents or other persons when giving consent to adoption.

SECTION 253. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under

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IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the ~~department's~~ **state department of health's** affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery as a felony (IC 35-42-2-1).

(7) Aggravated battery (IC 35-42-2-1.5).

(8) Kidnapping (IC 35-42-3-2).

(9) Criminal confinement (IC 35-42-3-3).

(10) A felony sex offense under IC 35-42-4.

(11) Carjacking (IC 35-42-5-2).

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(12) Arson (IC 35-43-1-1).
(13) Incest (IC 35-46-1-3).
(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(15) Child selling (IC 35-46-1-4(d)).
(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
(17) A felony relating to controlled substances under IC 35-48-4.
(18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is an offender (as defined in IC 5-2-12-4).

SECTION 254. IC 31-19-19-2, AS AMENDED BY P.L.100-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

(1) the county office of family and children;
(2) the ~~division of family and children,~~ **department;** or
(3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, or IC 31-19-25.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

(1) are open to the inspection of the court hearing the petition for adoption; and
(2) on order of the court, may be:
(A) introduced into evidence; and
(B) made a part of the record;
in the adoption proceeding.

SECTION 255. IC 31-19-19-4, AS AMENDED BY P.L.100-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

(1) the permanent record of the court; or
(2) a file in:

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(A) the division of vital records;
(B) the ~~division of family and children~~ **department** or county office of family and children;
(C) a licensed child placing agency; or
(D) a professional health care provider (as defined in IC 34-6-2-117);

are confidential and may be disclosed only in accordance with IC 31-19-17, this chapter, or IC 31-19-25.

SECTION 256. IC 31-19-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out IC 31-19-22:

(1) The state registrar.
(2) The ~~division of family and children.~~ **department.**
(3) County offices of family and children.
(4) Licensed child placing agencies.
(5) Professional health care providers (as defined in IC 34-6-2-117).
(6) Courts.

SECTION 257. IC 31-19-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The state registrar, the ~~division of family and children,~~ **department,** a county office of family and children, a licensed child placing agency, a professional health care provider (as defined in IC 34-6-2-117), and a court shall release identifying information in the entity's possession only if:

(1) the information is requested by a person described in IC 31-19-18-2(a); and
(2) the following persons have submitted a written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to the state registrar that allows the release of identifying information to the person requesting the information:
(A) The adult adoptee.
(B) A birth parent.

SECTION 258. IC 31-19-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The following persons shall release nonidentifying information concerning an adoption in the entity's possession to any person described in IC 31-19-18-2(a) upon request:

(1) The state registrar.
(2) The ~~division of family and children.~~ **department.**
(3) A county office of family and children.
(4) A licensed child placing agency.

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(5) A professional health care provider (as defined in IC 34-6-2-117).

(6) The attorney who arranged the adoption.

(7) A court.

SECTION 259. IC 31-19-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Whenever the court appoints a confidential intermediary under section 2(2) of this chapter, the court shall do the following:

(1) Consider:

(A) the highly emotional and personal issues relating to adoption;

(B) the privacy rights of both birth parents and adoptees;

(C) the reasons the medical, identifying, or nonidentifying information is being sought under section 1 of this chapter; and

(D) any irreparable harm to a birth parent, an adoptee, or both, that may arise if appropriate consideration is not given to the issues described in clauses (A) through (C).

(2) Provide the confidential intermediary with an order authorizing the confidential intermediary to search certain records that may include:

(A) the division of public health statistics;

(B) the ~~division of family and children~~ **department** or county office of family and children;

(C) any licensed child placing agency; or

(D) any professional health care provider (as defined in IC 34-6-2-117).

An order under this subdivision must specify the information to be sought by the confidential intermediary.

(3) Specify the direct contact, if any, that a confidential intermediary may have with any person from whom the medical, identifying, or nonidentifying information is being sought, such as providing that the confidential intermediary may only inform the person of the existence of the adoption history program administered by the state registrar under this chapter and IC 31-19-25.

(4) Specify the limitations, if any, that the court considers necessary to prevent the confidential intermediary's search under this chapter from resulting in harm to a birth parent or an adoptee.

(5) Require the confidential intermediary to affirm under oath that the confidential intermediary agrees to act in good faith and perform its responsibilities in accordance with sections 2 through

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11 of this chapter.

(6) Instruct the confidential intermediary to act as quickly as possible.

SECTION 260. IC 31-19-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) An adoptee who is at least twenty-one (21) years of age may request identifying information by submitting a written request to the state registrar.

(b) Except as provided in sections 3 through 10 of this chapter, upon a request for the release of identifying information under subsection (a):

(1) the state registrar;

(2) the ~~division of family and children;~~ **department;**

(3) a county office of family and children;

(4) a licensed child placing agency;

(5) a professional health care provider (as defined in IC 34-6-2-117);

(6) the attorney who arranged the adoption; and

(7) a court;

shall release identifying information in the possession of the registrar, agency, professional health care provider, or court to an adoptee.

SECTION 261. IC 31-19-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An adoptee's birth parent may restrict access to identifying information concerning the birth parent by filing a written nonrelease form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this section.

(b) The following persons may not release any identifying information concerning the birth parent to the adoptee if a nonrelease form is in effect at the time of the request for identifying information:

(1) The state registrar.

(2) The ~~division of family and children.~~ **department.**

(3) A county office of family and children.

(4) A licensed child placing agency.

(5) A professional health care provider.

(6) A court.

(c) The nonrelease form filed under this section:

(1) remains in effect during the period indicated by the person submitting the form;

(2) is renewable; and

(3) may be withdrawn at any time by the person who submitted the form.

SECTION 262. IC 31-19-25-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If an adoptee who is at least twenty-one (21) years of age or a pre-adoptive sibling who is at least twenty-one (21) years of age submits a written request to be reunited with a pre-adoptive sibling under section 6 of this chapter but the pre-adoptive sibling has not made a similar inquiry, the state registrar shall:

(1) search the sealed adoption records for information concerning the pre-adoptive sibling; and

(2) if possible, contact and advise the sibling of the request unless the sibling is less than twenty-one (21) years of age.

(b) If the state registrar locates a sibling who is at least twenty-one (21) years of age, the contacted sibling shall make the final decision as to whether to release the sibling's name and present location to the requesting person.

(c) If the state registrar locates a sibling who is less than twenty-one (21) years of age, the state registrar shall contact the:

(1) sibling's birth parents if the sibling has not been adopted; or

(2) sibling's adoptive parents if the sibling has been adopted;

for the final determination regarding release of the sibling's name and present location to the requesting person.

(d) The state registrar shall notify the requesting person whenever a sibling has been located, but may not release information about the sibling's identity or present location without authorization under this section.

(e) If the sibling is deceased or cannot be identified or located under this section, the state registrar shall notify the requesting party, but may not release any information that would tend to identify the sibling.

(f) In an attempt to discover the identity and present location of a pre-adoptive sibling, the state registrar shall receive, upon request, any available adoptive information regarding the sibling's identity or location that is in the possession of any of the following:

(1) The state division of vital records.

(2) The county office of family and children.

(3) A licensed child placing agency.

(4) A professional health care provider (as defined in IC 34-6-2-117).

(5) The department.

SECTION 263. IC 31-19-25-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

(1) A licensed child placing agency.

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(2) The court.

(3) The ~~division of family and children.~~ **department.**

(4) A county office of family and children.

(5) A professional health care provider.

(6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a nonrelease form under this chapter.

SECTION 264. IC 31-19-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of family and children~~ **department** shall carry out a program to place hard to place children in suitable adoptive homes in cases in which restoration to the biological family is not possible or appropriate.

SECTION 265. IC 31-19-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The ~~division of family and children~~ **department** may:

(1) delegate a part of the program to a county office of family and children; and

(2) deliver a program service through a contract with another person.

SECTION 266. IC 31-19-27-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. To carry out the program, the ~~division of family and children~~ **department** may:

(1) cooperate with adoption efforts with:

(A) other states; and

(B) the administrative unit in the United States Department of Health and Human Services that is established under 42 U.S.C. 5113;

(2) exchange information with the:

(A) federal adoption and foster care data gathering and analysis system; and

(B) national adoption information exchange system;

(3) conduct, directly or by grant to or contract with public or private nonprofit agencies or organizations, an education and training program on adoption, and prepare, publish, and disseminate, directly or by grant to or contract with public or private nonprofit agencies and organizations, to all:

(A) interested parties;

(B) public and private agencies and organizations, including hospitals, health care and family planning clinics, and social services agencies; and

(C) governmental bodies;

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information, education, and training materials regarding the children who are available for adoption, adoption, and adoption assistance programs;

(4) provide directly, or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups, technical assistance in planning, improving, developing, and carrying out programs and activities relating to adoption; and

(5) encourage involvement of:

(A) corporations; and

(B) small businesses;

in supporting adoption as a positive family strengthening option, including the establishment of adoption benefit programs for employees who adopt children.

SECTION 267. IC 31-19-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The general assembly finds ~~that:~~ **the following:**

(1) Finding adoptive families for children, for whom state assistance is desirable pursuant to 42 U.S.C. 673, and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

(b) The purposes of this chapter are ~~to:~~ **the following:**

(1) Authorize the ~~division of family and children~~ **department** to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the ~~division of family and children.~~ **department.**

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments.

SECTION 268. IC 31-19-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The ~~division of family and children~~ **department** is authorized to develop, participate in the development of, negotiate, and enter into one (1) or more interstate compacts on behalf of this state with other states to implement one (1) or more of the purposes set forth in this chapter. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

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(b) For the purposes of this chapter, the term "state" shall mean a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States.

(c) For the purposes of this chapter, the term "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) For the purposes of this chapter, the term "residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

SECTION 269. IC 31-19-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the county office of family and children for the county in which the child resides of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with rules of the ~~division of family and children~~ **department,** the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) The ~~division of family and children~~ **department** shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) The ~~division of family and children~~ **department** shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the ~~division of family and children~~ **department** for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The ~~division of family and children~~ **department** shall adopt rules implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which,

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if federally aided, are not provided by the residence state. Among other things, such rules shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) A person who submits any claim for payment or reimbursement for services or benefits pursuant to this section or makes any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent commits a Class D felony.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

SECTION 270. IC 31-19-29-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Consistent with federal law, the ~~division of family and children~~ **department** in connection with the administration of this chapter and any compact pursuant hereto shall include in any state plan made pursuant to the **federal** Adoption Assistance and Child Welfare Act of 1980 (P.L.96-272), Title IV-E and Title XIX of the federal Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The ~~division of family and children~~ **department** shall apply for and administer all relevant federal aid in accordance with law.

SECTION 271. IC 31-25 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 25. CHILD SERVICES: ADMINISTRATION

Chapter 1. Establishment of Department of Child Services

Sec. 1. (a) The department of child services is established.

(b) The governor shall appoint a director who is responsible for administering the department of child services. The director:

(1) serves at the governor's pleasure; and

(2) is entitled to compensation set by the budget agency.

Chapter 2. General Duties of the Department of Child Services

Sec. 1. As used in this article, "department" refers to the department of child services established by IC 31-25-1-1.

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Sec. 2. The director may employ necessary personnel to carry out the department's responsibilities subject to:

(1) the budget agency's approval under IC 4-12-1-13; and

(2) IC 4-15-2.

Sec. 3. The director shall determine the best manner of organizing the department to provide the necessary services throughout Indiana to fulfill the purposes of this article.

Sec. 4. One (1) time every three (3) months, the department shall submit a report to the budget committee and to the legislative council that provides data and statistical information regarding caseloads of child protection caseworkers. The report made to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 5. (a) This section applies after June 30, 2008.

(b) A child protection caseworker or a child welfare caseworker may not be assigned work that exceeds the following maximum caseload levels at any time:

(1) For caseworkers assigned only initial assessments, including investigations of an allegation of child abuse or neglect, twelve (12) active cases per month per caseworker.

(2) For caseworkers assigned only ongoing cases, seventeen (17) active children per caseworker.

(3) For caseworkers assigned a combination of initial assessments, including investigations of an allegation of child abuse or neglect, and ongoing cases under subdivisions (1) and (2), four (4) investigations and ten (10) active ongoing cases per caseworker.

(c) The department shall comply with the maximum caseload ratios described in subsection (b).

Sec. 6. The report required under section 4 of this chapter must do the following:

(1) Indicate the department's progress in recruiting, training, and retaining caseworkers.

(2) Describe the methodology used to compute caseloads for each child protection caseworker.

(3) Indicate whether the statewide average caseloads for child protection caseworkers exceed the caseload standards established by the department.

(4) If the report indicates that average caseloads exceed caseload standards, include a written plan that indicates the steps that are being taken to reduce caseloads.

(5) Identify, describe, and, if appropriate, recommend best management practices and resources required to achieve

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effective and efficient delivery of child protection services.

Sec. 7. The department is responsible for the following:

(1) Providing child protection services under this article.

(2) Providing and administering child abuse and neglect prevention services.

(3) Providing and administering child services (as defined in IC 12-19-7-1).

(4) Providing and administering family services.

(5) Providing family preservation services under IC 31-26-5.

(6) Regulating and licensing the following under IC 31-27:

(A) Child caring institutions.

(B) Foster family homes.

(C) Group homes.

(D) Child placing agencies.

(7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).

(8) Administering foster care services.

(9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).

(10) Administering adoption services.

Sec. 8. The department is the single state agency responsible for administering the following:

(1) Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.

(2) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.

(3) The federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106 et seq.

(4) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.

(5) Any other federal program that provides funds to states for services related to the prevention of child abuse and neglect, child welfare services, foster care, independent living, or adoption services.

Sec. 9. (a) The department:

(1) must have sufficient qualified and trained staff to fulfill the purpose of this article;

(2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;

(3) must provide training to representatives of the department

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regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

(b) This section expires June 30, 2008.

Sec. 10. (a) This section applies after June 30, 2008.

(b) The department of child services:

(1) must have sufficient qualified and trained staff to:

(A) fulfill the purpose of this article;

(B) comply with the maximum caseload ratios for:

(i) child protection caseworkers; and

(ii) child welfare caseworkers;

as set forth in IC 31-25-2-5;

(2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;

(3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

Sec. 11. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the department is the primary public

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agency responsible for:

(1) receiving;

(2) investigating or arranging for investigation; and

(3) coordinating;

the investigation of all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with a local plan for child protection services, the department shall, by juvenile court order:

(1) provide protection services to prevent cases where a child may be a victim of further child abuse or neglect; and

(2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

Sec. 12. The department shall give notice of the existence and location of photographs, x-rays, and physical medical examination reports to:

(1) the appropriate prosecuting attorney; and

(2) the appropriate law enforcement agency, if the law enforcement agency has not already received the items described in this section under IC 31-33-10-3.

Sec. 13. Photographs, x-rays, or physical medical examination reports shall be made available to:

(1) the law enforcement agency having jurisdiction;

(2) the department;

(3) the prosecuting attorney;

(4) the guardian ad litem; or

(5) the court appointed special advocate appointed by the juvenile court;

for use in any judicial proceeding relating to the subject matter of a report made under this article and, to the extent permissible under the Indiana Rules of Trial Procedure, to the adverse party in any proceeding arising under this article.

Sec. 14. (a) The department shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including the following:

(1) Law enforcement agencies.

(2) The courts.

(3) Organizations, groups, and programs providing or concerned with services related to the prevention,

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identification, or treatment of a child who may be a victim of child abuse or neglect.

(b) The department shall also cooperate with public and private agencies, organizations, and groups that provide family services designed to prevent a child's removal from the child's home.

(c) Cooperation and involvement under this section may include the following:

(1) Consultation services.

(2) Planning.

(3) Case management.

(4) Public education and information services.

(5) Use of each other's facilities, staff, and other training.

Sec. 15. (a) Notwithstanding any other law, the department may purchase and use the services of any public or private agency if adequate provision is made for continuity of care and accountability.

(b) If the department purchases services under this article, the state shall reimburse the expenses, to the extent allowed by state and federal statutes, rules, and regulations, to the locality or agency in the same manner and to the same extent as if the services were provided directly by the department.

Sec. 16. (a) The department of child services child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of IC 31-25 through IC 31-28. The fund shall be administered by the department.

(b) The fund consists of the fees and civil penalties collected under IC 31-25 through IC 31-28.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 17. (a) The department may establish a program to procure any of the services described in section 7 of this chapter under a procurement agreement administered by the department. The department may enter into procurement agreements that cover the delivery of one (1) or more categories of services to all the counties in a region determined by the department. An agreement may provide for payment from state funds appropriated for the purpose

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or direct billing of services to the county receiving the service.

(b) If the department enters into a procurement agreement covering a county, the county, including the county's juvenile court, shall procure all services covered by the procurement agreement in accordance with the regional procurement agreement and the policies prescribed by the department. With the approval of the department, a county may use services from an alternate provider.

(c) The costs incurred under a procurement agreement shall be shared by the counties covered by the procurement agreement. The department shall allocate the costs of a regional procurement agreement among the counties covered by the agreement in proportion to the use of the services by each county under the schedule prescribed by the department. A county shall pay the costs incurred under a procurement agreement from the:

(1) family and children's fund; or

(2) children's psychiatric residential treatment services fund; as appropriate.

(d) If the department pays the costs incurred under a procurement contract from state funds appropriated for the purpose, the department shall present a claim for reimbursement to the appropriate county auditor. The county executive shall review and allow the full amount of the claim in the manner provided in IC 36-2-6.

Sec. 18. The department may adopt rules under IC 4-22-2 necessary to carry out the department's or bureau's duties under this article.

Sec. 19. (a) The department may charge the following adoption fees:

(1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of children and mothers.

(2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the county family and children trust clearance fund established under IC 12-19-1-16. Money deposited under this subsection shall be expended by the department for the following purposes without further appropriation:

(1) The care of children whose adoption is contemplated.

(2) The improvement of adoption services provided by the

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department.

(c) The director may adopt rules governing the expenditure of money under this section.

(d) The department may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The department may adopt forms on which the written authorization is provided.

Chapter 3. Child Support Bureau

Sec. 1. (a) The child support bureau is established within the department. The bureau is charged with the administration of Title IV-D of the federal Social Security Act.

(b) The state's plan for the administration of Title IV-D must comply with all provisions of state law and with the federal statutes and regulations governing the program.

Sec. 2. (a) The bureau shall operate the state parent locator service. The bureau shall make all necessary requests and responses to the federal parent locator service and to the parent locator services of the other states.

(b) To carry out the bureau's responsibilities under this chapter, the bureau, through the parent locator service, may request information and assistance from a state, county, city, or town agency. Officers and employees of a state, county, city, or town agency shall cooperate with the bureau in determining the location of a parent who:

(1) owes child support; or

(2) has abandoned or deserted a child;

by providing the pertinent information relative to the location, income, and property of the parent, notwithstanding any other statute making the information confidential.

(c) Notwithstanding any other statute making the information confidential, each person doing business in Indiana shall provide the bureau or an agent of the bureau with the following information, if available, upon receipt of the certification described in subsection (d):

(1) Full name of the parent.

(2) Social Security number of the parent.

(3) Date of birth of the parent.

(4) Address of the parent's residence.

(5) Amount of wages earned by the parent.

(6) Number of dependents claimed by the parent on state and federal tax withholding forms.

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(7) Name and address of the parent's employer.

(8) Name and address of any financial institution maintaining an account for the parent.

(9) Address of any real property owned by the parent.

(10) Name and address of the parent's health insurance carrier and health coverage policy number.

(d) The parent locator service shall certify that the information requested in subsection (c) is for the purpose of locating a parent who owes child support or who has abandoned a child and that the information obtained is to be treated as confidential by the bureau and any other state to which the information is released.

(e) A business in Indiana and each unit of state and local government shall comply with an administrative subpoena issued by a Title IV-D agency in another jurisdiction. The information requested may not be provided unless the Title IV-D agency of the other jurisdiction certifies that the information will be treated as confidential. The business or unit of government shall provide the Title IV-D agency of the other jurisdiction with the information listed in subsection (c), if available, if requested in the subpoena, upon certification by the Title IV-D agency of the other jurisdiction that the information is for the purpose of locating a parent who owes child support or who has abandoned or deserted a child.

(f) A person may not knowingly refuse to give the bureau, the bureau's agents, or the Title IV-D agency of another jurisdiction the following:

(1) The name of a parent of a child for whom the state is providing public assistance.

(2) Information that may assist the parent locator service or other jurisdiction in locating the parent of a child.

(g) Information obtained under this section may not be used in a criminal prosecution against the informant.

(h) A person may not knowingly give the bureau or the Title IV-D agency of another jurisdiction the incorrect name of a parent of a child or knowingly give the parent locator service incorrect information on the parent's whereabouts for the purpose of concealing the identity of the real parent of the child or the location of the parent.

Chapter 4. Child Support Provisions of Title IV-D of the Federal Social Security Act

Sec. 1. As used in this chapter, "bureau" refers to the child support bureau established by IC 31-25-3-1.

Sec. 2. As used in this chapter, "delinquent" means at least:

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(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

Sec. 3. (a) As used in this chapter with regard to a financial institution data match, "account" has the meaning set forth in 42 U.S.C. 666, and includes any of the following:

(1) A demand deposit account.

(2) A checking or negotiable order of withdrawal account.

(3) A savings account.

(4) A timed deposit account.

(5) A money market mutual fund account.

(b) As used in this chapter, "financial institution" has the meaning set forth in 42 U.S.C. 666, and includes the following:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)).

(2) An institution affiliated party, as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u)).

(3) A federal or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution affiliated party of a credit union (as defined in Section 206(r) of the Act).

(4) A benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in Indiana.

Sec. 4. As used in this chapter, "obligor" means a person whose support obligation is enforced by the Title IV-D agency.

Sec. 5. As used in this chapter, "plan" refers to the state plan developed to implement the provisions of Title IV-D of the federal Social Security Act.

Sec. 6. As used in this chapter, "private organization" means a private organization with which a prosecuting attorney contracts under section 13 of this chapter to provide child support enforcement services.

Sec. 7. The bureau shall do the following:

(1) Develop and implement the state's plan for the administration of Title IV-D. The plan must comply with all provisions of state law and with the federal statutes and regulations governing the program.

(2) Evaluate formally the quality, efficiency, effectiveness, and scope of services provided under the plan developed and approved by the governor and the United States Department of Health and Human Services.

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(3) Control financially the operation of the plan.

(4) Coordinate activities relating to and in compliance with the requirements of the state's reciprocal enforcement of support law of cases being pursued under the state plan. The bureau shall make requests to the United States Department of Health and Human Services Office of Child Support Enforcement for use of the federal parent locator service, the other states' parent locator services, the federal district courts, and the Internal Revenue Service.

(5) Operate the state parent locator service.

Sec. 8. In addition to the duties imposed by section 7 of this chapter, the bureau shall do the following:

(1) Perform one (1) of the following under IC 22-4-39:

(A) Enter into an agreement with each individual who owes a child support obligation being enforced by the child support bureau and who is eligible for unemployment compensation benefits under IC 22-4 to have a specified amount withheld from the benefits otherwise payable to the individual, not to exceed the individual's unemployment compensation weekly benefit amount.

(B) Bring legal process to require the withholding of specified amounts from the individual's unemployment compensation benefits.

(C) Accept an amount specified by the individual to be deducted and withheld by the department of workforce development.

(2) Notify the department of workforce development of the amounts to be deducted from an individual's unemployment compensation as determined under subdivision (1), not to exceed the individual's weekly benefit amount of unemployment compensation.

(3) Reimburse the department of workforce development for the administrative costs incurred by the department under IC 22-4-39.

Sec. 9. The bureau shall consider and follow the federal requirements imposed by statute and regulation governing the formation of the state plan.

Sec. 10. The bureau shall make the agreements and maintain the communications necessary with the agency that administers Title IV-A of the federal Social Security Act to ensure proper operation of the total program. Prompt notice for action in all cases must be given between the bureau and the agency that administers Title

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IV-A of the Federal Social Security Act. Cases shall be handled within the time frame established by the federal statutes and regulations governing the program's administration.

Sec. 11. (a) The bureau shall maintain the state case registry required under 42 U.S.C. 654A(e).

(b) The state case registry must contain the following:

(1) Records of each case in which the bureau provides services.

(2) Each child support order established or modified after September 30, 1998.

(c) To carry out the bureau's responsibilities under this section, each circuit court clerk shall enter into an agreement with the bureau to provide all information necessary for the registry.

Sec. 12. The bureau shall make all contact with the federal courts necessary under federal law and guidelines.

Sec. 13. (a) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee established by IC 33-24-11-1; or

(3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1 before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and, if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of an attorney by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 14 of this chapter, a prosecuting attorney with whom the bureau contracts under subsection (a):

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(1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and

(2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time an application for child support services is made, the applicant must be informed that:

(1) an attorney who provides services for the bureau is the attorney for the state and is not providing legal representation to the applicant; and

(2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

Sec. 14. (a) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 13 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(b) The bureau shall:

(1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;

(2) establish requirements for participation in the program established under this section to assure:

(A) effective administration of the plan; and

(B) compliance with all federal and state statutes, regulations, and rules;

(3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting

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attorney annually; and

(4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(c) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

(1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.

(2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(d) Not later than July 1, 2006, the bureau shall provide the legislative council with a report:

(1) evaluating the effectiveness of the program established under this section; and

(2) evaluating the impact of arrearage reductions for child support orders under which collection agencies have collected under section 13(c) of this chapter.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

(i) all fees, charges, and costs, including administrative and application fees; and

(ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

(i) source of each payment received for arrearage on a child support order;

(ii) form of each payment received for arrearage on a

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child support order;

(iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and

(iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

Sec. 15. (a) The judge of a court having jurisdiction over actions arising under Title IV-D of the Social Security Act (42 U.S.C. 651) shall, when necessary to satisfy the federal requirement of expedited process for obtaining and enforcing support orders (42 U.S.C. 666(a)(2); 42 CFR 303.101), appoint assistants who meet the standards established by the judicial conference of Indiana under subsection (d), including:

(1) court commissioners;

(2) hearing examiners;

(3) masters; and

(4) referees;

to make findings of fact and recommendations for the judge's approval in actions arising under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.).

(b) If appointment of a court assistant is required under subsection (a), the bureau shall enter into an agreement with the courts for services associated with cases arising under Title IV-D of the Social Security Act that are performed by:

(1) a court assistant appointed under subsection (a); and

(2) administrative and supportive personnel to the court assistant, including the following:

(A) A bailiff.

(B) A stenographer.

(C) A court reporter.

(c) The agreements entered into under subsection (b) are not subject to approval by the attorney general under IC 4-13-2-14.3.

(d) The judicial conference of Indiana shall establish educational and occupational standards for an individual to be employed as an assistant under subsection (a).

Sec. 16. The bureau may contract for services from nongovernmental providers under the guidelines established for all state agency contracts.

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Sec. 17. (a) The bureau shall do the following:

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining a support order, including an order for health insurance coverage under:

(A) IC 27-8-23;

(B) IC 31-14-11-3; or

(C) IC 31-16-6-4;

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement income withholding in any Title IV-D case:

(A) with an arrearage; and

(B) without an order issued by a court or an administrative agency.

(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.

(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

(1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.

(2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.

(3) Payment to the state in an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the recipient's family; or

(B) the amount assigned to the state by the recipient under IC 12-14-7-1.

(4) Payment of support payment arrearages owed to the recipient.

(5) Payment of any other support payments payable to the

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recipient.

(c) Whenever the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) Whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

Sec. 18. (a) Under 42 U.S.C. 666, the bureau has the authority, without a court order, to order genetic testing to establish paternity.

(b) The bureau may not order genetic testing as provided under this section without a request from a local child support attorney where an order for child support is entered.

(c) The bureau shall recognize and enforce the authority of a state agency from another state to take any action as required under 42 U.S.C. 666(c).

(d) The bureau shall notify the appropriate circuit court clerk

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in any case where an action of the bureau results in income withholding or a change of payee of a child support order in a Title IV-D case.

(e) In accordance with 42 U.S.C. 654B(a)(3), the bureau shall provide a single address to which income withholding payments may be sent.

Sec. 19. All services provided under section 17 of this chapter and IC 31-25-3-2 must be available to individuals (other than recipients or applicants for the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265)) upon application for the services when accompanied by the payment of an application fee as set by the Title IV-D agency. Fees other than the application fee must be imposed in accord with federal law governing this program.

Sec. 20. The bureau may receive the federal money available for the administration of Title IV-D of the federal Social Security Act and shall distribute money collected in accordance with federal regulations.

Sec. 21. (a) The bureau shall observe all possible safeguards for information obtained by the bureau with the minimum standard for the safeguards to be the federal regulations governing the safeguarding of information under this program.

(b) The bureau or the prosecuting attorney may not disclose information obtained through the parent locator service, except to the extent necessary to fulfill a duty under this chapter.

Sec. 22. The bureau shall establish procedures for providing information to a consumer reporting agency (as defined by the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f))) concerning the amount of overdue support owed by a parent. Information provided under this section must be provided in accordance with federal statutes and regulations governing the Title IV-D program (42 U.S.C. 651).

Sec. 23. (a) The Title IV-D agency shall provide incentive payments to counties for enforcing and collecting the support rights that have been assigned to the state. The incentive payments shall be made by the Title IV-D agency directly to the county and deposited in the county treasury for distribution on a quarterly basis and in equal shares to the following:

(1) The county general fund.

(2) The operating budget of the prosecuting attorney.

(3) The operating budget of the circuit court clerk.

(b) Notwithstanding IC 36-2-5-2(b), distribution from the

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county treasury under subsection (a) shall be made without the necessity of first obtaining an appropriation from the county fiscal body.

(c) The amount that a county receives and the terms under which the incentive payment is paid must be in accordance with relevant federal statutes and the federal regulations promulgated under the statutes. However, amounts received as incentive payments may not, without the approval of the county fiscal body, be used to increase or supplement the salary of an elected official. The amounts received as incentive payments must be used to supplement, rather than take the place of, other funds used for Title IV-D program activities.

Sec. 24. Each circuit court clerk shall do the following:

(1) Receive the support money assigned to the state and paid under the terms of a court order in the clerk's jurisdiction and pay the money to the Title IV-D agency within the time limits established by P.L.93-647, as amended, and any related regulations that are promulgated.

(2) Maintain all records concerning the payment or nonpayment of support money that have been assigned to the state and transmit the records to the Title IV-D agency upon request.

(3) Contract with the Title IV-D agency for the performance and the remuneration for the performance of duties prescribed in this section.

Sec. 25. The amounts appropriated for duties performed by prosecuting attorneys, circuit court clerks, or other agents under this chapter shall be distributed directly from the department.

Sec. 26. (a) A recipient of the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265) who is aggrieved by the action of the Title IV-D agency in paying or not paying money to the recipient out of the support money collected by the agency under an assignment to Indiana may appeal the action to the Title IV-D agency. The appeal may not be used to redetermine eligibility for assistance, but must be limited to the issue as to whether upon the records before the Title IV-D agency proper distribution was made out of the support money collected.

(b) If, as a result of the appeal, the Title IV-D agency has reasonable cause to believe that the records in the agency's possession concerning the appellant are in error, the Title IV-D agency shall notify the agency supplying the records of possible errors and request corrective action.

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(c) The appeal hearing must be held in accordance with the rules of the department.

Sec. 27. The director of the department shall adopt rules necessary to implement Title IV-D of the federal Social Security Act and this chapter. The department shall send a copy of each proposed or adopted rule to each member of the Indiana child custody and support advisory committee established by IC 33-24-11-1 not later than ten (10) days after proposal or adoption.

Sec. 28. A sufficient amount must be appropriated annually out of the state general fund for the administration of this chapter.

Sec. 29. (a) The bureau may, with the consent of the budget agency, establish child support enforcement revolving funds for the deposit of a part of the child support money collected by the bureau under this chapter.

(b) The amount of money to be deposited in a revolving fund established under this section shall be determined by the budget director. The budget agency shall annually review each revolving fund for the purpose of determining whether the fund's current level is adequate for the purpose of making disbursements described in subsection (c) and shall report to the budget director recommendations regarding changes in the amount of the fund. The budget director may authorize an increase or a decrease in the fund.

(c) Disbursements from a revolving fund established under this section may be made only to the bureau as follows:

(1) For payment of expenses incurred by the division in the collection of child support under this chapter.

(2) To enable the bureau to participate in child support collection projects offered by other units of government or the private sector.

(d) The bureau shall do the following:

(1) Request the budget agency to allocate, as needed, money from the revolving fund for the purposes described in subsection (c).

(2) Keep complete financial records of all transactions.

(3) Prepare, before the beginning of each fiscal year, an annual budget of proposed expenditures from the revolving funds.

(e) The bureau shall submit an annual budget to the budget agency for approval under subsection (d), and an expenditure in excess of the approved budget may not be made without the

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approval of the budget agency.

(f) Money in a revolving fund established under this section does not revert to any other fund at the end of a state fiscal year.

(g) The treasurer of state may invest the money in a revolving fund established under this section in the manner provided by law for investing money in the state general fund.

Sec. 30. (a) The bureau shall, each month, prepare a list of each person against whom a child support obligation lien is held under IC 31-16-16-3 (or IC 31-2-11-9 before its repeal). The list must identify each person liable for a lien by name, address, amount of lien, and either Social Security number or employer identification number. The bureau shall certify a copy of the list to the bureau of motor vehicles.

(b) The bureau of motor vehicles shall, before issuing the title to a motor vehicle under IC 9-17, determine whether the purchaser's or assignee's name is on the most recent monthly lien list. If the purchaser's or assignee's name is on the list, the bureau shall enter as a lien on the title the name of the state as the lienholder. The state's lien on a title under this section is subordinate to a prior perfected security interest if the interest is defined and perfected under any of the following:

(1) IC 26-1-9.1.

(2) IC 32-8 (before its repeal).

(3) IC 32-28.

(4) IC 32-29.

(5) IC 32-33.

(6) IC 32-34-10.

(c) A lien against the title under this section must be treated in the same manner as any other subordinate title lien.

(d) The bureau shall prescribe and furnish release forms for use by the bureau. When the amount of the lien is paid, the bureau shall issue to the person against whom the lien was held a release stating that the amount represented by the lien has been paid. The bureau may also issue a release to a person against whom the lien is held if the person has made arrangements, agreed to by the bureau, for the payment of the amount represented by the lien.

(e) The director of the bureau or the director's designee is the custodian of all titles having the state as the sole lienholder under this section. Upon receiving a title from the bureau of motor vehicles under this section, the director shall notify the owner of the motor vehicle.

(f) The bureau shall reimburse the bureau of motor vehicles for

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all costs incurred by the bureau in implementing this section.

Sec. 31. (a) The bureau shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

(1) hold one (1) or more accounts with the financial institution; and

(2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

(1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

(A) name; and

(B) either Social Security number or tax identification number; or

(2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution.

(d) The information required under subsection (b) must:

(1) be provided on a quarterly basis; and

(2) include the:

(A) name;

(B) address of record; and

(C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

(1) individual; and

(2) financial institution holding the account.

(f) The notice under section (e) must inform the individual that:

(1) the individual's account in a financial institution is subject to a child support lien; and

(2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

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(g) The bureau shall hold a hearing under 470 IAC 1-4. The department's final action following a hearing held under this subdivision is subject to judicial review as provided in 470 IAC 1-4.

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

(1) a financial institution; or

(2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

(1) one hundred twenty (120) days after issuance;

(2) the date the asset on which the lien is issued is surrendered; or

(3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or

(2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:

(A) the state's lien; and

(B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the bureau;

(2) blocking or surrendering any of an individual's assets in response to a lien imposed by:

(A) the bureau under this section; or

(B) a person or entity acting on behalf of the bureau; or

(3) any other action taken in good faith to comply with this section.

(n) The department shall pay a financial institution performing the data match required by this section a reasonable fee for providing the service that does not exceed the actual cost incurred by the financial institution.

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(o) This section does not prevent the bureau or its agents from encumbering an obligor's account with a financial institution by any other remedy available for the enforcement of a child support order.

Sec. 32. (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:

(1) Specifies that the obligor is delinquent.

(2) Describes the amount of child support that the obligor is in arrears.

(3) States that unless the obligor:

(A) pays the obligor's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or

(C) requests a hearing under section 33 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.

(C) Request a hearing under section 33 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board or department that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the department of education established by IC 20-19-3-1 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor

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holds or applies for a license issued under IC 4-31-6;
(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;
(F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
(G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:
(i) IC 14-22-12 (fishing, hunting, and trapping licenses).
(ii) IC 14-22-14 (Lake Michigan commercial fishing license).
(iii) IC 14-22-16 (bait dealer's license).
(iv) IC 14-22-17 (mussel license).
(v) IC 14-22-19 (fur buyer's license).
(vi) IC 14-24-7 (nursery dealer's license).
(vii) IC 14-31-3 (ginseng dealer's license).
(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.
(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.
(8) Explains the procedures to:
(A) pay the obligor's child support arrearage in full;
(B) establish a payment plan with the Title IV-D agency to pay the arrearage; and
(C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:
(1) pay the obligor's child support arrearage in full;
(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
(3) request a hearing under section 33 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;
the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

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(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) Whenever the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) Whenever the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

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(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

Sec. 33. (a) An obligor may contest the Title IV-D agency's determination to issue an order under section 32 of this chapter by making a written application to the Title IV-D agency within

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twenty (20) days after the date the notice is mailed to the obligor.

(b) The only basis for contesting an order issued under this section is a mistake of fact.

(c) The Title IV-D agency shall hold a hearing, within twenty-five (25) days after written application is made under subsection (a), to review its determination to issue an order under section 32 of this chapter. The Title IV-D agency shall make a determination in writing on the issuance of an order under section 32 of this chapter at the hearing.

(d) At the hearing described in subsection (c), if the obligor whose driving license or permit is suspended under this chapter proves to the satisfaction of the Title IV-D agency that public transportation is unavailable for travel by the obligor:

(1) to and from the obligor's regular place of employment;

(2) in the course of the obligor's regular employment;

(3) to and from the obligor's place of worship; or

(4) to participate in parenting time with the obligor's children consistent with a court order granting parenting time;

the Title IV-D agency may order the bureau of motor vehicles to issue the obligor a restricted driving permit.

(e) If the obligor requests a hearing but fails to appear or if the obligor appears and is found to be delinquent, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(f) An order issued under subsection (e) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the obligor's driving privileges be suspended under further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(g) A restricted driving permit issued by the bureau of motor vehicles under this section must specify that the restricted driving permit is valid only for purposes of driving under the conditions described in subsection (d).

(h) Unless a person whose driving license or permit is suspended under this chapter has been issued a restricted driving permit under this section as a result of a suspension under this chapter, a

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person who operates a motor vehicle in violation of this section commits a Class A infraction.

Sec. 34. (a) As used in this section, "board" has the meaning set forth in IC 25-1-1.2-2.

(b) If an obligor holds a license issued by a board and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the board that issued the obligor's license:

(1) stating that the obligor is delinquent; and

(2) requiring the board to comply with the actions required under IC 25-1-1.2-8(b).

(c) If an obligor holds a license issued under IC 4-31-6 or IC 4-33 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the:

(1) Indiana horse racing commission, if the obligor holds a license issued under IC 4-31-6; or

(2) Indiana gaming commission, if the obligor holds a license issued under IC 4-33;

stating that the obligor is delinquent and requiring the commission to comply with the actions required under IC 4-31-6-11 or IC 4-33-8.5-3.

(d) If an obligor holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the commissioner of the department of insurance:

(1) stating that the obligor is delinquent; and

(2) requiring the commissioner to comply with the actions required under IC 27-1-15.6-29 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 33 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

(1) stating that the obligor is delinquent; and

(2) requiring the director to suspend or revoke a license issued by the department as provided in IC 14-11-3.

SECTION 272. IC 31-26 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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2006]:

ARTICLE 26. CHILD SERVICES: PROGRAMS

Chapter 1. Youth Service Bureau

Sec. 1. As used in this chapter, "account" refers to the youth service bureau grant account.

Sec. 2. As used in this chapter, "youth service bureau" means an organization that is certified as a youth service bureau by the department under section 3 of this chapter.

Sec. 3. Any organization may apply to the department for certification as a youth service bureau. The department shall establish criteria for the certification of an organization as a youth service bureau, which must include the following requirements:

(1) The organization must be registered with the secretary of state as a nonprofit corporation or must be an agency of a local governmental unit.

(2) The organization must develop and operate direct and indirect service programs designed to do the following:

(A) Support, represent, and protect the rights of young people.

(B) Prevent adolescent misbehavior and divert young people from the justice system.

(C) Maintain a referral system with other service agencies that might benefit young people.

(D) Inform and educate citizens about the functions and services available through the organization and serve as a link between the needs of youth and the community.

Sec. 4. (a) The youth service bureau grant account is established within the state general fund to provide grants to youth service bureaus. The account consists of money:

(1) appropriated by the general assembly;

(2) received in the form of donations; and

(3) from any other source.

(b) The account shall be administered by the department.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public funds may be invested.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The department may provide an annual grant to each youth service bureau.

(b) The department may also provide an additional grant to a youth service bureau that is receiving a grant under subsection (a)

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to permit the youth service bureau to maintain or expand the youth service bureau's programs. An additional grant under this subsection is subject to the requirements of section 7 of this chapter.

Sec. 6. The department may provide a grant to a youth service bureau that is not receiving a grant under section 5 of this chapter to permit the youth service bureau to establish, maintain, or expand the youth service bureau's programs. A grant under this section is subject to the requirements of section 7 of this chapter.

Sec. 7. A grant under section 5(b) or 6 of this chapter must be matched by an equal amount of money raised by the youth service bureau from sources other than the state.

Sec. 8. The department may adopt rules under IC 4-22-2 establishing application procedures and evaluation criteria for organizations applying for certification and grants under this chapter.

Sec. 9. A youth service bureau that receives a grant under this chapter shall do the following:

(1) Maintain accurate and complete records, reports, statistics, and other information necessary for the conduct of the youth service bureau's programs.

(2) Establish appropriate written policies and procedures to protect the confidentiality of individual client records.

(3) Submit service and activity reports to the department as required by the department.

Chapter 2. Assistance of Destitute Children

Sec. 1. The department shall provide assistance under this chapter to a destitute child who is living in a suitable foster family home or institution conforming to the standards of care and health under Indiana law and the department's rules.

Sec. 2. The department shall determine the amount of assistance to be granted to a destitute child. In determining the amount under rules adopted by the department, the county office shall consider the following:

(1) The resources and necessary expenditures of the child.

(2) The conditions existing in each case.

(3) Whether the amount is sufficient when added to all other income and support available to provide the child with a reasonable subsistence.

However, a Holocaust victim's settlement payment received by the child may not be considered a resource of the child by the county office when determining the amount of assistance for the destitute

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child.

Sec. 3. The total amount that the department pays to a destitute child under section 2 of this chapter, other than for medical expenses, may not exceed the designated amount per day established by the rules of the department, except:

(1) as otherwise provided in this chapter; or

(2) for additional amounts established by the department's rules.

Sec. 4. (a) Whenever a child is initially determined to be eligible for assistance as a destitute child under this chapter, the department under the department's rules may provide for the child's immediate needs.

(b) If the child's needs exceed the designated amount per day established by the department's rules, the department may provide assistance to the child if the deduction is made within six (6) months from the date of any payment from future allowances so that the average allowances will not exceed the designated amount per day established by the department's rules.

Sec. 5. (a) The total amount paid to a destitute child being cared for in a licensed child caring institution, other than for medical expenses, may not exceed the designated amount per day established by the department's rules, except:

(1) as otherwise provided in this chapter; or

(2) as established by the department's rules.

(b) Additional amounts established by the department's rules may not exceed the maximum amounts established by the federal Social Security Act (42 U.S.C. 602) or supplementary or related acts as the basis for reimbursement from federal money.

Sec. 6. (a) If a destitute child is determined to be in need of medical care, payment for necessary care may be included in the award to the recipient, even if the following exist:

(1) Payment for the care may increase the amount of the award in excess of the maximum amounts otherwise allowed by this chapter.

(2) Payment for the care, regardless of maximum monthly limitations in this chapter, is to be made directly to the person, corporation, association, institution, or agency furnishing the care.

(b) Direct payments under subsection (a) may be made during the lifetime of the child either:

(1) before or after the child reaches the maximum age for destitute children; or

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(2) after the death of the child, for care furnished before the child reaches the maximum age for destitute children.

(c) The county office shall establish and submit for review and approval by the department a plan for furnishing necessary medical care, adjusted to the medical facilities and the needs in the county.

Sec. 7. An application for assistance for a destitute child under this chapter must be made to the county office in which the destitute child resides. The application must be in writing. The department shall prescribe the manner and the form on which the application must be made.

Sec. 8. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for the individual's benefit:

(1) the individual is not required to report the award as income or as a resource of that individual when applying for assistance for a destitute child under this chapter; and

(2) the award must not be considered income or a resource of the individual in determining eligibility for assistance to a destitute child under this chapter.

Sec. 9. Whenever the county office receives notice of a child's application or need for assistance, the county office shall promptly conduct an investigation and make a record regarding the child's circumstances to determine the following:

(1) The need of the child.

(2) The facts supporting the application made under this chapter.

(3) Any other information that the department's rules require.

Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the county office shall do the following:

(1) Determine whether the child is eligible for assistance under this chapter and the department's rules.

(2) Determine the amount of the assistance and the date on which the assistance is to begin.

(3) Make an award, including any subsequent modification of the award, with which the department shall comply until the award or modified award is vacated.

(4) Notify the applicant and the department of the county office's decision in writing.

(b) The county office shall provide assistance to the recipient at least monthly upon warrant of the county auditor. The assistance

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must be:

(1) made from the county family and children's fund; and

(2) based on a verified schedule of the recipients.

(c) The director of the county office shall prepare and verify the amount payable to the recipient, in relation to the awards made by the county office. The department shall prescribe the form on which the schedule under subsection (b)(2) must be filed.

Sec. 11. (a) The county office may establish an account for a child if the department determines the account is necessary or beneficial to the child's welfare.

(b) The county office shall pay to a designated person from the account under subsection (a) an amount needed for the child's food, clothing, shelter, and other necessities.

(c) The balance of the remaining amount under subsection (b) that exceeds the child's immediate needs:

(1) may be credited to the child's account for a period of not more than six (6) months; and

(2) must be used for the child's benefit as the need arises;

if necessary records are maintained and payment is made for the destitute child under the department's rules.

Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of assistance, as prescribed by the department, must be entered on a certificate.

(b) The department shall prescribe the form for the certificate under subsection (a). The certificate must bear the impress of the department's seal.

(c) The department shall prepare four (4) copies of the certificate under subsection (a). The department shall distribute copies of the certificate as follows:

(1) One (1) copy must be filed with and retained by the office.

(2) One (1) copy must be filed with and retained by the department.

(3) One (1) copy must be filed with and retained by the office of the county auditor.

(4) One (1) copy must be given to the recipient.

Sec. 13. (a) Whenever a destitute child receives assistance under this chapter, the department shall reconsider whether the assistance is to continue as frequently as:

(1) the department's rules require; or

(2) the department considers necessary.

(b) After an investigation, the county office or the department may change or withdraw the amount of assistance if the county

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office or department finds that the child's circumstances have altered sufficiently to warrant the action.

(c) The county office or department may revoke or suspend the assistance if the child becomes ineligible for assistance under this chapter. If assistance is revoked or suspended, the county office shall immediately do the following:

(1) Report the decision to the department.

(2) Submit to the department the county office's record of investigation regarding the county office's decision.

(d) The department shall review each county office's decision to revoke or suspend assistance under this section.

Sec. 14. If the department or county office determines after an investigation that a child on whose behalf an application for assistance has been made is:

(1) a destitute child; and

(2) living or is expected to live in a foster family home or an institution meeting the requirements of this chapter;

assistance may be allowed for the support of the child without complying with any Indiana law other than this chapter.

Sec. 15. A destitute child is eligible for other relief under Indiana law that the child requires, unless the child's needs are provided for by this chapter.

Chapter 3. Child Welfare Services

Sec. 1. The department shall cooperate with each county office and with the Children's Bureau of the United States Department of Health and Human Services to do the following in predominantly rural areas and other areas of special need:

(1) Establish, extend, and strengthen public welfare services for the protection and care of dependent and delinquent children and children in need of services.

(2) Develop and extend child welfare services.

(3) Develop state services to assist with adequate methods of community child welfare organization.

(4) Develop plans necessary to carry out the services under this section and to comply with the requirements of the Children's Bureau of the United States Department of Health and Human Services in conformity with Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.

Sec. 2. (a) This section does not apply to a county office's:

(1) administrative expenses; or

(2) expenses regarding facilities, supplies, and equipment.

(b) Necessary expenses incurred in the administration of the

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child welfare services under section 1 of this chapter shall be paid out of the county welfare fund or the county family and children's fund (whichever is appropriate).

Sec. 3. (a) The state shall provide money to a county to assist the county in defraying the expenses incurred for child welfare services as provided in section 1 of this chapter.

(b) The state shall provide the money under subsection (a) as follows:

(1) Monthly.

(2) Based on need.

(3) From money received through the federal government for the purpose described in this section.

(4) In an amount to be determined by the department in conformity with the federal Social Security Act (42 U.S.C. 602).

Chapter 4. Indiana Kids First Trust

Sec. 1. (a) The purpose of the Indiana kids first trust program and this chapter is to recognize that:

(1) the children of the state are its single greatest resource;

(2) children require the utmost protection to guard their future and the future of the state;

(3) it is in the public interest to protect children from abuse and neglect; and

(4) it is in the public interest to reduce infant mortality.

(b) The Indiana kids first trust program shall provide funds for community programs that prevent child abuse and neglect.

(c) The Indiana kids first trust program shall provide funds for community programs that reduce infant mortality from the infant mortality account established by section 14 of this chapter.

Sec. 2. As used in this chapter, "board" refers to the Indiana kids first trust fund board established by section 5 of this chapter.

Sec. 3. As used in this chapter, "fund" refers to the Indiana kids first trust fund established by section 12 of this chapter.

Sec. 4. As used in this chapter, "project" means an undertaking:

(1) that furthers the purposes of this chapter; and

(2) for which an expenditure from the fund may be made.

Sec. 5. (a) The Indiana kids first trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve projects and recommend to the department that the projects receive funds under sections 12 and 14 of this chapter.

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(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the department and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

Sec. 6. The board consists of the following ten (10) members:

(1) Two (2) individuals who are not members of the general assembly, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(3) The director of the department or the director's designee.

(4) Four (4) individuals appointed by the governor as follows:

(A) One (1) individual who represents the general public.

(B) Two (2) individuals who represent child advocacy organizations.

(C) One (1) individual who represents the medical community.

(5) The commissioner of the state department of health or the commissioner's designee. An individual designated by the commissioner under this subdivision must have knowledge of or experience in issues relating to:

(A) the prevention of child abuse and neglect; and

(B) the reduction of infant mortality.

Sec. 7. (a) The members shall annually choose a chairperson and vice chairperson from among the members of the board under this section.

(b) The director of the department or the director's designee may not serve as chairperson or vice chairperson.

(c) If the member chosen as chairperson was appointed as a member by the president pro tempore of the senate or the speaker of the house of representatives, the vice chairperson must be chosen from among the members appointed by the governor. If the member chosen as chairperson was appointed as a member by the governor, the vice chairperson must be chosen from among the members appointed by the president pro tempore of the senate or the speaker of the house of representatives.

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Sec. 8. (a) The board shall meet at least quarterly and at the call of the chair.

(b) Six (6) voting members of the board constitute a quorum. The board may take action only in the presence of a quorum.

(c) The affirmative vote of a majority of the members of the board is necessary for the board to take any action.

Sec. 9. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 11. The board shall adopt and make available to the public:

(1) a strategic plan to implement the purposes of this chapter; and

(2) a method for proposing projects and requesting funds from the Indiana kids first trust fund.

Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

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(3) Fees from kids first trust license plates issued under IC 9-18-30.

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

Sec. 13. (a) Except as provided in subsection (b), money in the fund may be used for projects that propose to accomplish the following:

(1) The support, development, and operation in local communities of programs that prevent child abuse and neglect.

(2) The development of innovative local programs of education and training concerning child abuse and neglect.

(3) The promotion of public awareness of child abuse and neglect.

(4) Statewide efforts to prevent child abuse and neglect.

(b) Money in the infant mortality account established within the fund under section 14 of this chapter may be used only for projects that:

(1) support, develop, and operate programs that reduce infant mortality in local communities;

(2) develop innovative local programs of education and training concerning infant mortality;

(3) promote public awareness of infant mortality; or

(4) promote statewide efforts to reduce infant mortality.

(c) Money in the fund may not be granted to a state or local unit

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of government.

(d) The cost of any salary and benefits paid to staff employed under this chapter:

(1) shall be paid from money in the fund; and

(2) may not exceed forty-five thousand dollars ($45,000) during any fiscal year.

Sec. 14. (a) The infant mortality account is established within the fund for the purpose of providing money for education and programs approved by the board under section 5(b) of this chapter to reduce infant mortality in Indiana. The account shall be administered by the treasurer of state.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Fees from certificates of birth issued under IC 16-37-1-11.7.

(2) Appropriations to the account.

(3) Money donated to the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 15. Before October 1 of each year, the board shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared under this section for the general assembly must be in an electronic format under IC 5-14-6.

Sec. 16. The department may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 5. Family Preservation Services

Sec. 1. As used in this chapter, "child at imminent risk of placement" means a child less than eighteen (18) years of age who reasonably may be expected to face in the near future out-of-home placement under IC 31-27 through IC 31-28 and IC 31-30 through IC 31-40 as a result of at least one (1) of the following:

(1) Dependency, abuse, or neglect.

(2) Emotional disturbance.

(3) Family conflict so extensive that reasonable control of the child is not exercised.

(4) Delinquency adjudication.

Sec. 2. The department may contract to provide or provide,

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when appropriate, within the limits of available funding, family preservation services to families with a child at imminent risk of placement.

Sec. 3. (a) Family preservation services may provide:

(1) comprehensive, coordinated, flexible, and accessible services;

(2) intervention as early as possible with emphasis on establishing a safe and nurturing environment;

(3) services to families who have members placed in care settings outside the nuclear family; and

(4) planning options for temporary placement outside the family if it would endanger the child to remain in the home.

(b) Unless authorized by a juvenile court, family preservation services may not include a temporary out-of-home placement if a person who is currently residing in the location designated as the out-of-home placement has committed an act resulting in a substantiated report of child abuse or neglect or has a juvenile adjudication or a conviction for a felony listed in IC 31-27-4-13.

(c) Before placing a child at imminent risk of placement in a temporary out-of-home placement, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person described in subsection (b)(1) and (b)(2). However, the department is not required to conduct a criminal history check under this section if the temporary out-of-home placement is made to an entity or facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

Sec. 4. Family preservation services must be delivered:

(1) only to families and in situations where the services may reasonably be expected to avoid out-of-home placement of the child; and

(2) to afford effective protection of the child, the family, and the community.

Sec. 5. (a) Family preservation services must include the following:

(1) A twenty-four (24) hour crisis intervention service.

(2) Risk assessment, case management, and monitoring.

(3) Intensive in-home skill building and counseling.

(4) After-care linkage.

(b) The following services may be available as needed to families receiving family preservation services:

(1) Emergency respite care.

(2) Pre-adoption and post-adoption services.

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Sec. 6. A caseworker who provides family preservation services may retain a maximum caseload of twelve (12) families.

SECTION 273. IC 31-27 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 27. CHILD SERVICES: REGULATION OF RESIDENTIAL CHILD CARE ESTABLISHMENTS

Chapter 1. Applicability

Sec. 1. This article does not apply to the following:

(1) A child caring institution, foster family home, group home, or child placing agency licensed or operated by any of the following:

(A) Programs for children in kindergarten through grade 12 that are operated under the authority of the department of education or that are operated with the assistance of the department of education.

(B) The division of mental health and addiction.

(C) The state department of health.

(D) The department of correction.

(2) A person who has received a child for adoption.

(3) A county jail or detention center.

Chapter 2. General Powers and Duties of the Department

Sec. 1. The department shall perform the following duties:

(1) Administer the licensing and monitoring of child caring institutions, foster family homes, group homes, and child placing agencies in accordance with this article.

(2) Ensure that a criminal history background check of an applicant is completed before issuing a license.

(3) Provide for the issuance, denial, suspension, and revocation of licenses.

(4) Cooperate with governing bodies of child caring institutions, foster family homes, group homes, and child placing agencies and their staffs to improve standards of child care.

(5) Prepare at least biannually a directory of licensees, except for foster family homes, with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(6) Deposit all license application fees collected under section 2 of this chapter in the department of child services child care fund established by IC 31-25-1-16.

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Sec. 2. The department may do the following:

(1) Prescribe forms for reports, statements, notices, and other documents required by this article or by the rules adopted under this article.

(2) Increase public awareness of this article and the rules adopted under this article by preparing and publishing manuals and guides explaining this article and the rules adopted under this article.

(3) Facilitate compliance with and enforcement of this article through the publication of materials under subdivision (2).

(4) Prepare reports and studies to advance the purpose of this article.

(5) Seek the advice and recommendations of state agencies whose information and knowledge would be of assistance in writing, revising, or monitoring rules developed under this article. These agencies, including the office of the attorney general, state department of health, division of mental health and addiction, bureau of criminal identification and investigation, and fire prevention and building safety commission, shall upon request supply necessary information to the department.

(6) Make the directory of licensees available to the public for a charge not to exceed the cost of reproducing the directory.

(7) Charge a reasonable processing fee for each license application and renewal as follows:

(A) For a child caring institution or group home license, a fee not to exceed three dollars ($3) for each licensed bed based on total licensed bed capacity not to exceed a maximum fee of one hundred fifty dollars ($150).

(B) For a child placing agency license, a fee not to exceed fifty dollars ($50).

(8) Exercise any other regulatory and administrative powers necessary to carry out the functions of the department.

Sec. 3. The department may not charge an application fee for a foster family home.

Sec. 4. (a) The department shall adopt rules under IC 4-22-2 concerning the licensing and inspection of child caring institutions, foster family homes, group homes, and child placing agencies after consultation with the following:

(1) State department of health.

(2) Fire prevention and building safety commission.

(b) The rules adopted under subsection (a) shall be applied by

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the department and state fire marshal in the licensing and inspection of applicants for a license and licensees under this article.

(c) The rules adopted under IC 4-22-2 must establish minimum standards for the care and treatment of children in a secure private facility.

(d) The rules described in subsection (c) must include standards governing the following:

(1) Admission criteria.

(2) General physical and environmental conditions.

(3) Services and programs to be provided to confined children.

(4) Procedures for ongoing monitoring and discharge planning.

(5) Procedures for the care and control of confined persons that are necessary to ensure the health, safety, and treatment of confined children.

(e) The department shall license a facility as a private secure facility if the facility:

(1) meets the minimum standards required under subsection (c);

(2) provides a continuum of care and services; and

(3) is:

(A) licensed under IC 12-25, IC 16-21-2, or IC 31-27-3; or

(B) a unit of a facility licensed under IC 12-25 or IC 16-21-2;

regardless of the facility's duration of or previous licensure as a child caring institution.

(f) A waiver of the rules may not be granted for treatment and reporting requirements.

Sec. 5. (a) The department shall monitor the entities licensed under this article for continued compliance with this article and the rules adopted by the department, including conducting the following:

(1) Onsite inspections, record reading, observation, and interviewing.

(2) An onsite licensing study at least one (1) time a year in announced or unannounced visits.

(b) The department is entitled to access to the premises, personnel, children in care, and records, including case records, foster care records, personnel files, corporate and fiscal records, and board minutes of the licensee. Access shall also be provided to

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personnel from other state agencies or other persons who provide inspections at the request of the department.

Sec. 6. The department shall investigate complaints to determine possible noncompliance with the rules adopted by the department. A licensee is entitled to add comments concerning a complaint to the licensing file. The department shall consider all formal complaints against a licensee before a license may be renewed.

Sec. 7. (a) Except as provided in subsections (b) and (c), the department shall exempt from licensure a child caring institution and a group home operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11) and that does not:

(1) accept for care:

(A) a child who is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1; or

(B) a child who is a child in need of services under IC 31-34-1-1 through IC 31-34-1-9; or

(2) operate a residential facility that provides child care on a twenty-four (24) hour basis for profit.

(b) The department shall adopt rules under IC 4-22-2 to govern the inspection of a child caring institution and a group home operated by a church or religious ministry with regard to sanitation.

(c) The fire prevention and building safety commission shall adopt rules under IC 4-22-2 to govern the inspection of a child caring institution and a group home operated by a church or religious ministry under this section. The rules must provide standards for fire alarms and fire drills.

(d) A child caring institution and a group home operated by a church or religious ministry under this section shall comply with the rules established by the department and the fire prevention and building safety commission under this section.

Sec. 8. (a) The department may grant a variance or waiver of a rule governing child caring institutions, foster family homes, group homes, or child placing agencies. A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The department may grant a variance to a rule if an applicant for a license or a licensee under this article does the following:

(1) Submits to the department a written request for the

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variance in the form and manner specified by the department.

(2) Documents that compliance with an alternative method of compliance approved by the department will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the department.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the department. Noncompliance constitutes the violation of a rule of the department and may be the basis for revoking the variance.

(d) The department may grant a waiver of a rule if an applicant for a license or a licensee under this article does the following:

(1) Submits to the department a written request for the waiver in the form and manner specified by the department.

(2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the department.

(3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the department after the waiver is granted, as determined by the department.

(4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the department.

(e) Except for a variance or waiver of a rule governing foster family homes, a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

Sec. 9. A waiver or variance granted under section 8 of this chapter and a waiver or variance renewed under section 10 of this chapter expires on the earliest of the following:

(1) The date when the license affected by the waiver or variance expires.

(2) The date set by the department for the expiration of the waiver or variance.

(3) The occurrence of the event set by the department for the expiration of the waiver or variance.

(4) Four (4) years after the date that the waiver or variance

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becomes effective.

Sec. 10. (a) If the department determines that a waiver or variance expiring under section 9 of this chapter will continue to serve the public interest, the department may do the following:

(1) Renew the waiver or variance without modifications.

(2) Renew and modify the waiver or variance as needed to promote statewide practices and to protect the rights of persons affected by this chapter.

(b) Before taking an action under subsection (a), the department may require a licensee under this article to do the following:

(1) Apply for the renewal of a waiver or variance on the form specified by the department.

(2) Provide the information required by the department.

(c) Except for a variance or waiver of a rule governing foster family homes, before taking an action under subsection (a), the department must obtain the approval of the fire prevention and building safety commission for the action if either of the following occurs:

(1) The fire prevention and building safety commission substantially changes a building rule or fire safety rule affected by the waiver or variance after the date the commission last approved the waiver or variance.

(2) The department substantially modifies any part of a waiver or variance that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission.

Sec. 11. (a) If a licensee under this article violates a condition of a waiver or variance under this chapter, the department may issue an order revoking the waiver or variance before the waiver or variance expires under section 9 of this chapter.

(b) If a waiver or variance is revoked under subsection (a), the licensee is entitled to notice and an opportunity for a hearing as provided under this article.

Chapter 3. Regulation of Child Caring Institutions

Sec. 1. (a) A person may not operate a child caring institution without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a child caring institution or receive children for placement in a child caring institution without a license issued under this article.

(c) A person may not operate a child caring institution if:

(1) the number of children maintained on the premises at any

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one (1) time is greater than the number authorized by the license; or

(2) the children are maintained in a building or place not designated by the license.

Sec. 2. (a) A license may be issued only if the child caring institution is in substantial compliance with food, health, safety, and sanitation standards under rules adopted by the department under IC 31-27-2-4 or in accordance with a variance or waiver approved by the department under IC 31-27-2-8.

(b) A license may be issued only if the child caring institution is in compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the department under IC 31-27-2-4 or in accordance with a variance or waiver approved by the department under IC 31-27-2-8.

(c) The department may issue a waiver or variance regarding a determination by the state fire marshal under subsection (b).

(d) Except as provided in subsection (e), the department may not issue a license under this chapter unless the child caring institution is staffed by, when children are being cared for, at least one (1) child care provider who is annually certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the department.

(e) The requirement under subsection (d) does not apply to a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age. However, a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age must have on duty, when children are being cared for, at least one (1) child care provider who is annually certified in a program on cardiopulmonary resuscitation as required by the department.

Sec. 3. (a) An applicant must apply for a child caring institution license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of

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children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the department to conduct a criminal history check.

(e) The applicant shall do the following:

(1) Conduct a criminal history check, as defined by IC 31-9-2-22.5, of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

Sec. 4. (a) A county may establish a child caring institution. The child caring institution may be operated by:

(1) the county; or

(2) a public or private agency under contract with the county; and must be operated under the rules adopted by the director under this article.

(b) This section does not affect the following:

(1) IC 31-31-1-1 or IC 31-40, requiring the county fiscal body to appropriate sufficient money to pay for services ordered by the juvenile court.

(2) IC 31-31-8, authorizing the juvenile court to establish detention and shelter care facilities.

(3) IC 12-13-5 and IC 12-19-1, requiring the division of family resources, the office, and the county departments to provide care and treatment for delinquent children and children in need of services.

Sec. 5. The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant, or a volunteer of the applicant who has direct contact with children who are under the direct supervision of the applicant, of:

(A) a felony; or

(B) a misdemeanor related to the health and safety of a child.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

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(4) A determination by the department that the applicant made false statements in the records required by the department.

Sec. 6. The department may not act on an incomplete application. The department shall return an incomplete application with a notation concerning omissions. The return of an incomplete application is without prejudice.

Sec. 7. The department shall investigate a person seeking licensure to determine whether the person is in compliance with this article and the rules adopted under this article. The investigation shall be conducted at a reasonable time and in a reasonable manner, in announced or unannounced visits. Activities may include onsite inspections, record reading, observation, and interviewing. The department may require that evidence of compliance with the rules be presented in a form and manner specified in the rules.

Sec. 8. The department shall issue a license to a person who meets all of the license requirements when an investigation shows the applicant to be in compliance under this article.

Sec. 9. A child caring institution may be eligible to receive a waiver or variance from the requirements of this chapter by complying with IC 31-27-2-8.

Sec. 10. (a) The department may grant a waiver of the sixty (60) day maximum stay for a child if the child caring institution licensed as a shelter care facility applies for the waiver before the expiration of the sixty (60) day period.

(b) The child caring institution shall document in the request for a waiver that the waiver is in the best interest of the child.

Sec. 11. (a) The department shall deny a license when an applicant fails to meet the requirements for a license.

(b) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after receiving the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after receiving the written request.

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty

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(60) days after the conclusion of a hearing.

Sec. 12. The department is responsible for investigating any premises that the department has reason to believe are being used for child care without a license in circumstances where a license is required.

Sec. 13. (a) A license for a child caring institution expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

(c) When a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

(d) A current license must be publicly displayed.

Sec. 14. (a) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the department, state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the department, state department of health, or state fire marshal approves the plan.

(b) A probationary license is valid for not more than six (6) months. The department may extend a probationary license for one (1) additional period of six (6) months.

(c) A license is invalidated when a probationary license is issued.

(d) At the expiration of a probationary license, the department shall reinstate the original license to the end of the original term of the license, issue a new license, or revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

Sec. 15. The department and the state fire marshal shall do the following:

(1) Make annual onsite inspections.

(2) Keep written records of their monitoring activities and inspections.

Sec. 16. A licensee shall cooperate with the department and the

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state fire marshal in carrying out the activities required by section 15 of this chapter, including permitting the department and the state fire marshal to conduct announced or unannounced inspections.

Sec. 17. The fire prevention and building safety commission may not adopt rules requiring the installation of a sprinkler system in a living unit of a licensed child caring institution in which fewer than sixteen (16) children reside, each of whom is:

(1) ambulatory; and

(2) at least six (6) years of age.

Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child caring institution.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the child caring institution.

(5) The parent, guardian, or custodian of the child at the child caring institution.

Sec. 19. Except as provided in section 29 of this chapter, the department shall give a licensee thirty (30) days written notice by certified mail of an enforcement action. The licensee shall also be provided with the opportunity for an informal meeting with the department. The licensee must request the meeting not more than ten (10) working days after receipt of the certified notice.

Sec. 20. (a) An administrative hearing concerning the decision of the department to impose a sanction under this chapter shall be provided upon a written request by the child caring institution. The request must be made not more than thirty (30) days after receiving notice under section 19 of this chapter. The written request must be made separately from an informal meeting request made under section 19 of this chapter.

(b) An administrative hearing shall be held not more than sixty (60) days after receiving the written request.

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Sec. 21. A hearing requested under section 20 of this chapter shall be held in accordance with IC 4-21.5-3.

Sec. 22. The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.

Sec. 23. If a license is suspended, the licensed child caring institution shall cease operation and may not display the license.

Sec. 24. To reinstate a suspended license, the following must occur:

(1) The licensee must, not more than thirty (30) days after receiving the notice of the suspension, submit a plan of corrective action to the department for approval.

(2) The plan must outline the steps and timetable for immediate correction of the violations that caused the department to suspend the license.

(3) The department must approve the plan.

Sec. 25. Following the suspension, the department shall do one (1) of the following:

(1) Reinstate the license for the term of the original license.

(2) Revoke the license.

(3) Issue a new license.

(4) Deny a reapplication.

Sec. 26. A child caring institution shall cease operation when the license of the child caring institution is revoked.

Sec. 27. (a) After a license is revoked or suspended, the department shall notify in writing each person responsible for each child in care to ensure that those children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the child caring institution has been revoked or suspended.

Sec. 28. A final decision of the department made after a hearing is subject to judicial review under IC 4-21.5-5.

Sec. 29. (a) The department shall investigate a report of a licensed child caring institution's noncompliance with this article or the rules adopted under this article if there is reasonable cause to believe that a licensee's noncompliance with this article and rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child and shall report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the institution is located.

(b) The attorney general or the department may do the

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following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child caring institution if there is reasonable cause to believe that a licensee's noncompliance with this article or the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(c) The department may require a plan of corrective action for emergency protection of the children described in subsection (b).

(d) The department may provide for the removal of children from child caring institutions described in subsection (b).

(e) An opportunity for an informal meeting with the department shall be available after the injunctive relief is ordered.

Sec. 30. A court order granted under section 29(b)(2) of this chapter expires upon the later of the following:

(1) Sixty (60) days after the order is issued.

(2) When a final department decision is issued under sections 20 through 22 of this chapter if notice of an enforcement action is issued under section 19 of this chapter.

Sec. 31. The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee, or a volunteer of the licensee who has direct contact with children who are under the direct supervision of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

Sec. 32. (a) A licensee shall operate a child caring institution in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections

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19 through 22 of this chapter, the department may impose any of the following sanctions when the department finds that a licensee has committed a violation under subsection (a):

(1) Suspend the license for not more than six (6) months.

(2) Revoke the license.

Sec. 33. (a) The department shall investigate a report of an unlicensed child caring institution and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the institution is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child caring institution if there is reasonable cause to believe that the child caring institution is operating without a license required under this article.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a child caring institution is operating without a license required under this article.

(c) An opportunity for an informal meeting with the department shall be available after the injunctive relief is ordered.

(d) The civil penalties collected under this section shall be deposited in the department of child services child care fund established by IC 31-25-1-16.

Sec. 34. A court order granted under section 33(b)(2) of this chapter expires when the child caring institution is issued a license.

Sec. 35. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

Chapter 4. Regulation of Foster Homes

Sec. 1. (a) A person may not operate a foster family home without a license issued under this article.

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

(c) A person may not operate a foster family home if:

(1) the number of children maintained on the premises at any one (1) time is greater than the number authorized by the license; or

(2) the children are maintained in a building or place not designated by the license.

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Sec. 2. (a) A person may not operate a therapeutic foster family home without a license issued under this article.

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

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

(1) all the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

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

(1) Be licensed as a foster parent under 465 IAC 2-1-1 et seq.

(2) Participate in preservice training that includes:

(A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(B) additional preservice training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training in order to be licensed as a therapeutic foster parent under this chapter.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The department may grant an exception to this subsection 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.

(g) The department shall adopt rules under IC 4-22-2 necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

Sec. 3. (a) A person may not operate a special needs foster family home without a license issued under this article.

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

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

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foster family home that meets:

(1) all the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 465 IAC 2-1-1 et seq. that includes participating in preservice training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training that includes specialized training to meet the child's specific needs.

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

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

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

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

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

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

(g) The department shall consider the specific needs of each special needs foster child whenever the department determines the appropriate number of children to place in the special needs foster home under subsection (f). The department may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

(h) The department shall adopt rules under IC 4-22-2 necessary to carry out this section, including rules governing the number of hours of training required under subsection (e).

Sec. 4. The fire prevention and building safety commission shall

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provide consultation regarding the licensure of foster family homes to the department upon request.

Sec. 5. (a) An applicant must apply for a foster family home license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) An applicant shall submit the necessary information, forms, or consents for the department to conduct a criminal history check.

(e) An applicant shall do the following:

(1) Conduct a criminal history check of:

(A) the applicant's employees and volunteers at the home, if any; and

(B) all household members who are at least eighteen (18) years of age.

Sec. 6. The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant or volunteer of the applicant who has direct contact with children who are under the direct supervision of the applicant, of any of the following:

(A) a felony; or

(B) a misdemeanor related to the health and safety of a child.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

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Sec. 7. The department may not act on an incomplete application. The department shall return an incomplete application with a notation concerning omissions. The return of an incomplete application is without prejudice.

Sec. 8. (a) An applicant may not provide supervision and care as a foster family home if more than:

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

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

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

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

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision at the facility at the same time.

(b) Not more than four (4) of the eight (8) individuals in subsection (a)(1) may be less than six (6) years of age.

(c) The department may grant an exception to this section whenever the department determines that the placement of siblings in the same foster family home is desirable.

Sec. 9. (a) An applicant may apply for a foster family home license even if the applicant will be providing care and supervision under an order of a juvenile court to a niece, nephew, sibling, or grandchild.

(b) If an applicant described in subsection (a) otherwise qualifies for a foster family home license, the department may issue a foster family home license to the applicant.

Sec. 10. The department shall investigate a person seeking licensure to determine whether the person is in compliance with this article and the rules adopted under this article. The investigation shall be conducted at a reasonable time and in a reasonable manner in announced or unannounced visits. Activities may include onsite inspections, record reading, observation, and interviewing. The department may require that evidence of compliance with the rules be presented in a form and manner specified in the rules.

Sec. 11. The department shall issue a license to a person who meets all the license requirements when an investigation shows the applicant to be in compliance under this article.

Sec. 12. A foster family home may be eligible to receive a waiver or variance from the requirements of this chapter by complying with IC 31-27-2-8.

Sec. 13. (a) The department shall deny a license when an

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applicant fails to meet the requirements for a license. The department shall deny a license to an applicant who has been convicted of any of the following felonies:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1).
(7) Aggravated battery (IC 35-42-2-1.5).
(8) Kidnapping (IC 35-42-3-2).
(9) Criminal confinement (IC 35-42-3-3).
(10) A felony sex offense under IC 35-42-4.
(11) Carjacking (IC 35-42-5-2).
(12) Arson (IC 35-43-1-1).
(13) Incest (IC 35-46-1-3).
(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(15) Child selling (IC 35-46-1-4(d)).
(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
(17) A felony relating to controlled substances under IC 35-48-4.
(18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

The department may deny a license to an applicant who has been convicted of a felony that is not listed in this subsection.

(b) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after receiving the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after receiving a written request.

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty

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(60) days after the conclusion of a hearing.

Sec. 14. (a) The department may delegate the investigation of foster family homes to a licensed child placing agency. The child placing agency is responsible for completing a foster family home licensing study that shows substantial compliance with foster family home rules and is the basis of a recommendation for licensure to the department.

(b) The department shall:

(1) issue the license; or

(2) notify the child placing agency if a license is not issued, giving the reasons for the denial.

(c) After licensure the child placing agency shall supervise and monitor the foster family home in relation to the rules for licensure and shall recommend subsequent licensing and enforcement actions.

Sec. 15. The department shall investigate any premises that the department has reason to believe are being used for child care without a license in circumstances where a license is required.

Sec. 16. (a) A license for a foster family home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

(c) A foster family home shall have the foster family home's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

Sec. 17. (a) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the department to correct the areas of noncompliance within the probationary period; and

(3) the department approves the plan.

(b) A probationary license is valid for not more than six (6) months. The department may extend a probationary license for one (1) additional period of six (6) months.

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(c) An existing license is invalidated when a probationary license is issued.

(d) At the expiration of a probationary license, the department shall reinstate the original license to the end of the original term of the license, issue a new license, or revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

Sec. 18. The department may conduct an inspection of a foster family home for the sole purpose of inquiry into matters as stated in the rules, including those directly affecting the health, safety, treatment, and general well-being of the children protected under this article.

Sec. 19. The department shall keep written records of the department's monitoring activities and onsite inspections.

Sec. 20. The licensee shall cooperate with the department in carrying out the activities required by sections 18 through 19 of this chapter, including permitting the department to conduct announced or unannounced inspections.

Sec. 21. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the foster family home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the foster family home.

(5) The parent, guardian, or custodian of the child at the foster family home.

Sec. 22. The department shall give a licensee thirty (30) days written notice by certified mail of an enforcement action. The licensee shall also be provided with the opportunity for an informal meeting with the department. The licensee must request the meeting not more than ten (10) working days after receipt of the certified notice.

Sec. 23. (a) An administrative hearing concerning the decision

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of the department to impose a sanction under this chapter shall be provided upon a written request by the licensee. The request must be made not more than thirty (30) calendar days after the licensee receives notice under section 22 of this chapter. The written request must be made separately from an informal meeting request made under section 22 of this chapter.

(b) An administrative hearing shall be held not more than sixty (60) days after the department receives a written request under subsection (a).

Sec. 24. A hearing requested under section 23 of this chapter shall be held in accordance with IC 4-21.5-3.

Sec. 25. The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.

Sec. 26. If a licensed foster family home's license is suspended, the foster family home shall cease operation.

Sec. 27. To reinstate a suspended license, the following must occur:

(1) The licensee must, not more than thirty (30) days after receiving notice of the suspension, submit a plan of corrective action to the department for approval.

(2) The plan must outline the steps and timetable for immediate correction of the violations that caused the department to suspend the license.

(3) The department must approve the plan.

Sec. 28. Following the suspension of a license, the department shall do one (1) of the following:

(1) Reinstate the license for the term of the original license.

(2) Revoke the license.

(3) Issue a new license.

(4) Deny a reapplication.

Sec. 29. A foster family home shall cease operation when the license of the foster family home is revoked.

Sec. 30. (a) After the license of a foster family home is revoked or suspended, the department shall notify in writing each person responsible for each child in care, to ensure that the children are removed from the foster family home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the foster family home has been revoked or suspended.

Sec. 31. A final decision of the department made after a hearing is subject to judicial review under IC 4-21.5-5.

Sec. 32. The following constitute sufficient grounds for

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revocation of a license:

(1) A determination by the department of child abuse or neglect by the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee, or a volunteer of the licensee who has direct contact with children who are under the direct supervision of the applicant, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

Sec. 33. (a) A licensee shall operate a foster family home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 22 through 25 of this chapter, the department may impose the following sanctions when the department finds that a licensee has committed a violation under subsection (a):

(1) Suspend the license of the licensee for not more than six (6) months.

(2) Revoke the license of the licensee.

However, the department shall permanently revoke the license of a licensee who has been convicted of any of the felonies described in section 13(a)(1) through 13(a)(19) of this chapter. The department may permanently revoke the license of a person who has been convicted of a felony that is not described in section 13(a)(1) through 13(a)(19) of this chapter.

Sec. 34. (a) The department shall investigate a report of an unlicensed foster family home and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the foster family home is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief.

(3) Seek in a civil action a civil penalty not to exceed one

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hundred dollars ($100) a day for each day a foster family home is operating without a license required under this article.

(c) The civil penalties collected under this section shall be deposited in the department of child services child care fund established by IC 31-25-1-16.

Sec. 35. (a) A licensee must immediately contact the department if:

(1) a foster child less than sixteen (16) years of age, while living in a foster home, engages in or is the victim of sexual contact (as defined in IC 25-1-9-3.5);

(2) a foster child, while living in a foster home, is:

(A) charged with or adjudicated as having committed an act that would be a crime under IC 35-42-4 if committed by an adult;

(B) charged with or convicted of an offense under IC 35-42-4; or

(C) the victim of an offense under IC 35-42-4; or

(3) the licensee learns that a foster child has, before placement with the licensee, engaged in or been the victim of an act described in subdivision (1) or (2).

(b) The information provided to the department under subsection (a) must include:

(1) the name of the child;

(2) the date of the occurrence of the act if it can be determined;

(3) a description of the act;

(4) the name of the responding law enforcement agency if a law enforcement agency is contacted; and

(5) any other information the licensee determines is relevant.

(c) Notwithstanding any other law, the department shall provide information described in subsection (b)(1) through (b)(4), whether received from a licensee or another reliable source, to:

(1) a prospective licensee before the placement of the foster child with that licensee; and

(2) each licensee with whom the foster child has previously been placed.

(d) The notification requirements of subsection (c) apply to a foster child who has:

(1) engaged in sexual contact (as defined in IC 25-1-9-3.5) if the foster child is less than sixteen (16) years of age;

(2) been charged with or adjudicated as having committed an

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act that would be a crime under IC 35-42-4 if committed by an adult; or

(3) been charged with or convicted of an offense under IC 35-42-4.

Sec. 36. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

Chapter 5. Regulation of Group Homes

Sec. 1. (a) A person may not operate a group home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a group home without a license issued under this article.

(c) A person may not operate a group home if:

(1) the number of children maintained on the premises at any one (1) time is greater than the number authorized by the license; or

(2) the children are maintained in a building or place not designated by the license.

Sec. 2. (a) A license may be issued only if the group home is in substantial compliance with food, health, safety, and sanitation standards as determined under rules adopted by the department under IC 31-27-2-4 or in accordance with a variance or waiver approved by the department under IC 31-27-2-8.

(b) A license may be issued only if the group home is in compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the department under IC 31-27-2-4 or in accordance with a variance or waiver approved by the department under IC 31-27-2-8.

(c) The department may issue a waiver or variance regarding a determination by the state fire marshal or the department under subsections (a) and (b).

Sec. 3. (a) This section applies to:

(1) a restriction;

(2) a reservation;

(3) a condition;

(4) an exception; or

(5) a covenant;

that is created after June 30, 1990, in a subdivision plat, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property.

(b) This section applies to a group home that houses:

(1) not more than ten (10) children; and

(2) only children who are judicially determined to be either:

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(A) children in need of services under IC 31-34-1 (or IC 31-6-4-3 or IC 31-6-4-3.1 before their repeal); or

(B) children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5 (or IC 31-6-4-1(a)(2), IC 31-6-4-1(a)(3), or IC 31-6-4-1(a)(5) before their repeal).

(c) A restriction, a reservation, a condition, an exception, or a covenant in a subdivision plat, deed, or other instrument of or pertaining to the:

(1) transfer;

(2) sale;

(3) lease; or

(4) use;

of property that would permit the residential use of property but prohibit the use of that property as a group home is, to the extent of the prohibition, void for public policy reasons.

(d) The prohibition described in subsection (c) is void even if the prohibition is based on any of the following grounds:

(1) The group home is a business.

(2) The persons residing in the group home are not related.

(3) Any other reason.

Sec. 4. (a) An applicant must apply for a group home license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the department to conduct a criminal history check.

(e) An applicant shall do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

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Sec. 5. (a) A county may establish a child group home. The group home may be operated by:

(1) the county; or

(2) a public or private agency under contract with the county; and must be operated under the rules adopted by the director under this article.

(b) This section does not affect the following:

(1) IC 31-31-1-1 or IC 31-40, requiring the county fiscal body to appropriate sufficient money to pay for services ordered by the juvenile court.

(2) IC 31-31-8, authorizing the juvenile court to establish detention and shelter care facilities.

(3) IC 12-13-5 and IC 12-19-1, requiring the department and the county office to provide care and treatment for delinquent children and children in need of services.

Sec. 6. The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant, or a volunteer of the applicant who has direct contact with children who are under the direct supervision of the applicant, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

Sec. 7. The department may not act on an incomplete application. The department shall return an incomplete application with a notation concerning omissions. The return of an incomplete application is without prejudice.

Sec. 8. The department shall investigate a person seeking licensure to determine whether the person is in compliance with this article and the rules adopted under this article. The investigation shall be conducted at a reasonable time and in a reasonable manner in announced or unannounced visits. Activities may include onsite inspections, record reading, observation, and

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interviewing. The department may require that evidence of compliance with the rules be presented in a form and manner specified in the rules.

Sec. 9. The department shall issue a license to a person who meets all of the license requirements when an investigation shows the applicant to be in compliance under this article.

Sec. 10. A group home may be eligible to receive a waiver or variance from the requirements of this chapter by complying with IC 31-27-2-8.

Sec. 11. (a) The department may grant a waiver of the sixty (60) day maximum stay for a child if the group home licensed as a shelter care facility applies for the waiver before the expiration of the sixty (60) day period.

(b) The group home shall document in the request for a waiver that the waiver is in the best interest of the child.

Sec. 12. (a) The department shall deny a license when an applicant fails to meet the requirements for a license.

(b) The department shall send the applicant written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after the applicant receives the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after the department receives a written request under subsection (c).

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing under this section.

Sec. 13. The department shall investigate any premises that the department has reason to believe are being used for child care without a license in circumstances where a license is required.

Sec. 14. (a) A license for a group home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

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(c) A current license shall be publicly displayed.

(d) If a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

Sec. 15. (a) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;

(2) the licensee files a plan with the department, the state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the department, the state department of health, or the state fire marshal approves the plan.

(b) A probationary license is valid for not more than six (6) months. The department may extend a probationary license for one (1) additional period of six (6) months.

(c) A licensee's existing license is invalidated when a probationary license is issued to the licensee.

(d) At the expiration of a probationary license, the department shall reinstate the original license to the end of the original license's term, issue a new license, or revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

Sec. 16. The department and the state fire marshal shall do the following:

(1) Make annual onsite inspections.

(2) Keep written records of the monitoring activities and inspections.

Sec. 17. A licensee shall cooperate with the department and the state fire marshal in carrying out the activities required by section 16 of this chapter, including permitting the department and the state fire marshal to conduct announced or unannounced inspections.

Sec. 18. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department, upon request, the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and

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facts learned about children:

(1) A state agency involved in the licensing of the group home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the group home.

(5) The parent, guardian, or custodian of the child at the group home.

Sec. 19. Except as provided in section 29 of this chapter, the department shall give a licensee thirty (30) days written notice by certified mail of an enforcement action. The licensee shall also be provided with the opportunity for an informal meeting with the department. The licensee must request the meeting not more than ten (10) working days after receipt of the certified notice.

Sec. 20. (a) An administrative hearing concerning the decision of the department to impose a sanction under this chapter shall be provided upon a written request by the licensee. The request must be made not more than thirty (30) days after the licensee receives notice under section 19 of this chapter. The written request must be made separately from an informal meeting request made under section 19 of this chapter.

(b) An administrative hearing shall be held not more than sixty (60) days after the department receives a written request under subsection (a).

Sec. 21. A hearing requested under section 20 of this chapter shall be held under IC 4-21.5-3.

Sec. 22. The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing under section 20 of the chapter.

Sec. 23. If a licensed group home's license is suspended, the group home shall cease operation and may not display the license.

Sec. 24. To reinstate a suspended license, the following must occur:

(1) The licensee must, not more than thirty (30) days after receiving notice of the suspension, submit a plan of corrective action to the department for approval.

(2) The plan must outline the steps and timetable for immediate correction of the violations that caused the department to suspend the license.

(3) The department must approve the plan.

Sec. 25. Following the suspension of a license, the department shall do one (1) of the following:

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(1) Reinstate the license for the term of the original license.
(2) Revoke the license.
(3) Issue a new license.
(4) Deny a reapplication.

Sec. 26. A group home shall cease operation when the license of the group home is revoked.

Sec. 27. (a) After the license of a group home is revoked or suspended, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the group home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the group home has been revoked or suspended.

Sec. 28. A final decision of the department made after a hearing is subject to judicial review under IC 4-21.5-5.

Sec. 29. (a) The department shall investigate a report of a licensed group home's noncompliance with this article and the rules adopted under this article if there is reasonable cause to believe that noncompliance with this article and rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child. The department shall report its findings to the attorney general and to the county office and the prosecuting attorney in the county where the group home is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a group home if there is reasonable cause to believe that the group home's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(c) The department may require a plan of corrective action for emergency protection of children described in subsection (b).

(d) The department may provide for the removal of children from a group home described in subsection (b).

(e) An opportunity for an informal meeting with the department shall be available after injunctive relief is ordered under subsection (b)(2).

Sec. 30. A court order granted under section 29(b)(2) of this

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chapter expires upon the later of the following:

(1) Sixty (60) days after the order is issued.

(2) When a final departmental decision is issued under sections 20 through 22 of this chapter if notice of an enforcement action is issued under section 19 of this chapter.

Sec. 31. The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee, or a volunteer of the licensee who has direct contact with children who are under the direct supervision of the licensee, for any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

Sec. 32. (a) A licensee shall operate a group home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through 22 of this chapter, the department may impose any of the following sanctions when the department finds that a licensee has committed a violation under subsection (a):

(1) Suspend the license of the licensee for not more than six (6) months.

(2) Revoke the license of the licensee.

Sec. 33. (a) The department shall investigate a report of an unlicensed group home and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the group home is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a group home if there is reasonable cause to believe that the

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group home is operating without a license required under this article.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a group home is operating without a license required under this article.

(c) An opportunity for an informal meeting with the department shall be available after injunctive relief is ordered under subsection (b)(2).

(d) The civil penalties collected under this section shall be deposited in the department of child services child care fund established by IC 31-25-1-16.

Sec. 34. A court order granted under section 33(b)(2) of this chapter expires when the group home is issued a license.

Sec. 35. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

Chapter 6. Regulation of Child Placing Agencies

Sec. 1. (a) A person may not operate a child placing agency without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a child placing agency without a license issued under this chapter.

(c) A child placing agency may not operate a foster family home if:

(1) the number of children maintained on the premises at any one (1) time is greater than the number authorized by the license; or

(2) the children are maintained in a building or place not designated by the license.

Sec. 2. (a) An applicant must apply for a child placing agency license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant shall submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

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during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the department to conduct a criminal history check.

(e) An applicant shall do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

Sec. 3. The following constitute sufficient grounds for denial of a license application:

(1) A determination by the department of child abuse or neglect by the applicant.

(2) A criminal conviction of the licensee, an employee of the licensee, or a volunteer of the licensee who has direct contact with children who are under the direct supervision of the licensee, for any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

Sec. 4. The department may not act on an incomplete application. The department shall return an incomplete application with a notation concerning omissions. The return of an incomplete application is without prejudice.

Sec. 5. The department shall investigate a person seeking licensure to determine whether the person is in compliance with this article and the rules adopted under this article. The investigation shall be conducted at a reasonable time and in a reasonable manner in announced or unannounced visits. Activities may include onsite inspections, record reading, observation, and interviewing. The department may require that evidence of compliance with the rules adopted under this article be presented in a form and manner specified in the rules.

Sec. 6. The department shall issue a license to a person who meets all of the license requirements when an investigation shows the applicant to be in compliance under this article.

Sec. 7. A child placing agency may be eligible to receive a waiver or variance from the requirements of this chapter by complying

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with IC 31-27-2-8.

Sec. 8. (a) The department shall deny a license when an applicant fails to meet the requirements for a license.

(b) If the department denies an applicant a license under subsection (a), the department shall send the applicant written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after the applicant receives the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after the department receives a written request under subsection (c).

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing under this section.

Sec. 9. The department is responsible for investigating any premises that the department has reason to believe are being used for child care without a license in circumstances where a license is required.

Sec. 10. (a) A license for a child placing agency expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

(c) A child placing agency shall have the child placing agency's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

Sec. 11. (a) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;

(2) the licensee files a plan with the department to correct the

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areas of noncompliance within the probationary period; and

(3) the department approves the plan.

(b) A probationary license is valid for not more than six (6) months. The department may extend a probationary license for one (1) additional period of six (6) months.

(c) A licensee's existing license is invalidated when a probationary license is issued to the licensee.

(d) At the expiration of a probationary license, the department shall reinstate the original license to the end of the original license's term, issue a new license, or revoke the original license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

Sec. 12. The department may conduct an inspection of a child placing agency for the sole purpose of inquiry into matters as stated in the rules, including those directly affecting the health, safety, treatment, and general well-being of the children protected under this article.

Sec. 13. The department shall keep written records of the department's monitoring activities and onsite inspections.

Sec. 14. The licensee shall cooperate with the department in carrying out the activities required by sections 12 through 13 of this chapter, including permitting the department to conduct announced or unannounced inspections.

Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child placing agency.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

Sec. 16. The department shall give a licensee thirty (30) days written notice by certified mail of an enforcement action. The licensee shall also be provided with the opportunity for an informal meeting with the department. The licensee must request the meeting not more than ten (10) working days after receipt of the certified notice.

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Sec. 17. (a) An administrative hearing concerning the decision of the department to impose a sanction under this chapter shall be provided upon a written request by the licensee. The request must be made not more than thirty (30) days after the licensee receives notice under section 16 of this chapter. The written request must be made separately from an informal meeting request made under section 16 of this chapter.

(b) An administrative hearing shall be held not more than sixty (60) days after the department receives a written request under subsection (a).

Sec. 18. A hearing requested under section 17 of this chapter shall be held in accordance with IC 4-21.5-3.

Sec. 19. The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing under section 17 of this chapter.

Sec. 20. If a licensed child placing agency's license is suspended, the child placing agency shall cease operation.

Sec. 21. To reinstate a suspended license, the following must occur:

(1) The licensee must, within thirty (30) days after receiving notice of the suspension, submit a plan of corrective action to the department for approval.

(2) The plan must outline the steps and timetable for immediate correction of the violations that caused the department to suspend the license.

(3) The department must approve the plan.

Sec. 22. Following the suspension of a license, the department shall do one (1) of the following:

(1) Reinstate the license for the term of the original license.

(2) Revoke the license.

(3) Issue a new license.

(4) Deny a reapplication.

Sec. 23. A child placing agency shall cease operation when the license of the child placing agency is revoked.

Sec. 24. (a) After the license of a child placing agency is revoked or suspended, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the child placing agency.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the child placing agency has been revoked or suspended.

Sec. 25. A final decision of the department made after a hearing

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is subject to judicial review under IC 4-21.5-5.

Sec. 26. (a) The department shall investigate a report of a licensed child placing agency's noncompliance with this article and the rules adopted under this article if there is reasonable cause to believe that a licensee's noncompliance with this article and rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the child placing agency is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child placing agency if there is reasonable cause to believe that a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(c) The department may require a plan of corrective action for emergency protection of the children described in subsection (b).

(d) An opportunity for an informal meeting with the department shall be available after injunctive relief is ordered under subsection (b)(2).

Sec. 27. A court order granted under section 26(b)(2) of this chapter expires upon the later of the following:

(1) Sixty (60) days after the order is issued.

(2) When a final department decision is issued under sections 16 through 19 of this chapter if notice of an enforcement action is issued under section 16 of this chapter.

Sec. 28. The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee, or a volunteer of the licensee who has direct contact with children who are under the direct supervision of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

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(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

Sec. 29. (a) A licensee shall operate a child placing agency in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 16 through 19 of this chapter, the department may impose any of the following sanctions when the department finds that a licensee has committed a violation under subsection (a):

(1) Suspend the license of the licensee for not more than six (6) months.

(2) Revoke the license of the licensee.

Sec. 30. (a) The department shall investigate a report of an unlicensed child placing agency and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the child placing agency is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child placing agency if there is reasonable cause to believe that the child placing agency is operating without a license required under this article.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a child placing agency is operating without a license required under this article.

(c) An opportunity for an informal meeting with the department shall be available after injunctive relief is ordered under subsection (b)(2).

(d) The civil penalties collected under this section shall be deposited in the department of child services child care fund, established by IC 31-25-1-16.

Sec. 31. A court order granted under section 30(b)(2) of this chapter expires when the child placing agency is issued a license.

Sec. 32. A person who knowingly or intentionally violates this

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chapter commits a Class B misdemeanor.

SECTION 274. IC 31-28 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 28. CHILD SERVICES: FOSTER CARE AND PLACEMENT OF CHILDREN

Chapter 1. Health Summary Records of Children Receiving Foster Care

Sec. 1. This chapter applies to children who receive foster care that is funded by the department or a county office.

Sec. 2. As used in this chapter, "provider" has the meaning set forth in IC 16-39-7-1.

Sec. 3. The county office of the county in which a foster child resides shall maintain a health summary record for the foster child. The provider that has provided ongoing care to the child shall complete the record. The record must include the following:

(1) A summary of health care provided to the child.

(2) Recommendations for future health care needs of the child.

Sec. 4. The county office shall obtain the record from the provider required under section 3 of this chapter when the child:

(1) is placed in foster care; and

(2) is returned to the natural parents, adopted, or placed in another permanent plan.

Sec. 5. The department shall provide the necessary forms to each provider to carry out the purposes of this chapter.

Chapter 2. Medical Records of Children Receiving Foster Care

Sec. 1. This chapter applies to children who receive foster care that is funded by the department or a county office.

Sec. 2. (a) If medical care is provided to a child who receives foster care, the person who has custody of the child shall inform the provider that the provider is required to file a copy of:

(1) the form provided under IC 31-28-3; and

(2) the child's medical treatment record for the medical care; with the county office in which the child resides.

(b) The provider shall file the form and record with the county office.

Sec. 3. The county office shall maintain the medical treatment records filed under section 2 of this chapter.

Sec. 4. The county office shall provide a copy of the medical treatment records filed under section 2 of this chapter to the person who provides foster care to a child.

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Chapter 3. Medical Passport Program for Child Receiving Foster Care

Sec. 1. This chapter applies to children who receive foster care that is funded by the department or a county office.

Sec. 2. The department shall establish a medical passport program for children who receive foster care. Under the program, the department shall do the following:

(1) Maintain a record of medical care provided to a foster child.

(2) Facilitate a provider in providing appropriate care to a foster child.

(3) Allow foster parents to authorize routine and emergency medical care to a foster child.

(4) Provide forms for a provider to submit to the county office under IC 31-28-2.

Sec. 3. (a) The county office shall issue the medical passport to a foster child when the child is placed in foster care. The passport must remain with the child until the child is:

(1) returned to the natural parents;

(2) adopted; or

(3) placed in another permanent plan.

(b) When a child is placed under subsection (a)(1), (a)(2), or (a)(3), the medical passport shall be returned to the county office that issued the passport.

Sec. 4. The director of the department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

Chapter 4. Interstate Compact on the Placement of Children

Sec. 1. The interstate compact on the placement of children is enacted into law under this chapter and entered into with all other jurisdictions legally joining the compact in the form substantially as follows:

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with a person or an institution having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with

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applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before the placement is made.

(d) Appropriate jurisdictional arrangements for the care of children must be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(b) "Sending agency" means:

(1) a party state or a party state's officer or employee;

(2) a subdivision of a party state or the subdivision's officer or employee;

(3) a court of a party state;

(4) a person;

(5) a corporation;

(6) an association;

(7) a charitable agency; or

(8) any other entity;

that sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include an institution caring for the mentally ill, mentally defective, or epileptic or any institution primarily educational in character, and a hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

(a) A sending agency may not send, bring, or cause to be sent or brought into any other party state a child for placement in foster care or as a preliminary to a possible adoption unless the sending agency complies with each requirement under article III and with the receiving state's laws governing the placement of children.

(b) Before sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a

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preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain the following:

(1) The child's name, place, and date of birth.

(2) The identity and address or addresses of the child's parents or legal guardian.

(3) The name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for the proposed action and evidence of the authority under which the placement is proposed to be made.

(c) A public officer or agency in a receiving state that receives a notice under paragraph (b) of article III is entitled, upon request, to receive additional information necessary to carry out the purpose and policy of this compact from the sending agency or any other appropriate officer or agency of or in the sending agency's state.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which the sending agency sends or brings the child and of the receiving state. The violation may be punished or penalized by the laws of either jurisdiction. In addition to liability for any punishment or penalty, any violation shall constitute full and sufficient grounds for the suspension or revocation of a license, permit, or other legal authorization held by the sending agency which empowers or allows the sending agency to place or care for children.

ARTICLE V. RETENTION OF JURISDICTION

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters relating to the custody, supervision, care, treatment and disposition of the child, which the sending agency would have had if the child had remained in the

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sending agency's state, until the child is adopted, reaches majority, becomes self-supporting, or is discharged with the concurrence of the appropriate authority in the receiving state. The jurisdiction shall also include the power to effect or cause the child's return or transfer to another location and custody as provided by law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of placement. Nothing contained in this compact shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed within the receiving state.

(b) When a sending agency is a public agency, the sending agency may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one (1) or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state. This compact does not prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a).

ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction under this compact, but no placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard prior to the child being sent to the other party jurisdiction for institutional care and the court finds that:

(1) equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in the general coordinator's jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations

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to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. LIMITATIONS

This compact does not apply to:

(a) The sending or bringing of a child into a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending, or bringing of a child into a receiving state under any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between the states which has the force of law.

ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. This compact shall become effective with respect to any jurisdiction when the jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two (2) years after the effective date of the statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, and obligations under this compact of any sending agency with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the compact's purposes. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

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Sec. 2. Financial responsibility for a child placed under the provisions of the interstate compact on the placement of children shall be determined in accordance with Article V. However, for the partial or complete default of performance, the provisions of IC 31-2-1 (before its repeal), IC 31-1.5 (before its repeal), IC 31-18, IC 12-14-22-9, and IC 12-14-22-10 also may be invoked. In any appropriate case, financial support or contribution may be obtained by an appropriate agency in Indiana under IC 31-40 to aid in the discharge of the financial obligations of a sending agency that has placed a child in another state under the compact.

Sec. 3. The "appropriate public authorities" as used in Article III of the interstate compact on the placement of children (section 1 of this chapter), with reference to this state, means the department, and the department shall receive and act with reference to notices required by Article III.

Sec. 4. As used in paragraph (a) of Article V of the interstate compact on the placement of children (section 1 of this chapter), the phrase "appropriate authority in the receiving state" with reference to this state means the department.

Sec. 5. The officers and agencies of this state and the subdivisions of this state having authority to place children may enter into agreements with appropriate officers or agencies of or in other party states under paragraph (b) of Article V of the interstate compact on the placement of children (section 1 of this chapter). An agreement that contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency of this state is not binding unless the agreement has the approval in writing of the auditor of state in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

Sec. 6. A requirement for visitation, inspection, or supervision of children, homes, institutions, or other agencies in another party state that apply under the provisions of IC 31-27 is considered to be met if performed under an agreement entered into by appropriate officers or agencies of this state or a subdivision of this state as contemplated by paragraph (b) of Article V of the interstate compact on the placement of children (section 1 of this chapter).

Sec. 7. A court having jurisdiction to place delinquent children may place the delinquent child in an institution in another state under Article VI of the interstate compact on the placement of children (section 1 of this chapter) and shall retain jurisdiction as

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provided in Article V.

Sec. 8. As used in Article VII of the interstate compact on the placement of children (section 1 of this chapter), the term "executive head" means the governor. The governor may appoint a compact administrator in accordance with the terms of Article VII.

SECTION 275. IC 31-30-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Subject to subsections (b) and (c), this article does not prohibit a probate court from exercising its jurisdiction over guardianship of a person who is less than eighteen (18) years of age.

(b) If allegations in the petition for guardianship or allegations produced at guardianship proceedings indicate that the person for whom the guardianship is requested meets the definition of a child in need of services under IC 31-34-1, the probate court on its own motion or at the request of a party shall:

(1) send the petition for guardianship or the record of guardianship proceedings, or both, to the prosecuting attorney or the attorney for the ~~county office of family and children,~~ **department of child services;** and

(2) direct the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department of child services** to initiate an investigation and proceedings in the juvenile court to determine whether the person for whom the guardianship is requested is a child in need of services.

(c) The probate court retains jurisdiction over the matter until the juvenile court authorizes the filing of a petition under IC 31-34-9.

SECTION 276. IC 31-31-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Juvenile detention facilities shall be operated in accordance with rules adopted by the department of correction.

(b) Shelter care facilities shall be operated in accordance with rules adopted by the ~~division of family and children~~ **department of child services** under ~~IC 12-17-4 and IC 12-17.4.~~ **IC 31-27.**

SECTION 277. IC 31-31-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The juvenile detention center shall be operated in accordance with rules adopted by the department of correction.

(b) The ~~division of family and children~~ **department of child services** shall make an annual inspection of the center and report to the advisory board whether the center meets the requirements established by the state department of health for temporary detention centers. Any

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noncompliance with those requirements must be stated in writing to the advisory board.

SECTION 278. IC 31-32-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Upon a juvenile court's motion or upon the motion of a child's parent, guardian, custodian, or guardian ad litem, a probation officer, a caseworker, the prosecuting attorney, the attorney for the ~~county office of family and children,~~ **department of child services,** or any person providing services to the child or the child's parent, guardian, or custodian, the juvenile court may issue an order:

(1) to control the conduct of any person in relation to the child;

(2) to provide a child with an examination or treatment under IC 31-32-12; or

(3) to prevent a child from leaving the court's jurisdiction.

SECTION 279. IC 31-33-4-2, AS AMENDED BY P.L.234-2005, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The local plan must describe the ~~department's~~ implementation of this article **in the county by the department and the county office,** including the following:

(1) Organization.

(2) Staffing.

(3) Mode of operations.

(4) Financing of the child protection services.

(5) The provisions made for the purchase of service and interagency relations.

SECTION 280. IC 31-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Not later than sixty (60) days after receiving the plan, the director shall certify whether the local plan fulfills the purposes and meets the requirements of this article.

(b) If the director certifies that the local plan does not fulfill the purposes and meet the requirements of this article, the director **shall:**

(1) ~~shall~~ state the reasons for the decision; ~~and~~

~~(2) may withhold state reimbursement for any part of the county office of family and children's activities relating to this article.~~

(2) make revisions to the plan that the director determines are necessary to meet the requirements and fulfill the purposes of this article; and

(3) approve and certify the revised plan as the local plan required by this chapter.

SECTION 281. IC 31-33-10-3, AS AMENDED BY P.L.234-2005, SECTION 132, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: Sec. 3. All photographs taken and a summary of x-rays and other medical care shall be sent to the department and, upon request, to a law enforcement agency that investigates the alleged child abuse or neglect, at the time the written report is sent or as soon thereafter as possible. The department shall give notice of the existence of photographs, x-rays, and physical medical examination reports in accordance with ~~IC 31-33-2-4.~~ **IC 31-25-2-12.**

SECTION 282. IC 31-33-17-6, AS AMENDED BY P.L.234-2005, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

(1) A law enforcement agency or the ~~department~~ **division of family resources** may have access to a substantiated report.

(2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

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(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) The ~~department~~ **division of family resources** may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The ~~department~~ **division** may not disclose information used in connection with the ~~department's~~ **division's** activities under this subdivision.

SECTION 283. IC 31-33-18-1, AS AMENDED BY P.L.234-2005, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in section

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1.5 of this chapter, the following are confidential:

(1) Reports made under this article (or IC 31-6-11 before its repeal).

(2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:

(A) the division of family resources;

(B) the county office; ~~of family and children;~~ or

(C) the department.

(b) Except as provided in section 1.5 of this chapter, all records held by:

(1) the division of family resources;

(2) a county office; ~~of family and children;~~

(3) the department;

(4) a local child fatality review team established under ~~IC 12-13-15;~~ **IC 31-33-24;** or

(5) the statewide child fatality review committee established under ~~IC 12-13-15.1-6;~~ **IC 31-33-25;**

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 284. IC 31-33-18-1.5, AS AMENDED BY P.L.234-2005, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) This section applies to records held by:

(1) the division of family resources;

(2) a county office; ~~of family and children;~~

(3) the department;

(4) a local child fatality review team established under ~~IC 12-13-15;~~ **IC 31-33-24;** or

(5) the statewide child fatality review committee established under ~~IC 12-13-15.1-6;~~ **IC 31-33-25;**

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

(1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or

(2) a prosecuting attorney files:

(A) an indictment or information; or

(B) a complaint alleging the commission of a delinquent act;

that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of

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abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

(1) "identifying information" means information that identifies an individual, including an individual's:

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (c)(1)(B)

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through (c)(1)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

(g) The court shall disclose the record redacted in accordance with subsection (f) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

(h) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 285. IC 31-33-18-2, AS AMENDED BY P.L.234-2005, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is

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responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the ~~division of family resources,~~ **department,** a caseworker, or a juvenile probation officer conducting a criminal history check under ~~IC 12-14-25.5-3,~~

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IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under ~~IC 12-13-15-6.~~ **IC 31-33-24-6.**

(17) The statewide child fatality review committee established by ~~IC 12-13-15.1-6.~~ **IC 31-33-25-6.**

(18) The department.

SECTION 286. IC 31-33-23 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 23. Report to the General Assembly

Sec. 1. The department shall prepare in an electronic format under IC 5-14-6 for the general assembly a report regarding the department's management of child abuse and neglect cases.

Sec. 2. The report under section 1 of this chapter must include a description of the following:

(1) The work of child welfare caseworkers, supervisors, and directors.

(2) Investigations based on telephone reports of child abuse or neglect.

(3) Referrals to necessary services arising out of child abuse and neglect reports.

(4) The department's family preservation efforts.

Sec. 3. The department shall submit the report in an electronic format under IC 5-14-6 to the general assembly not later than November 1 of each year.

SECTION 287. IC 31-33-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 24. Child Fatality Review Teams

Sec. 1. As used in this chapter, "child" means an individual less than sixteen (16) years of age.

Sec. 2. As used in this chapter, "emergency medical services" means the provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order

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to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under this chapter.

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

(1) A registered nurse or licensed practical nurse licensed under IC 25-23.

(2) A clinical social worker licensed under IC 25-23.6-5.

(3) A marriage and family therapist licensed under IC 25-23.6-8.

(4) A psychologist licensed under IC 25-33.

(5) A school psychologist licensed by the Indiana state board of education.

(6) An individual who claims to be a mental health provider.

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by IC 31-33-25-6.

Sec. 6. (a) A county may establish a county child fatality review team to review the death of a child that is:

(1) sudden;

(2) unexpected; or

(3) unexplained.

(b) The legislative body of a county (as defined in IC 36-1-2-9) must determine by majority vote whether the county will establish a local child fatality review team.

(c) If a county elects not to establish a county child fatality review team, the county may join with one (1) or more other counties that have not established a county child fatality review team and form a regional child fatality review team.

(d) To establish a regional child fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional child fatality review team.

Sec. 7. (a) A child fatality review consists of determining:

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

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Sec. 8. A local child fatality review team may request that the statewide child fatality review committee make a fatality review of a child from the area served by the local child fatality review team if a majority of the members of a local child fatality review team vote to make the request.

Sec. 9. (a) A local child fatality review team consists of the following members:

(1) A coroner or deputy coroner from the area served by the local child fatality review team.

(2) A representative from:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

from the area served by the local child fatality review team.

(3) A physician residing or practicing medicine in the area served by the local child fatality review team.

(4) A representative of law enforcement from the area served by the local child fatality review team.

(5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.

(6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.

(7) A representative of the prosecuting attorney from the area served by the local child fatality review team.

(8) A pathologist with forensic experience who is licensed to practice medicine in Indiana.

(9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.

(b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 6 of this chapter shall:

(1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinance adopted.

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(c) If a local child fatality review team is established in a region, the county legislative bodies that voted to establish the local child fatality review team under section 6 of this chapter shall:

(1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinances adopted.

Sec. 10. A local child fatality review team may have additional members from the following categories:

(1) A representative of a hospital located in the county or region served by the local child fatality review team.

(2) A mental health provider providing services in the county or region served by the local child fatality review team.

(3) A representative from a juvenile or probate court in the county or region served by the local child fatality review team.

(4) Other representatives requested to serve by the members of the local child fatality review team.

Sec. 11. (a) Any member of a local child fatality review team may serve as chairperson. The chairperson shall be elected by the members of the local child fatality review team at the first meeting of the local child fatality review team.

(b) The local child fatality review team shall meet at the call of the chairperson.

(c) The local child fatality review team chairperson shall determine the agenda for each meeting.

Sec. 12. (a) Except as provided in subsection (b), meetings of a local child fatality review team are open to the public.

(b) Meetings of a local child fatality review team that involve confidential records or identifying information regarding the death of a child that is confidential under state or federal law shall be held as executive sessions.

(c) If an executive session is held under subsection (b), each individual who:

(1) attends a meeting of the local child fatality review team; and

(2) is not a member of the local child fatality review team;

shall sign a confidentiality statement prepared by the department. The local child fatality review team shall keep all confidentiality statements signed under this subsection.

Sec. 13. Members of a local child fatality review team and

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individuals who attend a meeting of a local child fatality review team as an invitee of the chairperson:

(1) may discuss among themselves confidential matters that are before the local child fatality review team;

(2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local child fatality review team; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves confidential matters that are before the local child fatality review team.

Sec. 14. The department shall provide training to local child fatality review teams.

Sec. 15. (a) The department shall collect and document information surrounding the deaths of children reviewed by local child fatality review teams. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

(1) the appropriate community child protection team; and

(2) as appropriate:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) the local health department established under IC 16-20-2; or

(C) the multiple county health department established under IC 16-20-3.

SECTION 288. IC 31-33-25 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 25. Statewide Child Fatality Review Committee

Sec. 1. As used in this chapter, "child" means an individual less than eighteen (18) years of age.

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Sec. 2. As used in this chapter, "emergency medical services" means emergency ambulance services or other services, including extrication and rescue services, provided to an individual in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under IC 31-33-24.

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

(1) A registered nurse or licensed practical nurse licensed under IC 25-23.

(2) A clinical social worker licensed under IC 25-23.6-5.

(3) A marriage and family therapist licensed under IC 25-23.6-8.

(4) A psychologist licensed under IC 25-33.

(5) A school psychologist licensed by the Indiana state board of education.

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by section 6 of this chapter.

Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

(1) sudden;

(2) unexpected; or

(3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual.

(c) A request submitted under subsection (b) must set forth:

(1) the name of the child;

(2) the age of the child;

(3) the county where the child died;

(4) whether a local child fatality review team reviewed the death; and

(5) the cause of death of the deceased child.

Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

(1) whether similar future deaths could be prevented; and

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(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

(1) the department of child services; or

(2) a local child fatality review team.

Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

(1) a coroner or deputy coroner;

(2) a representative from:

(A) the state department of health established by IC 16-19-1-1;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

(3) a pediatrician;

(4) a representative of law enforcement;

(5) a representative from an emergency medical services provider;

(6) the director or a representative of the department;

(7) a representative of a prosecuting attorney;

(8) a pathologist with forensic experience who is licensed to practice medicine in Indiana;

(9) a mental health provider;

(10) a representative of a child abuse prevention program; and

(11) a representative of the department of education.

Sec. 9. (a) The chairperson of the statewide child fatality review committee shall be selected by the governor.

(b) The statewide child fatality review committee shall meet at the call of the chairperson.

(c) The statewide child fatality review committee chairperson shall determine the agenda for each meeting.

Sec. 10. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) Except as provided in subsection (d), a meeting of the statewide child fatality review committee that involves:

(1) confidential records; or

(2) identifying information regarding the death of a child that is confidential under state or federal law;

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shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

(1) attends the meeting; and

(2) is not a member of the statewide child fatality review committee;

shall sign a confidentiality statement prepared by the department. The statewide child fatality review committee shall keep all confidentiality statements signed under this subsection.

(d) A majority of the members of the statewide child fatality review committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the statewide child fatality review committee.

Sec. 11. Members of the statewide child fatality review committee and individuals who attend a meeting of the statewide child fatality review committee as an invitee of the chairperson:

(1) may discuss among themselves confidential matters that are before the statewide child fatality review committee;

(2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child fatality review committee; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with gross negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the statewide child fatality review committee.

Sec. 12. The department shall provide training to the statewide child fatality review committee.

Sec. 13. (a) The department shall collect and document information surrounding the deaths of children reviewed by the statewide child fatality review committee. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations.

(b) The data collection form developed under this section must

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also be provided to:

(1) the appropriate community child protection team established under IC 31-33-3; and

(2) the appropriate:

(A) local health department established under IC 16-20-2; or

(B) multiple county health department established under IC 16-20-3.

Sec. 14. The affirmative votes of the voting members of a majority of the statewide child fatality review committee are required for the committee to take action on any measure.

Sec. 15. The expenses of the statewide child fatality review committee shall be paid from funds appropriated to the department.

Sec. 16. The testimony of a member of the statewide child fatality review committee is not admissible as evidence concerning an investigation by the statewide child fatality review committee.

SECTION 289. IC 31-34-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The ~~division of family and children~~ **department** may not:

(1) initiate a court proceeding to:

(A) terminate the parental rights concerning; or

(B) transfer legal custody of; or

(2) require a parent, guardian, or custodian to consent to:

(A) the termination of parental rights; or

(B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who 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. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the ~~division~~ **department or the county office** of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the ~~division of family and children~~ **department** and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

(1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the ~~division of family and~~

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~~children.~~ **department.**

(2) A statement specifying the legal status of the child.

(3) A statement specifying the rights and obligations of the parent, guardian, or custodian.

SECTION 290. IC 31-34-4-2, AS AMENDED BY P.L.234-2005, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.

(b) Before placing a child in need of services with a blood relative or an adoptive relative caretaker, the court may order the ~~division of family resources~~ **department** to:

(1) complete a home study of the relative's home; and

(2) provide the court with a placement recommendation.

(c) Except as provided in subsection (e), before placing a child in need of services in an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the court shall order the ~~division of family resources~~ **department** to conduct a criminal history check ~~(as defined in IC 31-9-2-22.5)~~ of each person who is ~~(1)~~ currently residing in the location designated as the out-of-home placement. ~~or~~

~~(2) in the reasonable belief of the division of family resources, expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

(d) Except as provided in subsection (f), a court may not order an out-of-home placement if a person described in subsection (c)(1) or (c)(2) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** or had a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult.

(e) The court is not required to order the ~~division of family resources~~ **department** to conduct a criminal history check under subsection (c) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

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(f) A court may order an out-of-home placement if:

(1) a person described in subsection (c)(1) or (c)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the placement is in the best interest of the child.

However, a court may not order an out-of-home placement if the person has been convicted of a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult that is not specifically excluded under subdivision (1)(B).

(g) In making its written finding under subsection (f), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 291. IC 31-34-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The ~~county office of family and children~~ **department** shall submit written information to a parent, custodian, or guardian of a child who is alleged to be abused or neglected regarding the following legal rights of the parent, custodian, or guardian:

(1) The right to have a detention hearing held by a court within

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forty-eight (48) hours after the child's removal from the home and to request return of the child at the hearing.

(2) The right to:

(A) be represented by an attorney;

(B) cross examine witnesses; and

(C) present evidence on the parent's, custodian's, or guardian's own behalf;

at each court proceeding on a petition alleging that the child is a child in need of services. The parent, guardian, or custodian has the right to be represented by a court appointed attorney under clause (A) upon the request of the parent, guardian, or custodian if the court finds that the parent, guardian, or custodian does not have sufficient financial means for obtaining representation as described in ~~IC 34-1-1-3.~~ **IC 34-10-1.**

(3) The right not to make statements that incriminate the parent, custodian, or guardian and that an incriminating statement may be used during a court proceeding on a petition alleging that the child is a child in need of services.

(4) The right to request to have the case reviewed by the child protection team under IC 31-33-3-6.

(5) The right to be advised that after July 1, 1999, a petition to terminate the parent-child relationship must be filed whenever a child has been removed from the child's parent and has been under the supervision of the ~~county office of family and children~~ **department** for at least fifteen (15) months of the most recent twenty-two (22) months.

(b) The ~~county office of family and children~~ **department** shall submit the written information under subsection (a) to the child's parent, guardian, or custodian at the time:

(1) the child is taken into custody; or

(2) the ~~county office of family and children~~ **department** files a petition alleging that the child is a child in need of services;

whichever occurs earlier.

SECTION 292. IC 31-34-5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) This section applies to a child taken into custody under IC 31-34-2.5.

(b) The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and legal holidays.

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(c) The ~~county office of family and children~~ **department** may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention hearing.

SECTION 293. IC 31-34-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The intake officer shall send to the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** a copy of the preliminary inquiry. The intake officer shall recommend whether to:

(1) file a petition;
(2) informally adjust the case;
(3) refer the child to another agency; or
(4) dismiss the case.

SECTION 294. IC 31-34-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The prosecuting attorney or the attorney for the ~~county office of family and children.~~ **department:**

(1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services; and
(2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

SECTION 295. IC 31-34-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The:

(1) child;
(2) child's parents, guardian, or custodian;
(3) ~~county office of family and children,~~ **department;** and
(4) guardian ad litem or court appointed special advocate;

are parties to the proceedings described in the juvenile law and have all rights of parties under the Indiana Rules of Trial Procedure.

SECTION 296. IC 31-34-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A statement or videotape may not be admitted in evidence under this chapter unless the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** informs the parties of:

(1) an intention to introduce the statement or videotape in evidence; and
(2) the content of the statement or videotape;

at least twenty (20) days before the proceedings to give the parties a fair opportunity to prepare a response to the statement or videotape before the proceeding.

SECTION 297. IC 31-34-14-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. On the motion of the prosecuting attorney or the attorney for the ~~county office of family and children,~~ **department,** the court may order that:

(1) the testimony of a child be taken in a room other than the courtroom and be transmitted to the courtroom by closed circuit television; and

(2) the questioning of the child by the parties be transmitted to the child by closed circuit television.

SECTION 298. IC 31-34-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. On the motion of the prosecuting attorney or the attorney for the ~~county office of family and children,~~ **department,** the court may order that the testimony of a child be videotaped for use at proceedings to determine whether a child or a whole or half blood sibling of the child is a child in need of services.

SECTION 299. IC 31-34-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The court may not make an order under section 2 or 3 of this chapter unless:

(1) the testimony to be taken is the testimony of a child who at the time of the trial is:

(A) less than fourteen (14) years of age; or

(B) at least fourteen (14) years of age but less than eighteen (18) years of age and has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

(i) is likely to continue indefinitely;

(ii) constitutes a substantial impairment of the child's ability to function normally in society; and

(iii) reflects the child's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and

(C) found by the court to be a child who should be permitted to testify outside the courtroom because:

(i) a psychiatrist, physician, or psychologist has certified that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;

(ii) a physician has certified that the child cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the child's testifying in the courtroom and the court finds that it is more likely than not that the child's testifying in the courtroom creates a substantial likelihood of emotional or

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mental harm to the child;

(2) the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** has informed the parties and their attorneys by written notice of the intention to have the child testify outside the courtroom; and

(3) the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** informed the parties and their attorneys under subdivision (2) at least twenty (20) days before the proceedings to give the parties and their attorneys a fair opportunity to prepare a response before the proceedings to the motion of the prosecuting attorney or the motion of the attorney for the ~~county office of family and children~~ **department** to permit the child to testify outside the courtroom.

SECTION 300. IC 31-34-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If the court makes an order under section 3 of this chapter, only the following persons may be in the same room as the child during the child's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney or the attorney for the ~~county office of family and children.~~ **department.**

(3) The attorney for each party.

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the child's well-being.

(7) The parties, who can observe and hear the testimony of the child without the child being able to observe or hear the parties. However, if a party is not represented by an attorney, the party may question the child.

SECTION 301. IC 31-34-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. If the court makes an order under section 2 or 3 of this chapter, only the following persons may question the child:

(1) The prosecuting attorney or the attorney for the ~~county office of family and children.~~ **department.**

(2) The attorneys for the parties.

(3) The judge.

SECTION 302. IC 31-34-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The ~~county office of family and children,~~ **department,** after negotiating with the child's parent, guardian, or custodian, shall complete a child's case plan not

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later than sixty (60) days after:

(1) the date of the child's first placement; or

(2) the date of a dispositional decree;

whichever comes first.

SECTION 303. IC 31-34-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A child's case plan must be set out in a form prescribed by the ~~division of family and children~~ **department** 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~~ **office or department** shall 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.

(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.

SECTION 304. IC 31-34-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Each foster parent of a child and the ~~county office of family and children~~ **department** shall cooperate in the development of the case plan for the child. The ~~county office of family and children~~ **department** shall discuss with at least one (1) foster parent of a child the foster parent's role regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

SECTION 305. IC 31-34-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section

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applies whenever a child who was born out of wedlock is:

(1) or is alleged to be a child in need of services; and

(2) under the supervision of the ~~division of family and children~~ **department** or a county office ~~of family and children~~ as a result of a court ordered out-of-home placement.

(b) The ~~division of family and children~~ **department** or the county office ~~of family and children~~ shall refer a child's case to the local prosecuting attorney's office for the filing of a paternity action if the:

(1) identity of the alleged father is known; and

(2) ~~division~~ **department** or the county office reasonably believes that establishing the paternity of the child would be beneficial to the child.

The local prosecuting attorney's office shall file a paternity action regarding each case that is referred under this subsection. The ~~division of family and children or the county office of family and children~~ **department** shall sign the paternity petition as the child's next friend.

SECTION 306. IC 31-34-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child:

(1) The prosecuting attorney.

(2) The attorney for the ~~county office of family and children.~~ **department.**

(3) A probation officer.

(4) A caseworker.

(5) The department of correction.

(6) The guardian ad litem or court appointed special advocate.

SECTION 307. IC 31-34-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

(1) may; or

(2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a child in need of services.

(b) A conference held under this section may include representatives of the following:

(1) The child's school.

(2) The probation department.

(3) The ~~county office of family and children.~~ **department.**

(4) A community mental health center located in the child's

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county of residence.

(5) A community mental retardation and other developmental disabilities center located in the child's county of residence.

(6) Other persons as the court may direct.

SECTION 308. IC 31-34-18-6.1, AS AMENDED BY P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1)~~ is currently residing in the location designated as the out-of-home placement. ~~or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 309. IC 31-34-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

(1) a child is referred to a probate court;

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(2) the juvenile court initiates a commitment proceeding; or

(3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office ~~of family and children,~~ **or the department,** the juvenile court may not release the county office from the obligations of the county office **or the department** to the child pending the outcome of the proceeding under IC 12-26.

SECTION 310. IC 31-34-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the court authorizes a child who is under the custody or supervision of a county office ~~of family and children~~ **or the department** to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the ~~county office~~ **department** from obligations of the county office **or the department** to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

SECTION 311. IC 31-34-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office ~~of family and children.~~ **or the department.**

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect

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contact with the child.

SECTION 312. IC 31-34-20-1.5, AS AMENDED BY P.L.234-2005, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) of this chapter or awarding wardship to a county office ~~of family and children~~ **or the department** that will place the child with a person under section 1(4) of this chapter if a person who is

~~(1)~~ currently residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter ~~or~~

~~(2) reasonably expected to be residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter during the time the child would be placed in the home;~~

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.** However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

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(d) A court may enter a dispositional decree placing a child in another home or award wardship to a county office ~~of family and children~~ if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the dispositional decree placing a child in another home or awarding wardship to a county office ~~of family and children~~ is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home or award wardship to a county office ~~of family and children~~ **or the department** if the person has been convicted of a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult that is not specifically excluded under subdivision (1)(B).

~~(d)~~ **(e)** In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 313. IC 31-34-21-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order:

(1) the ~~county office of family and children,~~ **department;** or

(2) the probation department;

to file a report on the progress made in implementing the decree.

(b) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

SECTION 314. IC 31-34-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) In accordance with federal law, the case of each child in need of services under the supervision of the county office ~~of family and children~~ **or the department** must be reviewed at least once every six (6) months, or more often, if ordered by the court.

(b) The first of these periodic case reviews must occur:

(1) at least six (6) months after the date of the child's removal from the child's parent, guardian, or custodian; or

(2) at least six (6) months after the date of the dispositional decree;

whichever comes first.

(c) Each periodic case review must be conducted by the juvenile court in a formal court hearing.

SECTION 315. IC 31-34-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Before a case review under section 2 of this chapter, the probation department or the ~~county office of family and children~~ **department** shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

SECTION 316. IC 31-34-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (f), at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the ~~county office of family and children~~ **department** shall send notice of the review to each of the following:

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner

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required by IC 31-19-9 and filed with the county office; ~~of family and children;~~

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(4) Any other person who:

(A) the ~~county office of family and children~~ **department** has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or ~~IC 12-17.4~~ **IC 31-27** to provide care for the child.

(5) Any other suitable relative or person ~~who~~ **whom** the ~~county office~~ **department** knows has had a significant or caretaking relationship to the child.

(b) At least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the ~~county office of family and children~~ **department** shall provide notice of the review to the child's foster parent or long term foster parent by the same process prescribed under Indiana Trial Rule 4.1. The ~~county office of family and children~~ **department** shall present proof of service of the notice at the case review.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (a) or (b), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross examine any of the witnesses at the hearing.

(d) Except as provided in subsection (f), this section does not exempt the ~~county office of family and children~~ **department** from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review,

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the ~~county office of family and children~~ **department** has not provided the court with signed verification from the child's foster parent or long term foster parent, as obtained through subsection (b), that the foster parent or long term foster parent, has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent or long term foster parent appears for the review.

(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a).

SECTION 317. IC 31-34-21-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as provided in subsection (b) a foster parent, long term foster parent, or a person who has been a foster parent may petition the court to request intervention as a party to a proceeding described in this chapter.

(b) A foster parent who has been:

(1) the subject of a substantiated report of child abuse or neglect; or

(2) convicted of a felony listed in ~~IC 12-17.4-4-11;~~ **IC 31-27-4-13;**

may not petition the court to intervene under this section.

(c) A court may grant a petition filed under this section if the court determines that intervention of the petitioner is in the best interests of the child.

SECTION 318. IC 31-34-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The court shall determine:

(1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;

(2) whether the county office ~~of family and children~~ **or the department** has made reasonable efforts to provide family services; and

(3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section 7.5(1)(E) of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

(1) Whether the ~~county office of family and children,~~ **department,** the child, or the child's parent, guardian, or custodian has complied with the child's case plan.

(2) Written documentation containing descriptions of:

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(A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;

(B) the dates during which the family services were offered or provided; and

(C) the outcome arising from offering or providing the family services.

(3) The extent of the efforts made by the ~~county office of family and children~~ **department** to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the ~~county office of family and children~~ **department** or probation department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the ~~county office of family and children~~ **department** should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the ~~county office of family and children~~ **department** has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter.

SECTION 319. IC 31-34-21-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) In determining the extent to which reasonable efforts to reunify or preserve a family

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are appropriate under this chapter, the child's health and safety are of paramount concern.

(b) Except as provided in section 5.6 of this chapter, ~~a county office of family and children~~ **the department** shall make reasonable efforts to preserve and reunify families as follows:

(1) If a child has not been removed from the child's home, to prevent or eliminate the need for removing the child from the child's home.

(2) If a child has been removed from the child's home, to make it possible for the child to return safely to the child's home as soon as possible.

SECTION 320. IC 31-34-21-5.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.7. (a) This section applies at any phase of a child in need of services proceeding whenever a court enters a finding that reasonable efforts to reunify or preserve a child's family are not required under section 5.6 of this chapter.

(b) The ~~county office of family and children~~ **department** shall do the following:

(1) Complete a permanency plan for the child that complies with the requirements of section 7.5 of this chapter.

(2) Seek court approval of the permanency plan under section 7 of this chapter.

(c) Notwithstanding any otherwise applicable requirements under IC 31-34, whenever the ~~county office of family and children~~ **department** seeks approval of a permanency plan for the child under subsection (b), the following reports, orders, and hearings are not required:

(1) A predispositional report to consider participation of a child's parent, guardian, or custodian in any program of care, treatment, or rehabilitation of the child.

(2) A dispositional decree under IC 31-34-19-6 and findings and conclusions under IC 31-34-19-10 that concern:

(A) participation of the child's parent, guardian, or custodian in a program for future care or treatment of the child; or

(B) reasonable efforts to prevent the child's removal from the child's home or to reunite the child with the child's parent, guardian, or custodian.

SECTION 321. IC 31-34-21-5.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.8. (a) This section applies only if a court has approved a permanency plan for a child under section 7(b)(4) of this chapter.

(b) If the continuation of reasonable efforts to preserve and reunify

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a child in need of services with the child's family is inconsistent with the child's permanency plan, the ~~county office of family and children~~ **department** shall make reasonable efforts to:

(1) with court approval place the child in an out-of-home placement in accordance with the permanency plan; and

(2) complete whatever steps are necessary to finalize the permanent placement of the child in a timely manner.

(c) This subsection applies whenever the child's approved permanency plan under section 7 of this chapter is placement of the child for adoption or another planned, permanent living arrangement. Periodic progress reports, case reviews, and postdispositional hearings to determine whether or the extent to which the following have occurred are not required:

(1) Whether reasonable efforts have been made to eliminate the need for removal of the child from the child's home or to make it possible for the child to safely return to the child's home.

(2) Whether the child is placed in close proximity to the home of the child's parent, guardian, or custodian.

SECTION 322. IC 31-34-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The court shall hold a permanency hearing:

(1) not more than thirty (30) days after a court finds that reasonable efforts to reunify or preserve a child's family are not required as described in section 5.6 of this chapter;

(2) every twelve (12) months after:

(A) the date of the original dispositional decree; or

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

whichever comes first; or

(3) more often if ordered by the juvenile court.

(b) The court shall:

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

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

(3) consider recommendations of persons listed under section 4 of this chapter, before approving a permanency plan under subdivision (4);

(4) consider and approve a permanency plan for the child that complies with the requirements set forth in section 7.5 of this chapter;

(5) determine whether an existing permanency plan must be

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modified; and

(6) examine procedural safeguards used by the ~~county office of family and children~~ **department** to protect parental rights.

(c) There is a rebuttable presumption that jurisdiction over the child in a child in need of services proceeding continues for not longer than twelve (12) months after the date of the original dispositional decree or twelve (12) months after the child in need of services was removed from the child's parent, guardian, or custodian, whichever occurs first. The state may rebut the presumption and show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished, that a continuation of the decree with or without any modifications is necessary, and that it is in the child's best interests for the court to maintain its jurisdiction over the child. If the ~~county office of family and children~~ **department** does not sustain its burden for continued jurisdiction, the court shall:

(1) direct the ~~county office of family and children~~ **department** to establish a permanency plan within thirty (30) days; or

(2) discharge the child and the child's parent, guardian, or custodian.

The court may retain jurisdiction to the extent necessary to carry out any orders under subdivision (1).

SECTION 323. IC 31-34-21-7.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.3. (a) This section applies after:

(1) a court authorizes the filing of a petition to terminate the parent-child relationship; or

(2) a petition to terminate the parent-child relationship is filed;

in relation to a child in need of services.

(b) The ~~division~~ **department** shall post the following nonidentifying information on the Internet to facilitate a potential adoptive placement of the child:

(1) The child's age, gender, and summary of the child's educational, social, and medical background, including known disabilities.

(2) The reason the child was removed from the child's home.

(3) Whether a person has expressed an interest in adopting the child.

(4) The name, address, and telephone number of a contact person from:

(A) the department;

(B) the appropriate

~~(A)~~ county office**;** ~~of family and children;~~ or

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~~(B)~~ **(C)** licensed child placing agency;

where a person who may be interested in adopting the child may obtain further information about adopting the child.

(5) Whether a petition to terminate the rights of the child's parents has been authorized or filed, and whether the rights of the child's parents have been terminated.

(6) An address and telephone number of

(A) the department;

(B) the appropriate

~~(A)~~ county office**;** ~~of family and children,~~ or

~~(B)~~ **(C)** licensed child placing agency;

where a person who may be interested in adopting the child may obtain further information about adopting the child.

(c) The information posted under subsection ~~(a)~~ **(b)** may not identify the name of any of the following persons:

(1) The child.

(2) The child's biological or adoptive parents.

(3) A sibling of the child.

(4) A caretaker of the child.

(d) The ~~division~~ **department** shall update any relevant information under this section after either of the following:

(1) Each of the child's periodic reviews that occur after the information under this section is required to be posted.

(2) The rights of the child's parents have been terminated.

(e) The ~~division~~ **department** shall remove the information required under ~~subsections~~ **subsection** (b) ~~and (c)~~ from the Internet whenever the child is reunited with the child's family or an adoption of the child is filed under IC 31-19-2.

(f) Upon request, ~~a county office of family and children~~ **the department** shall inform the person making the request of the address of the Internet Web site containing the information described in this section.

SECTION 324. IC 31-34-21-7.5, AS AMENDED BY P.L.234-2005, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if

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committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.** However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding by the agency or appropriate person for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle; or

(v) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially

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created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

(i) Care, custody, and control of the child.

(ii) Decision making concerning the child's upbringing.

(F) Placement of the child in another planned, permanent living arrangement.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~

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IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 325. IC 31-34-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Before a hearing under section 7 of this chapter, the probation department or the ~~county office of family and children~~ **department** shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

SECTION 326. IC 31-34-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Before March 1, 1998, each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

(1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the ~~child welfare~~ staff of the **department who provides child welfare services to the** county office.

(B) One (1) is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within

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the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

(5) One (1) member appointed by the county fiscal body.

(6) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.

(7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 327. IC 31-34-24-8, AS AMENDED BY P.L.1-2005, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

(1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).

(2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).

(3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).

(5) Community corrections programs under IC 11-12.

(6) Special education programs under IC 20-35-6-2.

(7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the ~~division of family and children,~~ **department,** county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-7 and IC 31-40.

(8) Probation user's fees under IC 31-40-2-1.

(9) Child advocacy fund under IC 12-17-17.

SECTION 328. IC 31-35-2-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) This section applies to hearings under this chapter relating to a child in need of services.

(b) At least ten (10) days before a hearing on a petition or motion

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under this chapter:

(1) the person or entity who filed the petition to terminate the parent-child relationship under section 4 of this chapter; or

(2) the person or entity who filed a motion to dismiss the petition to terminate the parent-child relationship under section 4.5(d) of this chapter;

shall send notice of the review to the persons listed in subsections (c) and (d).

(c) Except as provided in subsection (h), the following persons shall receive notice of a hearing on a petition or motion filed under this chapter:

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office ~~of family and children,~~ **or the department;**

(B) the court having jurisdiction in the adoption case has determined under an applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2, has been filed under IC 31-35 and is pending.

(4) Any other person who:

(A) the ~~county office of family and children~~ **department** has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or ~~IC 12-17.4~~ **IC 31-27** to provide care for the child.

(5) Any other suitable relative or person who the ~~county office of family and children~~ **department** knows has had a significant or caretaking relationship to the child.

(6) Any other party to the child in need of services proceeding.

(d) At least ten (10) days before a hearing on a petition or motion under this chapter, the ~~county office of family and children~~ **department** shall provide notice of the hearing to the child's foster parent by:

(1) certified mail; or

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(2) face to face contact by the ~~county office of family and children~~ **department** caseworker.

(e) The court shall provide to a person described in subsection (c) or (d) an opportunity to be heard and make recommendations to the court at the hearing. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (c) or (d) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (c) and (d), may be made a part of the court record.

(f) The court shall continue the hearing if, at the time of the hearing, the ~~county office of family and children~~ **department** has not provided the court with signed verification from the foster parent, as obtained through subsection (d), that the foster parent has been notified of the hearing at least five (5) business days before the hearing. However, the court is not required to continue the hearing if the child's foster parent appears for the hearing.

(g) A person described in subsection (c)(2) through (c)(4) or subsection (d) does not become a party to a proceeding under this chapter as the result of the person's right to notice and the opportunity to be heard under this section.

(h) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a hearing described in subsection (c).

SECTION 329. IC 31-35-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

(1) an individual is convicted of the offense of:
(A) murder (IC 35-42-1-1);
(B) causing suicide (IC 35-42-1-2);
(C) voluntary manslaughter (IC 35-42-1-3);
(D) involuntary manslaughter (IC 35-42-1-4);
(E) rape (IC 35-42-4-1);
(F) criminal deviate conduct (IC 35-42-4-2);
(G) child molesting (IC 35-42-4-3);
(H) child exploitation (IC 35-42-4-4);
(I) sexual misconduct with a minor (IC 35-42-4-9); or
(J) incest (IC 35-46-1-3); and

(2) the victim of the offense:
(A) was less than sixteen (16) years of age at the time of the offense; and
(B) is:
(i) the individual's biological or adoptive child; or

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(ii) the child of a spouse of the individual who has committed the offense;

the prosecuting attorney, the attorney for the ~~county office of family and children,~~ **department,** the child's guardian ad litem, or the court appointed special advocate may file a petition with the juvenile or probate court to terminate the parent-child relationship of the individual who has committed the offense with the victim of the offense, the victim's siblings, or any biological or adoptive child of that individual.

SECTION 330. IC 31-35-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The person filing the petition shall represent the interests of the state in all subsequent proceedings on the petition.

(b) Upon the filing of a petition under section 4 of this chapter, the attorney for the ~~county office of family and children~~ **department** or the prosecuting attorney shall represent the interests of the state in all subsequent proceedings.

SECTION 331. IC 31-35-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A statement or videotape may not be admitted in evidence under this chapter unless the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** informs the parties of:

(1) an intention to introduce the statement or videotape in evidence; and

(2) the content of the statement or videotape;

at least twenty (20) days before the proceedings to give the parties a fair opportunity to prepare a response to the statement or videotape before the proceeding.

SECTION 332. IC 31-35-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. On the motion of the prosecuting attorney or the attorney for the ~~county office of family and children,~~ **department,** the court may order that:

(1) the testimony of a child be taken in a room other than the courtroom and be transmitted to the courtroom by closed circuit television; and

(2) the questioning of the child by the parties be transmitted to the child by closed circuit television.

SECTION 333. IC 31-35-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. On the motion of the prosecuting attorney or the attorney for the ~~county office of family and children,~~ **department,** the court may order that the testimony of a child be videotaped for use at proceedings to determine whether the

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parent-child relationship should be terminated.

SECTION 334. IC 31-35-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The court may not make an order under section 2 or 3 of this chapter unless:

(1) the testimony to be taken is the testimony of a child who at the time of the trial is:

(A) less than fourteen (14) years of age; or

(B) at least fourteen (14) years of age but less than eighteen (18) years of age and has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

(i) is likely to continue indefinitely;

(ii) constitutes a substantial impairment of the child's ability to function normally in society; and

(iii) reflects the child's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and

(C) found by the court to be a child who should be permitted to testify outside the courtroom because:

(i) a psychiatrist, physician, or psychologist has certified that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;

(ii) a physician has certified that the child cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the child's testifying in the courtroom and the court finds that it is more likely than not that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;

(2) the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** has informed the parties and their attorneys by written notice of the intention to have the child testify outside the courtroom; and

(3) the prosecuting attorney or the attorney for the ~~county office of family and children~~ **department** informed the parties and their attorneys under subdivision (2) at least twenty (20) days before the proceedings to give the parties and their attorneys a fair opportunity to prepare a response before the proceedings to the motion of the prosecuting attorney or the motion of the attorney for the ~~county office of family and children~~ **department** to permit the child to testify outside the courtroom.

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SECTION 335. IC 31-35-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If the court makes an order under section 3 of this chapter, only the following persons may be in the same room as the child during the child's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney or the attorney for the ~~county office of family and children.~~ **department.**

(3) The attorney for each party.

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the child's well-being.

(7) The parties, who can observe and hear the testimony of the child without the child being able to observe or hear the parties. However, if a party is not represented by an attorney, the party may question the child.

SECTION 336. IC 31-35-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. If the court makes an order under section 2 or 3 of this chapter, only the following persons may question the child:

(1) The prosecuting attorney or the attorney for the ~~county office of family and children.~~ **department.**

(2) The attorneys for the parties.

(3) The judge.

SECTION 337. IC 31-37-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The intake officer shall do the following:

(1) Send the prosecuting attorney a copy of the preliminary inquiry if the case involves an allegation that the child committed an act that would be a crime if committed by an adult.

(2) Send to:

(A) the prosecuting attorney; or

(B) the attorney for the ~~county office of family and children,~~ **department;**

a copy of the preliminary inquiry if the case involves an allegation that the child committed a delinquent act that would not be a crime if committed by an adult.

(3) Recommend whether to:

(A) file a petition;

(B) informally adjust the case;

(C) refer the child to another agency; or

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(D) dismiss the case.

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

SECTION 338. IC 31-37-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If:

(1) the child is an alleged delinquent child; and

(2) the child's parent, guardian, or custodian fails to participate in the program of informal adjustment;

the probation department or the ~~county office of family and children~~ **department** may file a petition for compliance.

SECTION 339. IC 31-37-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child:

(1) The prosecuting attorney.

(2) The attorney for the ~~county office of family and children.~~ **department.**

(3) A probation officer.

(4) A caseworker.

(5) The department of correction.

(6) The guardian ad litem or court appointed special advocate.

SECTION 340. IC 31-37-17-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

(1) may; or

(2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a delinquent child.

(b) A conference held under this chapter may include representatives of the following:

(1) The child's school.

(2) The probation department.

(3) The ~~county office of family and children.~~ **department.**

(4) A community mental health center located in the child's county of residence.

(5) A community mental retardation and other developmental disabilities center located in the child's county of residence.

(6) Other persons as the court may direct.

SECTION 341. IC 31-37-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The probation officer

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or caseworker shall collect information and prepare a financial report, in the form prescribed by the ~~division,~~ **department** on the parent or the estate of the child to assist the juvenile court and the ~~county office~~ **department** in:

(1) determining the person's financial responsibility; and

(2) obtaining federal reimbursement;

for services provided for the child or the person.

SECTION 342. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1)~~ is currently residing in the location designated as the out-of-home placement. ~~or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

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SECTION 343. IC 31-37-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

(1) a child is referred to a probate court;

(2) the juvenile court initiates a commitment proceeding; or

(3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office ~~of family and children,~~ **or the department,** the juvenile court may not release the ~~county office~~ **department** from the obligations of the ~~county office~~ **department** to the child pending the outcome of the proceeding under IC 12-26.

SECTION 344. IC 31-37-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the court authorizes a child who is under the custody or supervision of ~~a county office of family and children~~ **the department** to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the ~~county office~~ **department** from obligations of the ~~county office~~ **department** to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

SECTION 345. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department, or the county office ~~of family and children~~. **or the department.**

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

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(A) the child; or
(B) the child's parent, guardian, or custodian;
to receive family services.
(7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 346. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:
(A) the probation department; ~~or~~
(B) the county office ~~of family and children.~~; or
(C) the department.
As a condition of probation under this subdivision, the juvenile court shall after a determination under IC 5-2-12-4 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 5-2-12-4 if committed by an adult to register with the sheriff (or the police chief of a consolidated city) under IC 5-2-12.
(2) Order the child to receive outpatient treatment:
(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
(B) from an individual practitioner.
(3) Order the child to surrender the child's driver's license to the court for a specified period of time.
(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.
(5) Partially or completely emancipate the child under section 27 of this chapter.
(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.
(7) Order the child to perform community restitution or service for a specified period of time.
(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 347. IC 31-37-19-6.5, AS AMENDED BY P.L.234-2005, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) Except as provided in subsection (c), the juvenile court may not enter a dispositional decree

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placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office ~~of family and children~~ **or the department** that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is

~~(1)~~ currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter ~~or~~

~~(2) reasonably expected to be residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter during the time the child would be placed in the home;~~

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.** However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-37-17-6.1 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult, or has a conviction for a felony listed in ~~IC 12-17.4-4-11.~~ **IC 31-27-4-13.**

(c) The juvenile court may enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office ~~of family and children~~ **or the department** that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

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(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
(iv) arson (IC 35-43-1-1) as a Class C or D felony;
(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that entry of a dispositional decree placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office ~~of family and children~~ **or the department** if the person has been convicted of a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in ~~IC 12-17.4-4-11~~ **IC 31-27-4-13** if committed by an adult that is not specifically excluded under subdivision (1)(B).

(d) In making its written finding under subsection (c), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
(2) The severity of the offense, delinquent act, or abuse or neglect.
(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 348. IC 31-37-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. At any time after the date of an original dispositional decree, the juvenile court may order the ~~county office of family and children~~ **department** or the probation department to file a report on the progress made in implementing the decree. If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the court shall proceed under IC 31-37-22.

SECTION 349. IC 31-37-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The court shall hold a formal hearing:

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

(b) The court shall determine whether the dispositional decree should be modified and whether the present placement is in the best interest of the child. The court, in making the court's determination, may consider the following:
(1) The services that have been provided or offered to a parent, guardian, or custodian to facilitate a reunion.
(2) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.
(3) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.
(4) The extent to which the parent, guardian, or custodian has cooperated with the ~~county office of family and children~~ **department** or probation department.
(5) The child's recovery from any injuries suffered before removal.
(6) Whether additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of the services.
(7) The extent to which the child has been rehabilitated.

SECTION 350. IC 31-37-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Before a hearing under section 2 or 3 of this chapter, the probation department or the ~~county office of family and children~~ **department** shall prepare a report in accordance with IC 31-37-21 on the progress made in implementing the dispositional decree.

SECTION 351. IC 31-37-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Before a hearing under IC 31-37-20-2 or IC 31-37-20-3, the probation department or the ~~county office of family and children~~ **department** shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

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

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

SECTION 352. IC 31-37-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

(1) upon the juvenile court's own motion;

(2) upon the motion of:

(A) the child;

(B) the child's parent, guardian, custodian, or guardian ad litem;

(C) the probation officer;

(D) the caseworker;

(E) the prosecuting attorney; or

(F) the attorney for the ~~county office of family and children,~~ **department;** or

(3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

SECTION 353. IC 31-37-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

(1) have been either:

(A) adjudicated as, or alleged in a proceeding initiated under this article to be, delinquent children; or

(B) identified by the county office, based on information received from:

(i) a school;

(ii) a social service agency;

(iii) a court;

(iv) a probation department;

(v) the child's parent or guardian; or

(vi) an interested person in the community having knowledge of the child's environment and family circumstances;

and, after an informal investigation, as substantially at risk of becoming delinquent children; and

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(2) have been referred to the county office **or the department** by, or with the consent of, the child's parent, guardian, or custodian, for services to be provided through the plan based on an individual case plan for the child.

SECTION 354. IC 31-37-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Before March 1, 1998, each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

(1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the ~~child welfare staff of~~ **staff of the department who provides child welfare services to** the county office.

(B) One (1) is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

(5) One (1) member appointed by the county fiscal body.

(6) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.

(7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable

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residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 355. IC 31-37-24-8, AS AMENDED BY P.L.1-2005, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

(1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).

(2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).

(3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).

(5) Community corrections programs under IC 11-12.

(6) Special education programs under IC 20-35-6-2.

(7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the ~~division of family and children,~~ **department,** county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-7 and IC 31-40.

(8) Probation user's fees under IC 31-40-2-1.

(9) The child advocacy fund under IC 12-17-17.

SECTION 356. IC 31-37-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with a child:

(1) The prosecuting attorney.

(2) The attorney for the ~~county office of family and children.~~ **department.**

(3) A probation officer.

(4) A caseworker.

(5) The department of correction.

(6) The guardian ad litem or court appointed special advocate.

SECTION 357. IC 31-38-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A local coordinating committee shall do the following whenever the committee convenes a meeting under section 2 of this chapter:

(1) Except as provided in section 9 of this chapter, review each restrictive placement proposed by a referring agency.

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(2) Consider alternative placements or treatment plans and make recommendations to the referring agency.

(3) Develop and recommend a long range treatment plan for the child, including a treatment plan following the child's discharge from a restrictive placement.

(4) Exchange information concerning services for children available in the county with:

(A) members of the committee;

(B) referring agencies; and

(C) other community organizations.

However, confidential information concerning a child may not be disclosed except as provided in section 5(a) of this chapter.

(5) Study the need for and availability of services for children in the county and make recommendations to the ~~division of family and children.~~ **department.**

(6) Provide information concerning the committee's actions and placement recommendations to the ~~division of family and children~~ **department** in the form and to the extent requested by the ~~division of family and children.~~ **department.**

SECTION 358. IC 31-38-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The ~~division of family and children~~ **department** shall:

(1) provide information to:

(A) each referring agency;

(B) the division of mental health and addiction; and

(C) the department of education;

concerning their duties and responsibilities under this chapter;

(2) organize local, regional, or statewide meetings necessary to prepare referring and member agencies for participation on a local coordinating committee;

(3) develop guidelines for local coordinating committees concerning the form and content of reports submitted to the ~~division of family and children~~ **department** under this chapter;

(4) monitor and evaluate the performance of local coordinating committees; and

(5) make recommendations to the general assembly concerning the need for and availability of services for children in Indiana.

SECTION 359. IC 31-39-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The records of the juvenile court are available without a court order to:

(1) the attorney for the ~~county office of family and children,~~ **department of child services;** or

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(2) any authorized staff member of:

(A) the county office; ~~of family and children;~~

(B) the ~~division of family and children;~~ **department of child services;** or

(C) the department of correction.

SECTION 360. IC 31-39-2-13.5, AS AMENDED BY P.L.234-2005, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.5. The records of the juvenile court are available without a court order to an employee of the ~~division of family resources,~~ **department of child services,** a caseworker, or a juvenile probation officer conducting a criminal history check (as defined in IC 31-9-2-22.5) under ~~IC 12-14-25.5-3,~~ **IC 31-26-5-3,** IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(1) child at imminent risk of placement;

(2) child in need of services; or

(3) delinquent child.

SECTION 361. IC 31-39-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The records of a law enforcement agency are available, without specific permission from the head of the agency, to the attorney for the ~~county office of family and children~~ **department of child services** or any authorized staff member.

SECTION 362. IC 31-40-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies whenever the court orders or approves removal of a child from the home of a child's parent or guardian and placement of the child in a child caring institution (as defined in ~~IC 12-7-2-29),~~ **IC 31-9-2-16.7),** a foster family home (as defined in ~~IC 12-7-2-90),~~ **IC 31-9-2-46.9),** or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the court shall order the support payments to be assigned to the county office for the duration of the placement out of the home of the child's parent or guardian. The court shall notify the court that:

(1) entered the existing support order; or

(2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

(1) Include in the order for removal or placement of the child an assignment to the county office, or confirmation of an assignment

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that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.

(2) Order support paid to the county office by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

(B) the county office does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for the cost of (in whole or in part) and the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court as trustee for remittance to the county office.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with ~~IC 12-17-2 and~~ **IC 31-25-3, IC 31-25-4, and** 42 U.S.C. 654. The county office shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under

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subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse the county office for all or any portion of the expenses for services provided to or for the benefit of the child that are paid from the county family and children's fund during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

SECTION 363. IC 31-40-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The ~~division,~~ **department,** with the approval of the county fiscal body, may contract with any of the following, on terms and conditions with respect to compensation and payment or reimbursement of expenses as the ~~division~~ **department** may determine, for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county that paid the cost of the services ordered by the court, as provided in section 2 of this chapter.

(2) An attorney for the **department on behalf of the** county office that paid the cost of services ordered by the court, if the attorney is not an employee of the county office or the ~~division.~~ **department.**

(3) An attorney licensed to practice law in Indiana.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and

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credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and collection of parental obligations to reimburse the county family and children's fund.

SECTION 364. IC 31-40-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) All amounts remaining after the distributions required by subdivision (1) shall be deposited in the family and children's fund (established by IC 12-19-7-3) of the county that paid the cost of the services.

(b) Any money deposited in a county family and children's fund under this section shall be reported to the ~~division,~~ **department,** in the form and manner prescribed by the ~~division,~~ **department,** and shall be applied to the child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6.

SECTION 365. IC 33-32-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection, disbursement, and distribution of child support payments established by the ~~division of family and children.~~ **department of child services.**

SECTION 366. IC 33-32-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

(1) through error or in accordance with the best information available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:

(A) child support order; or

(B) garnishment order;

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(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

(A) an action by an employee of, or a consultant to, the ~~division of family and children,~~ **department of child services;**

(B) an ISETS technological error; or

(C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

SECTION 367. IC 34-30-2-45.2, AS ADDED BY P.L.145-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45.2. IC 12-16-2.5-6.5 (Concerning administering agreements between the hospital and the division of family ~~and children~~ **resources** under the hospital care for the indigent program).

SECTION 368. IC 34-30-2-134.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 134.3. IC 31-33-24-12 (Concerning a member of a local child fatality review team or a person who attends a meeting of a local child fatality review team as an invitee of the chairperson).**

SECTION 369. IC 34-30-2-134.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 134.6. IC 31-33-25-11 (Concerning a member of the statewide child fatality review committee or a person who attends a meeting of the statewide child fatality review committee as an invitee of the chairperson).**

SECTION 370. IC 35-41-1-24.7, AS AMENDED BY P.L.1-2005, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.7. "School property" means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or ~~IC 12-17.4,~~ **IC 31-27;**

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

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(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

SECTION 371. IC 35-46-1-9, AS AMENDED BY P.L.130-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Class D felony.

(b) This section does not apply to the transfer or receipt of:

(1) reasonable attorney's fees;

(2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;

(3) reasonable charges and fees levied by a child placing agency licensed under ~~IC 12-17.4~~ **IC 31-27** or by a county office ~~of family and children;~~ **or the department of child services;**

(4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;

(5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;

(6) reasonable costs of maternity clothing for the adopted person's birth mother;

(7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;

(8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars ($1,000); or

(9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical

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condition, excluding a psychological condition, if:

(A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and

(B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars ($3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars ($3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

(1) the expenses are not being offered as an inducement to proceed with an adoption; and

(2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (b) in relation to the birth mother.

(e) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

SECTION 372. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an

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endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars ($10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family ~~and children~~ **resources** or county office of family and children has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

(1) the amount of the proceeds is more than ten thousand dollars ($10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.

SECTION 373. IC 36-2-6-4.5, AS AMENDED BY P.L.234-2005, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) A county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of board allowance for the following kinds of expenses if the county executive has adopted an ordinance under subsection (a):

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

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(2) License or permit fees.
(3) Insurance premiums.
(4) Utility payments or utility connection charges.
(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
(6) Grants of state funds authorized by statute.
(7) Maintenance or service agreements.
(8) Leases or rental agreements.
(9) Bond or coupon payments.
(10) Payroll.
(11) State or federal taxes.
(12) Expenses that must be paid because of emergency circumstances.
(13) Expenses described in an ordinance.
(14) Expenses incurred under a procurement contract under ~~IC 31-33-1.5-10.~~ **IC 31-25-2-17.**

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

(e) A payment of expenses under this section must be published in the manner provided under section 3 of this chapter.

SECTION 374. IC 36-7-4-1108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1108. (a) This section applies only to a child care home that is used as the primary residence of the person who operates the child care home.

(b) As used in this section, "child care home" has the meaning set forth in IC 12-7-2-28.6.

(c) Except as provided in subsection (e), a zoning ordinance may not do any of the following:

(1) Exclude a child care home from a residential area solely because the child care home is a business.
(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.
(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and~~

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~~children~~ **resources** or the fire prevention and building safety commission.

(d) Notwithstanding subsection (c), a child care home may be required to meet the same:

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

that apply to other residential structures in the same residential district or classification as the child care home.

(e) A zoning ordinance:

(1) that is in effect on July 1, 1993; and

(2) that:

(A) excludes a child care home from a residential area solely because the child care home is a business;

(B) imposes limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

(C) imposes requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission;

is not subject to subsection (c) until July 1, 1994.

SECTION 375. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

(1) on its own motion;

(2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or

(3) on receipt of an order from the division of family ~~and children.~~ **resources.**

(c) A resolution may be passed under this section only after a public hearing. Notice of the time, place, and purpose of the hearing must be given by the fiscal body by publication in accordance with IC 5-3-1.

(d) The fiscal body of a unit may adopt a resolution declaring that there is need for a housing authority in the unit if it finds that:

(1) unsanitary or unsafe dwelling accommodations are inhabited in the unit; or

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(2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding.

SECTION 376. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-7-2-1; IC 12-7-2-28.1; IC 12-7-2-31; IC 12-7-2-51.4; IC 12-7-2-76.7; IC 12-7-2-90; IC 12-7-2-98.5; IC 12-7-2-124.5; IC 12-7-2-129.5; IC 12-7-2-133.5; IC 12-7-2-140; IC 12-7-2-144.9; IC 12-7-2-174; IC 12-7-2-180.2; IC 12-7-2-186.5; IC 12-7-2-190.8; IC 12-7-2-192; IC 12-7-2-201; IC 12-13-13; IC 12-13-15; IC 12-13-15.1; IC 12-14-24; IC 12-14-25.5; IC 12-17-1; IC 12-17-2; IC 12-17-3; IC 12-17-4; IC 12-17-8; IC 12-17-9; IC 12-17-10; IC 12-17-11; IC 12-17-16; IC 12-17.4; IC 12-19-1-14; IC 16-41-40-1; IC 31-9-2-41.2; IC 31-33-1.5; IC 31-33-2; IC 34-30-2-43.8; IC 34-30-2-44.1.

SECTION 377. [EFFECTIVE JULY 1, 2006] **(a) Notwithstanding the effective date included in P.L.234-2005, SECTION 1, the effective date for P.L.234-2005, SECTION 1 (which amended IC 4-21.5-2-6) is July 1, 2005, and not July 1, 2006.**

(b) For all purposes, the amendment of IC 4-21.5-2-6(a)(1) by P.L.234-2005, SECTION 1, shall be treated as if the amendment of IC 4-21.5-2-6(a)(1) by P.L.234-2005, SECTION 1, took effect July 1, 2005, and not July 1, 2006.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-7-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The general assembly finds that the following offices in Indiana provide public assistance within the scope of NVRA:

(1) Each county office of family and children established under IC 12-19-1 that administers:

(A) the Aid to Families with Dependent Children program (AFDC) under IC 12-14; or

(B) the Medicaid program under IC 12-15.

(2) Each office of the division of family ~~and children~~ **resources** that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

SECTION 2. IC 3-10-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The alcohol and tobacco commission for purposes of enforcing IC 7.1-5-10-1.

(5) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.

(6) The adjutant general for purposes of enforcing IC 10-16-7-17.

(7) The division of family ~~and children~~ **resources** for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(8) The state department of health for voter registration purposes

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under IC 16-35-1.6.

(9) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.246-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.

(2) Department of workforce development.

(3) The programs administered by:

(A) the division of family ~~and children;~~ **resources;**

(B) the division of mental health and addiction;

(C) the division of disability, aging, and rehabilitative services; and

(D) the office of Medicaid policy and planning;

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

~~(10) Health professions bureau.~~

~~(11)~~ **(10)** Indiana professional licensing agency.

~~(12)~~ **(11)** Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

~~(13)~~ **(13)** A pension fund administered by the board of trustees of the public employees' retirement fund.

~~(14)~~ **(14)** The Indiana state teachers' retirement fund.

~~(15)~~ **(15)** The state police benefit system.

~~(16)~~ **(16)** The alcohol and tobacco commission.

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(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau,~~ and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-12-1-14.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the division of family ~~and children~~ **resources** for the division's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

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(1) the total amount necessary to carry out the program during that fiscal year; minus

(2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

SECTION 5. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services, state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children,~~ **resources, department of child services,** Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana

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horse racing commission, and state personnel department.".

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 12. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than fourteen (14) years of age at a methamphetamine laboratory shall notify the ~~division of family and children.~~ **department of child services.**".

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 14. IC 5-20-1-4, AS AMENDED BY P.L.235-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

(1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;

(2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;

(3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;

(4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;

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(5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;
(6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;
(7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or a loan of any type permitted by this chapter;
(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;
(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;
(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;
(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;
(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;
(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents

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and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;
(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;
(15) to encourage community organizations to participate in residential housing development;
(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;
(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;
(18) to sue and be sued in its own name, plead and be impleaded;
(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;
(20) to adopt an official seal and alter the same at pleasure;
(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;
(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;
(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:
(A) the authority's money, funds, and accounts;
(B) any money, funds, and accounts in the authority's custody; and
(C) proceeds of bonds or notes;
in the manner provided by an investment policy established by resolution of the authority;
(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for the developmentally disabled or for the mentally ill or for the acquisition or renovation,

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or both, of a facility to make it suitable for use as a new residential facility for the developmentally disabled or for the mentally ill;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing; and

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of

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purchasing or participating in the purchasing from mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars ($95,000);

(C) to be used as the purchaser's principal residence; and

(D) for which the purchaser has made a down payment in an amount determined by the authority;

(2) no mortgage loan exceeds seventy-five thousand dollars ($75,000);

(3) any bonds or notes issued which are backed by mortgage loans purchased by the authority under this subsection shall be offered for sale to the retirement plans covered by IC 5-10-1.7; and

(4) qualified members of a retirement plan shall be given preference with respect to the mortgage loans that in the aggregate do not exceed the amount invested by their retirement plan in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under this subsection.

(d) As used in this section, "a qualified member of a retirement plan" means an active or retired member:

(1) of a retirement plan covered by IC 5-10-1.7 that has invested in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under subsection (c); and

(2) who for a minimum of two (2) years preceding the member's application for a mortgage loan has:

(A) been a full-time state employee, teacher, judge, police officer, or firefighter;

(B) been a full-time employee of a political subdivision participating in the public employees' retirement fund;

(C) been receiving retirement benefits from the retirement plan; or

(D) a combination of employment and receipt of retirement benefits equaling at least two (2) years.

(e) Beginning with the 1991 program year, the authority, when directed by the governor, shall administer:

(1) the rental rehabilitation program established by the Housing

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Assistance Act of 1937 (42 U.S.C. 1437o); and

(2) federal funds allocated to the rental rehabilitation program under the Housing Assistance Act of 1937 (42 U.S.C. 1437o).

(f) The authority may contract with the division of family ~~and children~~ **resources** and the department of commerce so that the authority may administer the program and funds described under subsection (e) for program years before 1991.

(g) Beginning May 15, 2005, the authority shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the authority using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing this subsection.

SECTION 15. IC 5-20-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The housing trust fund advisory committee is established.

(b) The committee consists of sixteen (16) members to be appointed by the governor as follows:

(1) One (1) member of the division of mental health and addiction.

(2) One (1) member of the division of family ~~and children.~~ **resources.**

(3) One (1) member of the division of disability, aging, and rehabilitative services.

(4) One (1) member of the ~~department of commerce.~~ **office of the lieutenant governor.**

(5) One (1) member to represent residential real estate developers.

(6) One (1) member to represent construction trades.

(7) One (1) member to represent banks and other lending institutions.

(8) One (1) member to represent the interests of persons with disabilities.

(9) One (1) member to represent service providers.

(10) Two (2) members to represent neighborhood groups.

(11) One (1) member to represent low income families.

(12) One (1) member to represent nonprofit community based organizations and community development corporations.

(13) One (1) member to represent real estate brokers or salespersons.

(14) One (1) member to represent the Indiana Apartment Owner's Association.

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(15) One (1) member to represent the manufactured housing industry.

At least three (3) members of the committee shall be from a city with a population of less than thirty-five thousand (35,000), a town, or a rural area.

(c) Members of the advisory committee shall serve a term of three (3) years. However, the governor may remove for cause an appointed member of the advisory committee and fill vacancies of appointed members on the advisory committee.

(d) The advisory committee shall make recommendations to the housing ~~finance~~ **and community development** authority regarding:

(1) the development of policies and procedures under section 14 of this chapter; and

(2) long term sources to capitalize the housing trust fund, including the following:

(A) Revenue from development ordinances, fees, or taxes.

(B) Market based or private revenue.

(C) Revenue generated from government programs, foundations, private individuals, or corporations.

(e) The advisory committee shall prepare and present an annual report that:

(1) describes disbursements under the housing trust fund; and

(2) makes recommendations to the board of the Indiana housing ~~finance~~ **and community development** authority regarding long term sources to capitalize the housing trust fund.".

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 17. IC 5-22-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "division" refers to the division of family ~~and children~~ **resources** established by IC 12-13-1-1.

(b) As used in this section, "EBT program" refers to an electronic benefits transfer program.

(c) Notwithstanding section 3 of this chapter, the division may enter into a contract for supplies and services to implement an EBT program for an initial period not to exceed five (5) years. The division may renew the contract for any number of successive periods not to exceed two (2) years each.

SECTION 18. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government

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finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

(1) the records of a county office of family and children, the division of family ~~and children,~~ **resources,** or the division of disability, aging, and rehabilitative services; or

(2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that he is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 19. IC 6-3.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The division of family ~~and children~~ **resources** shall apply the refundable portion of the credits provided under this chapter as expenditures toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).

(b) The department of state revenue shall collect and provide the data requested by the division of family ~~and children~~ **resources** that is necessary to comply with this section.

SECTION 20. IC 6-4.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The department, the department's counsel, agents, clerks, stenographers, other employees, or former employees, or any other person who gains access to the inheritance tax files shall not divulge any information disclosed by the documents required to be filed under this article. However, disclosure may be made in the following cases:

(1) To comply with an order of a court.

(2) To the members and employees of the department.

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(3) To the members and employees of county offices and courts to the extent they need the information for inheritance tax purposes. IC 5-14-3-6.5 does not apply to this subdivision.
(4) To the governor.
(5) To the attorney general.
(6) To any other legal representative of the state in any action pertaining to the tax due under this article.
(7) To any authorized officer of the United States, when the recipient agrees that the information is confidential and will be used solely for official purposes.
(8) Upon the receipt of a certified request, to any designated officer of a tax department of any other state, district, territory, or possession of the United States, when the state, district, territory, or possession permits the exchange of like information with the taxing officials of Indiana and when the recipient agrees that the information is confidential and will be used solely for tax collection purposes.
(9) Upon receipt of a written request, to the director of the **department of child services or to the director of the** division of family ~~and children~~ **resources** and to any county director of family and children, when the recipient agrees that the information is confidential and will be used only in connection with their official duties.
(10) To the attorney listed on the inheritance tax return under IC 6-4.1-4-1 or IC 6-4.1-4-7.
(11) To a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent for whom an inheritance tax return was filed or, upon the receipt of a written request, to an agent or attorney of a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent.

(b) Any person who knowingly violates this section:
(1) commits a Class C misdemeanor; and
(2) shall be immediately dismissed from the person's office or employment, if the person is an officer or employee of the state.

SECTION 21. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department,

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investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family ~~and children,~~ **resources,** and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the

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information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

(1) the beer excise tax (IC 7.1-4-2);

(2) the liquor excise tax (IC 7.1-4-3);

(3) the wine excise tax (IC 7.1-4-4);

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(4) the hard cider excise tax (IC 7.1-4-4.5);
(5) the malt excise tax (IC 7.1-4-5);
(6) the motor vehicle excise tax (IC 6-6-5);
(7) the commercial vehicle excise tax (IC 6-6-5.5); and
(8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

SECTION 22. IC 6-8.1-9.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Notwithstanding IC 6-8.1-7 or any other provision of law prohibiting disclosure of a taxpayer's records or information, all information exchanged among the department, the claimant agency, and the debtor necessary to accomplish the purpose of this chapter is lawful.

(b) Whenever the child support bureau of the ~~division of family and children~~ **department of child services** seeks to enforce a child support obligation through a setoff against a debtor's tax refund, the department shall make the following information available to that agency and to any other state's Title IV-D agency that is enforcing the child support order against the debtor:

(1) The debtor's Social Security account number (or numbers, if the debtor has more than one (1) number).
(2) The debtor's home address.

SECTION 23. IC 8-23-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

AFDC assistance.
AFDC burials.
AFDC IMPACT/J.O.B.S.
AFDC-UP assistance.
ARCH.
Blind relief.
Child care.
Child welfare adoption assistance.
Child welfare adoption opportunities.
Child welfare assistance.
Child welfare child care improvement.

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Child welfare child abuse.
Child welfare child abuse and neglect prevention.
Child welfare children's victim advocacy program.
Child welfare foster care assistance.
Child welfare independent living.
Child welfare medical assistance to wards.
Child welfare program review action group (PRAG).
Child welfare special needs adoption.
Food Stamp administration.
Health care for indigent (HIC).
ICES.
IMPACT (food stamps).
Title IV-D (ICETS).
Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).
Medicaid assistance.
Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other law of this state administered by the division of family ~~and children.~~ **resources or the department of child services.**

SECTION 24. IC 8-23-17-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

AFDC assistance.
AFDC burials.
AFDC IMPACT/J.O.B.S.
AFDC-UP assistance.
ARCH.
Blind relief.
Child care.
Child welfare adoption assistance.
Child welfare adoption opportunities.
Child welfare assistance.

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Child welfare child care improvement.
Child welfare child abuse.
Child welfare child abuse and neglect prevention.
Child welfare children's victim advocacy program.
Child welfare foster care assistance.
Child welfare independent living.
Child welfare medical assistance to wards.
Child welfare program review action group (PRAG).
Child welfare special needs adoption.
Food Stamp administration.
Health care for indigent (HIC).
ICES.
IMPACT (food stamps).
Title IV-D (ICETS).
Title IV-D child support administration.
Title IV-D child support enforcement (parent locator).
Medicaid assistance.
Medical services for inmates and patients (590).
Room and board assistance (RBA).
Refugee social service.
Refugee resettlement.
Repatriated citizens.
SSI burials and disabled examinations.
Title XIX certification.
Any other Indiana law administered by the division of family ~~and children.~~ **resources or the department of child services.**".

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 31. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar ($3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar ($7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the

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parent locator service of the child support bureau of the ~~division of family and children.~~ **department of child services.**

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12.".

Page 14, line 9, strike "a county office of family and children" and insert "**the division of family resources**".

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 33. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; and

(4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

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The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the ~~division of family and children~~ **department of child services** and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) in coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability, aging, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

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(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.".

Page 18, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 44. IC 12-7-2-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. "County director" refers to a director of a county office or a director of a district office of the division of family ~~and children.~~ **resources or the department of child services.**".

Page 25, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 63. IC 12-7-2-191 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 191. "Title IV-A Agency", for purposes of IC 12-17, refers to the division of family ~~and children.~~ **resources.**".

Page 26, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 65. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

(1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.

(2) Formulating overall policy for family, health, and social services in Indiana.

(3) Coordinating activities between the programs of the division of family ~~and children~~ **resources** and the maternal and child health programs of the state department of health.

(4) Coordinating activities concerning long term care between the division of disability, aging, and rehabilitative services and the state department of health.

(5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 66. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

(1) The family and social services committee established by IC 12-8-3-2.

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(2) The following advisory councils:

(A) The division of disability, aging, and rehabilitative services advisory council.

(B) The division of family ~~and children~~ **resources** advisory council.

(C) The division of mental health and addiction advisory council.

(3) A body:

(A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

SECTION 67. IC 12-8-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The office, ~~and~~ the division of family ~~and children~~ **resources, and the department of child services** shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

SECTION 68. IC 12-8-10-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

(1) Money appropriated or allocated to a state agency from money received by the state under the Social Services Block Grant Act (42 U.S.C. 1397 et seq.).

(2) The division of disability, aging, and rehabilitative services, except this chapter does not apply to money expended under the following:

(A) The following statutes, unless application of this chapter is required by another subdivision of this section:

(i) IC 12-10-6.

(ii) IC 12-10-12.

(B) Epilepsy services.

(3) The division of family ~~and children,~~ **resources,** for money expended under the following:

(A) The following statutes:

(i) IC 12-14-10.

(ii) IC 12-14-11.

(iii) IC 12-14-12.

(B) The following programs:

(i) The child development associate scholarship program.

(ii) The dependent care program.

(iii) Migrant day care.

(iv) The youth services bureau.

(v) The project safe program.

(vi) The commodities program.

(vii) The migrant nutrition program.

(viii) Any emergency shelter program.

(ix) The energy weatherization program.

(x) Programs for individuals with developmental disabilities.

(4) The state department of health, for money expended under the following statutes:

(A) IC 16-19-10.

(B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

(A) The purchases are made under a contract between the state agency and the office of the secretary.

(B) The contract includes a requirement that the office of the

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secretary perform the duties and exercise the powers described in this chapter.

(C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 69. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family ~~and children,~~ **resources,** the division of disability, aging, and rehabilitative services, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 70. IC 12-10-11-2, AS AMENDED BY P.L.137-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board consists of the following fifteen (15) members:

(1) The director of the division of family ~~and children~~ **resources** or the director's designee.

(2) The chairman of the Indiana state commission on aging or the chairman's designee.

(3) Three (3) citizens at least sixty (60) years of age, nominated by two (2) or more organizations that:

(A) represent senior citizens; and

(B) have statewide membership.

(4) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:

(A) represent individuals with disabilities; and

(B) have statewide membership.

(5) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:

(A) represent individuals with mental illness; and

(B) have statewide membership.

(6) One (1) provider who provides services under IC 12-10-10.

(7) One (1) licensed physician, nurse, or nurse practitioner who specializes either in the field of gerontology or in the field of disabilities.

(8) Two (2) home care services advocates or policy specialists nominated by two (2) or more:

(A) organizations;

(B) associations; or

(C) nongovernmental agencies;

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that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.

(9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by subsection (a)(3) through (a)(8) shall be appointed by the governor for terms of two (2) years. In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

(1) the area agencies on aging; and

(2) all organizations, associations, and nongovernmental agencies that work with the division on home care issues and programs.".

Page 27, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 72. IC 12-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The comprehensive plan required by section 5(3) of this chapter must include an interagency cooperation agreement among the following:

(1) The department of education.

(2) The division of mental health and addiction.

(3) The division of family ~~and children.~~ **resources.**

(4) The division.

(5) **The department of child services.**

(6) Any other appropriate agencies.

SECTION 73. IC 12-11-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The following shall cooperate with the commission and each other in developing and updating the comprehensive plan required by section 5(3) of this chapter and in developing and complying with the interagency cooperation agreement required by section 6 of this chapter:

(1) The department of education.

(2) The division of mental health and addiction.

(3) The division of family ~~and children.~~ **resources.**

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(4) The division.

(5) **The department of child services.**

(6) Any other appropriate agencies.

SECTION 74. IC 12-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of family ~~and children~~ **resources** advisory council established by this chapter.

SECTION 75. IC 12-13-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of family ~~and children~~ **resources** advisory council is established.".

Page 28, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 77. IC 12-13-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission consists of nineteen (19) members appointed as follows:

(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(3) The director of the division of family ~~and children~~ **resources** or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The superintendent of public instruction or the superintendent's designee.

(7) The commissioner of the department of correction or the commissioner's designee.

(8) The director of the civil rights commission or the director's designee.

(9) The commissioner of the department of administration or the commissioner's designee.

(10) The director of the department of commerce or the director's designee.

(11) A minority business person, appointed by the governor.

(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

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(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

SECTION 78. IC 12-13-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The division of family ~~and children~~ **resources** shall provide staff and administrative support to the commission.

SECTION 79. IC 12-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of family and children~~ **department of child services** shall prepare a report in an electronic format under IC 5-14-6 for the general assembly regarding the ~~division's~~ **department's** management of child abuse and neglect cases.".

Page 29, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 81. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of family resources is established within the division of family ~~and children.~~ **resources.**

SECTION 82. IC 12-14-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The codirectors of the election division shall notify the division of family ~~and children~~ **resources and the department of child services** of the following:

(1) The scheduled date of each primary, general, municipal, and special election.

(2) The jurisdiction in which the election will be held.

SECTION 83. IC 12-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A county office shall serve as an agent of the division of family ~~and children.~~ **resources.**

SECTION 84. IC 12-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division of family ~~and children~~ **resources** shall supervise the county offices **regarding services provided under this chapter**.

SECTION 85. IC 12-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and the division of family ~~and children~~ **resources** shall formulate written protocols that specify the following:

(1) That the county offices are responsible for all eligibility determinations made under the state Medicaid program.

(2) That the office is responsible for payment of a claim made under the state Medicaid plan.

(b) The office may enter into any contract to implement the state

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program.

SECTION 86. IC 12-15-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The codirectors of the election division shall provide the division of family ~~and children~~ **resources and the department of child services** with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The division shall promptly forward the list and each revision of the list to each county office.

(b) The codirectors shall provide the division of family ~~and children~~ **resources and the department of child services** with pre-addressed packets for county offices to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 87. IC 12-15-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. An individual:

(1) who is less than eighteen (18) years of age;

(2) who is described in 42 U.S.C. 1396a(a)(10)(A)(ii); and

(3) who is:

(A) a child in need of services (as defined in IC 31-34-1);

(B) a child placed in the custody of the ~~division of family and children~~ **department of child services** or a county office under IC 31-35-6-1 (or IC 31-6-5-5 before its repeal); or

(C) a child placed under the supervision or in the custody of the ~~division of family and children~~ **department of child services** or a county office by an order of the court;

is eligible to receive Medicaid.

SECTION 88. IC 12-15-9-0.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the local office of the division of family ~~and children.~~ **resources.**

SECTION 89. IC 12-17-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "applicant" means either:

(1) a school corporation; or

(2) a nonprofit organization that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

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(B) has provided extracurricular activities or services to children continuously for at least one (1) year before the date of application for a grant under this chapter;

that applies to the division of family ~~and children~~ **resources** for a grant from the school age child care fund for the purpose of establishing and operating a school age child care program or for the purpose of maintaining an existing school age child care program.".

Page 29, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 91. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

(1) The division of mental health and addiction.

(2) The state department of health.

(3) The division of family ~~and children.~~ **resources.**

(4) The division of disability, aging, and rehabilitative services.

(5) The department of education.

SECTION 92. IC 12-17.2-2-1.5, AS AMENDED BY P.L.1-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division shall require all child care centers or child care homes to submit a report containing the names and birth dates of all children who are enrolled in the child care center or child care home within three (3) months from the date the child care center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day

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care center or home) to report the name and birth date of my child or children to the division of family ~~and children~~ **resources** pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian

_____

Date _____"

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse on missing children established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation.".

Page 30, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 94. IC 12-17.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing child care centers, **or** child care homes. ~~child caring institutions, foster homes, group homes, or child placing agencies.~~ A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the variance in the form and manner specified by the division.

(2) Documents that compliance with an alternative method of compliance approved by the division will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the division.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the waiver in the form and manner specified by the division.

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(2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.

(3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.

(4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes, ~~or foster homes,~~ a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 95. IC 12-17.2-3.2-2, AS ADDED BY P.L.107-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The committee on child care is established.

(b) The committee consists of the following voting members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.

(3) The director of the division of family ~~and children~~ **resources** or the director's designee.

(4) The commissioner of the department of workforce development or the commissioner's designee.

(5) One (1) individual who holds a degree in the study of early childhood development.

(6) One (1) administrator of an elementary school.

(7) One (1) individual who operates or administers a Head Start program.

(8) One (1) individual who operates or administers a child care center.

(9) One (1) individual who operates or administers a class I child care home.

(10) One (1) individual who operates or administers a class II child care home.

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(11) One (1) individual who operates or administers a child care ministry.

(12) One (1) individual who operates or administers an after school care program.

(13) One (1) individual who operates or administers child care in an employer offered setting.

(14) One (1) individual who is a consumer of child care and who does not operate or administer a child care program.

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

(c) The president pro tempore of the senate shall appoint the members listed in ~~subsections~~ **subsection** (b)(5), (b)(8), (b)(9), (b)(12), and (b)(14). In making the appointments, the president pro tempore of the senate shall attempt to appoint individuals that represent both rural and urban areas. The president pro tempore of the senate shall appoint a member described in subsection (b)(2) as chairperson of the committee in 2006.

(d) The speaker of the house of representatives shall appoint the members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and (b)(13). In making the appointments, the speaker of the house of representatives shall attempt to appoint individuals that represent both rural and urban areas. The speaker of the house of representatives shall appoint a member described in subsection (b)(1) as chairperson of the committee in 2005.

SECTION 96. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center.

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(e) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

(f) Upon request, the county office of family and children shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family ~~and children~~ **resources** concerning a licensed child care center.

SECTION 97. IC 12-17.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15.~~ **IC 10-13-3-39.**

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

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SECTION 98. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the ~~county department of public welfare~~ **division's** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 99. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

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(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter; and

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to:

(1) conduct a criminal history check on the applicant's spouse; and

(2) obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15.~~ **IC 10-13-3-39.**

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's:

(A) employees;

(B) volunteers; and

(C) household members who are:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of each criminal history check.

SECTION 100. IC 12-17.2-5-6.5, AS AMENDED BY P.L.162-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to

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provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, except for any illumination requirements, in effect at the time the class II child care home provider initially applies for licensure; and

(B) the illumination requirements established in section 6.3(b)(2)(D) of this chapter.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family ~~and children~~ **resources** for class II child care homes.

(9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 101. IC 12-17.2-5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care home and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care home is located.

(b) The attorney general or the county department of public welfare attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care home if there is reasonable cause to believe that:

(A) the child care home is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of

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serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars ($100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child care homes described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 102. IC 12-17.2-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the office of the state fire marshal shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY ~~AND CHILDREN~~ **RESOURCES**

THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE _____

SIGNATURE _____

STATE FIRE MARSHAL'S OFFICE".".

Page 30, line 26, strike "protection".

Page 30, line 26, after "services" insert "**(as defined in IC 12-19-7-1)**".

Page 30, line 29, delete "IC 31-33" and insert "**IC 31-25 through IC 31-40**".

Page 32, line 21, after "by" insert "**the department or**".

Page 32, line 21, after "county" insert "**office**".

Page 32, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 105. IC 12-20-3-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A township trustee is not under the jurisdiction of the division of family ~~and children.~~ **resources.**

(b) The division of family ~~and children.~~ **resources:**

(1) may not subject a township trustee to investigation concerning the trustee's official duties; and

(2) has no authority to make a report with reference to the official duties of a township trustee.

SECTION 106. IC 12-20-6-3, AS AMENDED BY P.L.73-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family ~~and children~~ **resources** and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a township assistance applicant or a member of the applicant's household may be eligible for a public assistance program, the trustee may not extend aid to the applicant or the applicant's household unless the applicant verifies that:

(1) the applicant has filed, within the one hundred eighty (180) days preceding the application for township assistance, an application for assistance under a federal or state public assistance program administered by the division of family ~~and children~~ **resources** and county offices or by another federal or state governmental entity;

(2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity; or

(3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

SECTION 107. IC 12-20-6-5, AS AMENDED BY P.L.73-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered

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by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

SECTION 108. IC 12-20-6-5.5, AS AMENDED BY P.L.73-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

(1) the division of family ~~and children~~ **resources** and county offices; or

(2) any other federal or state governmental entity.

(c) An applicant or a household member who fails to:

(1) file an application as specified in subsection (b); and

(2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days.

SECTION 109. IC 12-20-7-1, AS AMENDED BY P.L.73-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

(1) The applicant's name, case number, and address.

(2) The types of information being solicited, including the following:

(A) Countable income.

(B) Countable assets.

(C) Wasted resources.

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(D) Relatives capable of providing assistance.

(E) Past or present employment.

(F) Pending claims or causes of action.

(G) A medical condition if relevant to work or workfare requirements.

(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family ~~and children~~ **resources** and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family ~~and children,~~ **resources,** county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 110. IC 12-20-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division of family ~~and children~~ **resources** and county offices shall use the consent forms received under this chapter to do the following:

(1) Assist in making eligibility determinations for public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

(2) Assist in reducing fraud and abuse in public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 111. IC 12-20-7-5, AS AMENDED BY P.L.73-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the following:

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(1) The administration of the township trustee's township assistance program.

(2) The administration of public assistance programs that are administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 112. IC 12-20-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A township trustee, an assistant of a township trustee, or an employee or a director of the division of family ~~and children,~~ **resources,** the office of Medicaid policy and planning, and county offices who knowingly discloses or uses information that is obtained through the use of a consent form described in section 1 of this chapter, except as authorized by this chapter, commits a Class A misdemeanor.

SECTION 113. IC 12-20-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A township trustee may not provide food assistance for more than thirty (30) days unless an individual files an application with the township trustee that includes the following:

(1) Evidence of application for food stamps from the division of family ~~and children.~~ **resources.**

(2) The amount of assistance received or the reason for denial of assistance.

(b) The township trustee shall inform an applicant for food assistance that food stamps may be available from the division of family ~~and children~~ **resources** and that the township trustee may not provide food assistance for more than thirty (30) days unless the individual files an application for food stamps with the division of family ~~and children.~~ **resources.**

SECTION 114. IC 12-20-25-8, AS AMENDED BY P.L.73-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Upon receipt of a certification under section 7 of this chapter, the governor shall appoint a four (4) member management committee to assume the township trustee's duties as administrator of township assistance. The committee must consist of one (1) representative from each of the following:

(1) The budget agency. This member serves as chairperson.

(2) The state board of accounts.

(3) The department.

(4) The division of family ~~and children.~~ **resources.**

SECTION 115. IC 12-20-25-29, AS AMENDED BY P.L.73-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A township assistance

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control board is established for each distressed township. The governor shall appoint the following members to the control board:

(1) The budget director or the director's designee, who shall serve as the chairman of the board.

(2) One (1) representative of the state board of accounts.

(3) One (1) representative of the department.

(4) One (1) representative of the division of family ~~and children.~~ **resources.**

(5) One (1) elected public official of the county.

(6) One (1) township trustee.

(7) One (1) individual who:

(A) resides in the county or is employed in the county by an employer paying taxes in the county; and

(B) is or agrees to become familiar with township assistance.

(8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.

(b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 116. IC 12-20-28-3, AS AMENDED BY P.L.180-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "case contact" means any act of service in which a township employee has reason to enter a comment or narrative into the record of an application for township assistance under this article regardless of whether the applicant receives or does not receive township assistance funds.

(c) As used in this section, "total number of households containing township assistance recipients" means the sum to be determined by counting the total number of individuals who file an application for which assistance is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(d) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives

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assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

(1) number of times assistance is provided; or

(2) number of households in which the individual resides during a particular year.

(e) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(f) The township trustee shall file an annual statistical report on township housing, medical care, utility assistance, food assistance, burial assistance, food pantry assistance, services related to representative payee programs, services related to special nontraditional programs, and case management services with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (k), the report must be made on a form provided by the state board of accounts. The report must contain the following information:

(1) The total number of requests for assistance.

(2) The total number of each of the following:

(A) Recipients of township assistance.

(B) Households containing recipients of township assistance.

(C) Case contacts made with or on behalf of:

(i) recipients of township assistance; or

(ii) members of a household receiving township assistance.

(3) The total value of benefits provided to recipients of township assistance.

(4) The total value of benefits provided through the efforts of township staff from sources other than township funds.

(5) The total number of each of the following:

(A) Recipients of township assistance and households receiving utility assistance.

(B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.

(6) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other than township funds.

(7) The total number of each of the following:

(A) Recipients of township assistance and households

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receiving housing assistance.

(B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.

(8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.

(9) The total number of each of the following:

(A) Recipients of township assistance and households receiving food assistance.

(B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.

(10) The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.

(11) The total number of each of the following:

(A) Recipients of township assistance and households provided health care.

(B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.

(12) The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.

(13) The total number of funerals, burials, and cremations.

(14) The total value of funerals, burials, and cremations, including the difference between the:

(A) actual value of the funerals, burials, and cremations; and

(B) amount paid by the township for the funerals, burials, and cremations.

(15) The total of each of the following:

(A) Number of nights of emergency shelter provided to the homeless.

(B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than township funds.

(C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.

(16) The total of each of the following:

(A) Number of referrals of township assistance applicants to other programs.

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(B) Value of the services provided by the township in making referrals to other programs.

(17) The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

(18) The number of hours spent by recipients of township assistance at workfare.

(19) The total value of the services provided by workfare to the township and other agencies.

(20) The total amount of reimbursement for assistance received from:

(A) recipients;

(B) members of recipients' households; or

(C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

(21) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

(22) The total of each of the following:

(A) Number of individuals assisted through a representative payee program.

(B) Amount of funds processed through the representative payee program that are not township funds.

(23) The total of each of the following:

(A) Number of individuals assisted through special nontraditional programs provided through the township without the expenditure of township funds.

(B) Amount of funds used to provide the special nontraditional programs that are not township funds.

(24) The total of each of the following:

(A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.

(B) Value of the case management services provided.

(25) The total number of housing inspections performed by the township.

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

(g) The state board of accounts shall compare and compile all data reported under subsection (f) into a statewide statistical report. The

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department shall summarize the data compiled by the state board of accounts that relate to the fixing of township budgets, levies, and tax rates and shall include the department's summary within the statewide statistical report prepared under this subsection. Before July 1, of each year, the state board of accounts shall file the statewide statistical report prepared under this subsection with the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(h) The state board of accounts shall forward a copy of:

(1) each annual report forwarded to the board under subsection (f); and

(2) the statewide statistical report under subsection (g);

to the department and the division of family ~~and children.~~ **resources.**

(i) The division of family ~~and children~~ **resources** shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary Assistance to Needy Families (TANF) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (h) concerning the total number of recipients of township assistance and the total dollar amount of benefits provided.

(j) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (f) in the preceding calendar year.

(k) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(l) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6.".

Page 32, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 118. IC 12-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The bureau head is responsible for the following:

(1) Developing a definition and criteria for emotional disturbance and serious emotional disturbance.

(2) Assessing current and projected needs for emotionally disturbed children and youth within geographic areas of Indiana.

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(3) Developing an annual plan for children's mental health services, including an implementation plan and fiscal requirements.

(4) Developing the budget and budget requests for the bureau.

(5) Implementing plans required under federal Public Law 99-660 (1986).

(6) Developing and coordinating programs and services for prevention and family support.

(7) Providing technical assistance and oversight of children's mental health programs and services within mental health facilities that are licensed or certified by the state.

(8) Coordinating with the director of the ~~division of family and children~~ **department of child services** on matters concerning children with mental health needs.

(9) Coordinating with other bureaus of the division.

(10) Maintaining sufficient staff to carry out the duties of the bureau.

SECTION 119. IC 12-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The ~~division of family and children~~ **department of child services** or a county office is responsible for the cost of treatment or maintenance of a child under the ~~division's~~ **department's** or county office's custody or supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

SECTION 120. IC 12-26-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the comfort and the care of an individual are not otherwise provided:

(1) from the individual's estate;

(2) by the individual's relatives or friends; or

(3) through financial assistance from the **department of child services, the** division of family ~~and children~~ **resources,** or a county office;

the court may order the assistance furnished and paid for out of the general fund of the county.

SECTION 121. IC 12-30-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The superintendent of a county home shall carefully observe the rules prescribed by the board of commissioners and shall be guided by suggestions that are made by the division of family ~~and children~~ **resources** and the county office. The superintendent shall make reports to the board of commissioners when the board of commissioners orders and shall make reports to the division of family ~~and children~~ **resources** when directed

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by the division.

SECTION 122. IC 12-30-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

(1) within the county in going to and from officially called meetings of the county home board; and

(2) within Indiana in going to and from meetings of the county home board officially called by the division of family ~~and children,~~ **resources;**

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars ($25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars ($25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

SECTION 123. IC 12-30-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county offices of the division of family ~~and children,~~ **resources,** and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care.".

Page 34, between lines 34 and 35, begin a new paragraph and insert:

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"SECTION 126. IC 16-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The hospital council is created.

(b) The council consists of nine (9) members appointed by the governor as follows:

(1) One (1) must be a licensed physician.

(2) One (1) must be a registered nurse licensed under IC 25-23 and experienced in providing acute care services.

(3) Three (3) must be individuals engaged in hospital administration.

(4) One (1) must be an individual engaged in freestanding ambulatory outpatient surgical center administration.

(5) One (1) must be from the division of family ~~and children.~~ **resources.**

(6) One (1) must be the state health commissioner.

(7) One (1) must be an individual who is not associated with hospitals, except as a consumer.

(c) Except for the members of the council appointed under subsection (b)(3) and (b)(4), a member of the council may not have a pecuniary interest in the operation of, or provide professional services through employment or under contract to, an institution or agency licensed under this article.

SECTION 127. IC 16-22-8-34, AS AMENDED BY P.L.184-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, sue and be sued in any court with jurisdiction.

(2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.

(3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:

(A) To protect property owned or managed by the corporation.

(B) To determine, prevent, and abate public health nuisances.

(C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing,

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processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the animal's breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation has no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children.~~ **resources.**

(7) To determine the public health policies and programs to be

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carried out and administered by the corporation.
(8) To adopt an annual budget ordinance and levy taxes.
(9) To incur indebtedness in the name of the corporation.
(10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.
(11) To acquire and dispose of property.
(12) To receive and make gifts.
(13) To receive and distribute federal, state, local, or private grants.
(14) To erect buildings or structures or improvements to existing buildings or structures.
(15) To determine matters of policy regarding internal organization and operating procedures.
(16) To do the following:
(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.
(C) Require security for the payment of the charges.
(17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.
(18) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.
(19) To purchase supplies, materials, and equipment for the corporation.
(20) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.
(21) To employ attorneys admitted to practice law in Indiana.
(22) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
(23) To dispose of surplus property in accordance with a policy by the board.
(24) To determine the duties of officers and division directors.
(25) To fix the compensation of the officers and division directors.
(26) To carry out the purposes and object of the corporation.
(27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

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(28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 128. IC 16-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

(1) One (1) licensed physician.

(2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.

(3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.

(4) One (1) registered nurse licensed under IC 25-23.

(5) One (1) registered pharmacist licensed under IC 25-26.

(6) Two (2) citizens having knowledge or experience in the field of gerontology.

(7) One (1) representative of a statewide senior citizens organization.

(8) One (1) citizen having knowledge or experience in the field of mental health.

(9) One (1) nurse-educator of a practical nurse program.

(10) The commissioner.

(11) The director of the division of family ~~and children~~ **resources** or the director's designee.

(12) The director of the division of disability, aging, and rehabilitative services or the director's designee.

(b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 129. IC 16-28-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The council shall do

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the following:

(1) Propose the adoption of rules by the department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.

(B) Qualifications of applicants for licenses issued under this article to assure the proper care of patients.

(C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.

(D) Manner, form, and content of the license, including rules governing disclosure of ownership interests.

(E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family ~~and children,~~ **resources,** and other agencies authorized to pay for the services.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

(4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.

(5) Act as an advisory body for the division, commissioner, and state department.

(6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 130. IC 16-33-4-11, AS AMENDED BY P.L.1-2005, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

(1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.

(2) The child is at least three (3) years of age but less than eighteen (18) years of age.

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(3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

(1) grandchildren;

(2) stepchildren;

(3) brothers;

(4) sisters;

(5) nephews; and

(6) nieces;

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent may accept for residence children referred:

(1) by the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1,~~ **IC 31-33-1.5-2;** or

(2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the state health commissioner or the commissioner's designee.

SECTION 131. IC 16-33-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An application for admission to the home may be made by a responsible parent, a guardian, a representative of the court, or the county office of family and children.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent of the home shall cooperate with the appropriate county office of family and children, either directly or through the ~~division of family and children,~~ **department of child services,** to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the home.

SECTION 132. IC 16-33-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Each child, the estate of the child, the parent or parents of the child, or the guardian of the child, individually or collectively, are liable for the payment of the costs of maintenance of the child of up to one hundred percent (100%)

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of the per capita cost, except as otherwise provided. The cost shall be computed annually by dividing the total annual cost of operation for the fiscal year, exclusive of the cost of education programs, construction, and equipment, by the total child days each year. The maintenance cost shall be referred to as maintenance charges. The charge may not be levied against any of the following:

(1) The ~~division of family and children~~ **department of child services** or the county office of family and children to be derived from county tax sources.

(2) A child orphaned by reason of the death of the natural parents.

(b) The billing and collection of the maintenance charges as provided for in subsection (a) shall be made by the superintendent of the home based on the per capita cost for the preceding fiscal year. All money collected shall be deposited in a fund to be known as the Indiana soldiers' and sailors' children's home maintenance fund. The fund shall be used by the state health commissioner for the:

(1) preventative maintenance; and

(2) repair and rehabilitation;

of buildings of the home that are used for housing, food service, or education of the children of the home.

(c) The superintendent of the home may, with the approval of the state health commissioner, agree to accept payment at a lesser rate than that prescribed in subsection (a). The superintendent of the home shall, in determining whether or not to accept the lesser amount, take into consideration the amount of money that is necessary to maintain or support any member of the family of the child. All agreements to accept a lesser amount are subject to cancellation or modification at any time by the superintendent of the home with the approval of the state health commissioner.

(d) A person who has been issued a statement of amounts due as maintenance charges may petition the superintendent of the home for a release from or modification of the statement and the superintendent shall provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the state health commissioner and after the hearing, cancel or modify the former statement and at any time for due cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as determined under subsection (a).

(e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of sufficient size to provide for immediate expenses upon

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graduation or discharge.

(f) The superintendent may make agreements with instrumentalities of the federal government for application of any monetary awards to be applied toward the maintenance charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter.".

Page 35, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 134. IC 16-37-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

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to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.

(2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

(1) The mother's sworn statement asserting that a person described in subsection (a)(2) is the child's biological father.

(2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.

(3) Written information furnished by the ~~division of family and children.~~ **child support bureau of the department of child services:**

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

(1) establishes paternity; and

(2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including the right of the child's mother or the Title IV-D agency to obtain a child support order against the person.

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another

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custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law:

(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or

(2) a man who is a party to a paternity affidavit executed under this section;

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit.

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (g)(2) of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court shall set aside the paternity affidavit upon a showing from a genetic test that sufficiently demonstrates that the person who executed the paternity affidavit is excluded as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.".

Page 37, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 136. IC 16-41-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, ~~"division"~~ **"department"** refers to the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1.~~ **IC 31-33-1.5-2.**".

Page 38, line 28, delete "IC 12-7-2-149.1(4))" and insert "**IC 12-7-2-149.1 or IC 31-9-2-99.3)**".

Page 38, line 29, after "division" insert "**or the department of child services**".

Page 38, line 31, after "division" insert "**or the department of child services**".

Page 39, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 141. IC 16-46-6-4, AS AMENDED BY P.L.2-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The council consists of the following twenty-one (21) members:

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(1) Two (2) members of the house of representatives from different political parties appointed by the speaker of the house of representatives.
(2) Two (2) members of the senate from different political parties appointed by the president pro tempore of the senate.
(3) The governor or the governor's designee.
(4) The state health commissioner or the commissioner's designee.
(5) The director of the division of family ~~and children~~ **resources** or the director's designee.
(6) The director of the office of Medicaid policy and planning or the director's designee.
(7) The director of the division of mental health and addiction or the director's designee.
(8) The commissioner of the department of correction or the commissioner's designee.
(9) One (1) representative of a local health department appointed by the governor.
(10) One (1) representative of a public health care facility appointed by the governor.
(11) One (1) psychologist appointed by the governor who:
(A) is licensed to practice psychology in Indiana; and
(B) has knowledge and experience in the special health needs of minorities.
(12) One (1) member appointed by the governor based on the recommendation of the Indiana State Medical Association.
(13) One (1) member appointed by the governor based on the recommendation of the National Medical Association.
(14) One (1) member appointed by the governor based on the recommendation of the Indiana Hospital and Health Association.
(15) One (1) member appointed by the governor based on the recommendation of the American Cancer Society.
(16) One (1) member appointed by the governor based on the recommendation of the American Heart Association.
(17) One (1) member appointed by the governor based on the recommendation of the American Diabetes Association.
(18) One (1) member appointed by the governor based on the recommendation of the Black Nurses Association.
(19) One (1) member appointed by the governor based on the recommendation of the Indiana Minority Health Coalition.

(b) At least fifty-one percent (51%) of the members of the council must be minorities.

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SECTION 142. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the ~~division of family and children;~~ **department of child services;**

(2) by a court order; or

(3) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;**

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~*IC 20-35-2-1(c)(5).*~~ *IC 20-35-2-1(b)(5).*

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and

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rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.".

Page 39, line 16, after "after" insert "**the department of child services or**".

Page 39, line 16, after "county" insert "**office of family and children**".

Page 39, line 17, after "student, the" insert "**department of child services or the**".

Page 39, line 17, after "county" insert "**office of family and children**".

Page 39, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 144. IC 20-26-11-12, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically

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nearest school corporation in Indiana that has the same classification.

(b) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the county office of family and children for the county placing the child shall pay from the county family and children's fund to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

(1) The amount under a written agreement among the county office, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school;

the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the ~~division of family and children.~~ **department of child services.** However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 145. IC 20-26-13-10, AS ADDED BY P.L.242-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 10. Except as provided in section 11 of this chapter, the graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

(i) began the reporting year in a cohort that expects to graduate during a future reporting year; and

(ii) graduate during the current reporting year.

STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the ~~division of family and children.~~ **department of child services.**

(F) Enrollment in a virtual school.

(G) Graduation before the beginning of the reporting year.

(H) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

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(I) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children.

(J) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

(A) the number determined under STEP SIX; by

(B) the remainder determined under STEP FIVE.

SECTION 146. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;

(2) representative of the state's population; and

(3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

(1) Parents of children with disabilities.

(2) Individuals with disabilities.

(3) Teachers.

(4) Representatives of higher education institutions that prepare special education and related services personnel.

(5) State and local education officials.

(6) Administrators of programs for children with disabilities.

(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability, aging, and

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rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the ~~division of family and children~~ **department of child services** or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

(11) A representative from each of the following:

(A) The Indiana School for the Blind and Visually Impaired board.

(B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

(1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.

(4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the state superintendent.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their

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duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 147. IC 20-35-6-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family ~~and children~~ **resources** shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

SECTION 148. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability, aging, and rehabilitative services.

(4) State hospitals operated by the division of mental health and addiction.

(5) State schools and programs operated by the state department of health.

(6) Programs operated by the department of correction.

(7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children,~~ **department of child services,** or other public entity.

SECTION 149. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005, SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation

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established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and ~~*beginning in the school year that ends in the 2005 calendar year,*~~ as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM.

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"Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~IC 20-8.1-6.1,~~

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IC 20-8.1-6.1 (before its repeal) or IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the ~~division of family and children;~~ **department of child services;**

(ii) by a court order;

(iii) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;** or

(iv) by a parent or guardian under ~~*IC 20-8.1-6.1,*~~ *IC 20-8.1-6.1 (before its repeal) or* IC 20-26-11-8.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~*(l) "At risk index" means the following:*~~

~~*(1) For a school corporation that is a not a charter school, the sum of:*~~

~~*(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);*~~

~~*(B) the product of four-tenths (0.4) multiplied by the*~~

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~~*percentage of families in the school corporation with a single parent; and*~~

~~*(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.*~~

~~*The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.*~~

~~*(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.*~~

~~*(m)*~~ *(l)* "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

~~*(n)*~~ *(m)* "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.

SECTION 150. IC 24-6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The division of weights and measures shall take charge of the standards adopted by this chapter as the standards of the state, cause them to be kept in a fireproof building belonging to the state, and from which they shall not be removed except for repairs or for certification, and take all other necessary precautions for their safekeeping.

(b) The division shall maintain the state standards in good order and shall submit them once in ten (10) years to the National Institute of Standards and Technology for certification. The division or inspectors at the division's direction, shall correct the standards of the several cities and counties, and as often as once in two (2) years compare the same with those in the division's possession, and where not otherwise provided by law the division shall have the general supervision of the weights, measures, and measuring and weighing devices in use in Indiana.

(c) The division of weights and measures is also authorized to adopt rules, specifications, and tolerances necessary for the enforcement of this chapter. The division shall, upon the written request of any Indiana citizen, firm, corporation, limited liability company, or institution, test or calibrate weights, measures, weighing, or measuring devices and instruments or apparatus used as standards in Indiana. The division or inspectors at the division's direction, shall at least once annually test all

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scales, weights, and measures and devices used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the ~~division of family and children~~ **department of child services** and the division shall report in writing the findings to the executive officer of the institution concerned.

(d) The division of weights and measures shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take a receipt for the same from the successor in office to the head of the division.

(e) The division or inspectors at the division's direction, shall at least once in two (2) years visit the various cities and counties in Indiana that have appointed sealers of weights and measures in order to inspect the work of the local sealers. In the performance of such duties, the division may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person.

(f) The division of weights and measures shall issue from time to time rules for the guidance of state, county, and city sealers or inspectors. The rules shall govern the procedure to be followed by those officers in the discharge of their duties.".

Page 42, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 152. IC 25-16-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The term "employment agency", as used in this chapter, means any person, firm, limited liability company, or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured.

(b) Nothing in this chapter shall apply to the business and vocation of babysitting.

(c) Nothing in this chapter shall apply to charitable and benevolent organizations and associations approved by the division of family ~~and children.~~ **resources.** All charitable and benevolent organizations and associations approved by the division of family ~~and children~~ **resources** shall, before being authorized to conduct such employment agency or department, secure a permit from the department of state revenue by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.

SECTION 153. IC 25-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) There is created

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the Indiana state board of health facility administrators composed of fourteen (14) members as follows:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of family ~~and children~~ **resources** or the director's designee.

(3) The state long term care ombudsman or the state long term care ombudsman's designee.

(4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.

(5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.

(6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.

(7) Four (4) administrators of licensed proprietary health facilities.

(8) Two (2) administrators of licensed nonproprietary health facilities.

(9) Two (2) members representing the public at large, who:

(A) are residents of Indiana; and

(B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state

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agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 154. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family ~~and children,~~ **resources,** the division of mental health and addiction, the division of disability, aging, and rehabilitative services, the department of correction, or the state department of health in one (1) of the following classifications:

(1) 2AA3 Behavioral clinician 3.
(2) 2AA4 Behavioral clinician 4.
(3) 2AA5 Clinical associate 5.
(4) 2FL1 Mental health administrator 1.
(5) 2FL2 Mental health administrator 2.
(6) 2FL3 Mental health administrator 3.
(7) 2AN3 Substance abuse counselor 3.
(8) 2AN4 Substance abuse counselor 4.
(9) 2AN5 Substance abuse counselor 5.
(10) 2AH2 Social services specialist 2.
(11) 2AH3 Social services specialist 3.
(12) 2AH4 Social services specialist 4.
(13) 2AI1 Psychiatric services director 1.
(14) 2AE2 Psychiatric social services specialist 2.
(15) 2AE3 Psychiatric social services specialist 3.".

Page 48, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 160. IC 29-3-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. "Person" means an individual, an organization, an association, a nonprofit corporation, a corporation for profit, a limited liability company, a partnership, a financial institution, a trust, the division of family ~~and children~~ **resources** or other governmental entity, or other legal entity.

SECTION 161. IC 29-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~division of family and children~~ **department** or county office of family and children shall investigate and report to the court concerning the conditions and circumstances of a minor or an alleged incapacitated person or protected person and the fitness and conduct of the guardian or the proposed guardian whenever ordered to do so by the court.".

Page 49, line 35, delete "IC 31-25-4" and insert "**IC 31-25**".

Page 52, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 163. IC 31-9-2-26 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. "County office", for purposes of **IC 31-25 through IC 31-40 and** the juvenile law, refers to a county office of family and children.".

Page 52, delete lines 40 through 42.

Page 53, delete lines 1 through 25.

Page 55, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 191. IC 31-9-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 48.5. "Group home", for purposes of IC 31-27, means a residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.**

SECTION 192. IC 31-9-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

(1) An adoptee.
(2) A birth parent.
(3) An adoptive parent.
(4) A relative of a birth parent.
(5) A relative of an adoptive parent.
(6) The ~~division of family and children~~ **department** or **a** county office of family and children.
(7) An adoption agency.
(8) A court.".

Page 57, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 205. IC 31-9-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 106. (a) "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the ~~division of family and children~~ **department** under IC 31-33-17.".

Page 60, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 214. IC 31-14-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A paternity action may be filed by the following persons:

(1) The mother or expectant mother.
(2) A man alleging that:
  (A) he is the child's biological father; or
  (B) he is the expectant father of an unborn child.
(3) The mother and a man alleging that he is her child's biological

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father, filing jointly.

(4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.

(5) A child.

(6) The ~~division of family and children~~ **department** or a county office of family and children under section 3 of this chapter.

(7) The prosecuting attorney under section 2 of this chapter.

SECTION 215. IC 31-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Upon the request of:

(1) the child;

(2) the mother or expectant mother;

(3) a man alleging to be the father or expectant father;

(4) the ~~division of family and children;~~ **department;** or

(5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

(1) or is alleged to be, a child in need of services; and

(2) under the supervision of the ~~division of family and children~~ **department** or the county office of family and children as the result of a court ordered out-of-home placement.

SECTION 216. IC 31-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~division of family and children~~ **department** or a county office of family and children may file a paternity action if:

(1) the mother;

(2) the person with whom the child resides; or

(3) the director of the county office of family and children;

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

SECTION 217. IC 31-14-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to an action filed by the ~~division of family and children~~ **department** or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the ~~division of family and children~~ **department** or its agents must file a paternity action not later than two (2) years after the child is born, unless:

(1) both the mother and the alleged father waive the limitation on

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actions and file jointly;

(2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

(A) the mother;

(B) a person acting on the mother's behalf; or

(C) a person acting on the child's behalf;

(3) the mother, the ~~division of family and children,~~ **department,** or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

SECTION 218. IC 31-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

(1) public assistance has been furnished for the child by the division of family ~~and children,~~ **resources;** and

(2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family ~~and children~~ **resources** or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first.".

Page 63, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 232. IC 31-16-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A custodial parent may file a petition for a setoff of child support from a state income tax refund payable to a child support obligor in:

(1) the court that entered the original child support order; or

(2) a court of competent jurisdiction located in the county of residence of the custodial parent.

(b) The petition must be verified and must include all of the following:

(1) The full name of:

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(A) the obligor;
(B) the custodial parent; and
(C) each child to whom the obligor owes child support.

(2) An averment that:
(A) the obligor's aggregate child support arrearage on the date the petition is filed is at least one thousand five hundred dollars ($1,500); and
(B) the obligor has intentionally violated the terms of the most recent child support order.

(3) An indication of whether the custodial parent:
(A) has received or is receiving assistance under the Title IV-A program; or
(B) has assigned child support payments under IC 12-14-7-1;
during the period ~~of time~~ for which child support is owed by the obligor.

(c) The court shall notify the child support bureau of the ~~division of family and children~~ **department** of the pendency of an action under this chapter if the petition:
(1) indicates under subsection (b)(3)(A) that the custodial parent has received or is receiving assistance; or
(2) indicates under subsection (b)(3)(B) that an assignment has occurred.

(d) The state has a right to intervene as a party in a hearing under this chapter if the custodial parent has received or is receiving assistance as described in subsection (b)(3)(A) or if an assignment as described in subsection (b)(3)(B) has occurred.

SECTION 233. IC 31-16-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The child support bureau of the ~~division of family and children~~ **department** shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:
(1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or
(2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.

SECTION 234. IC 31-16-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:
(1) The parent.
(2) The township trustee.
(3) The county director of the county office of family and

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children.

(4) The director of the division of family ~~and children.~~ **resources.**

(5) The prosecuting attorney.

(b) Costs may not be taxed against:

(1) the prosecuting attorney;

(2) the county director of the county office of family and children;

(3) the township trustee; or

(4) the director of the division of family ~~and children.~~ **resources.**".

Page 64, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 236. IC 31-18-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If the ~~division of family and children~~ **department** determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the ~~division~~ **department** may:

(1) direct the agent to perform duties of the agent under this article; or

(2) provide the services directly to the individual.

SECTION 237. IC 31-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~division of family and children~~ **department** is the state information agency for Indiana under this article.

(b) The ~~division of family and children~~ **department** shall do the following:

(1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and transmit a copy of the list to the state information agency of every state.

(2) Maintain a registry of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the location in Indiana in which:

(A) the obligee or the obligor resides; or

(B) the obligor's property is believed to be located;

all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state.

(4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

~~(1)~~ **(A)** Postal verification.

~~(2)~~ **(B)** Federal or state locator services.

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~~(3)~~ **(C)** Examination of telephone directories.

~~(4)~~ **(D)** Requests for the obligor's address from employers.

~~(5)~~ **(E)** Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:

~~(A)~~ **(i)** Real property.

~~(B)~~ **(ii)** Vital statistics.

~~(C)~~ **(iii)** Law enforcement.

~~(D)~~ **(iv)** Taxation.

~~(E)~~ **(v)** Motor vehicles.

~~(F)~~ **(vi)** Driver's licenses.

~~(G)~~ **(vii)** Social Security.

~~(H)~~ **(viii)** Worker's compensation.".

Page 79, line 38, delete "child" and insert "**department**".

Page 79, line 39, delete "protection services system".

Page 79, line 40, delete "representatives," and insert "**representatives in carrying out the responsibility of the department under section 7 of this chapter,**".

Page 80, line 22, delete "child" and insert "**department**".

Page 80, line 23, delete "protection services system".

Page 80, line 24, delete "representatives," and insert "**representatives in carrying out the responsibility of the department under section 7 of this chapter,**".

Page 108, line 28, delete "department" and insert "**county office**".

Page 109, line 22, delete "department's" and insert "**department of the county office's**".

Page 109, line 33, delete "department" and insert "**county office**".

Page 109, line 36, delete "department" and insert "**county office**".

Page 110, line 13, after "be" insert "**filed with and**".

Page 118, line 31, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 119, delete line 31.

Page 124, line 42, delete "check" and insert "**check, as defined by IC 31-9-2-22.5,**".

Page 125, line 16, delete "department," and insert "**office,**".

Page 129, line 28, delete "attorney".

Page 129, line 30, delete "county office attorney" and insert "**department**".

Page 130, line 36, after "office" delete "attorney".

Page 130, line 39, delete "county office attorney" and insert "**department**".

Page 131, line 40, delete "470 IAC 3-1-1 et seq." and insert "**465**

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IAC 2-1-1 et seq.".

Page 132, line 1, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 9, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 33, delete "470 IAC 3-1-1 et seq." and insert "**465 IAC 2-1-1 et seq.**".

Page 132, line 40, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 140, line 17, after "office" delete "attorney".

Page 140, line 20, delete "county office attorney" and insert "**department**".

Page 140, line 30, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 143, line 38, delete "departments" and insert "**office**".

Page 148, line 3, after "office" delete "attorney".

Page 148, line 5, delete "county office attorney" and insert "**department**".

Page 149, line 13, after "office" delete "attorney".

Page 149, line 16, delete "county office attorney" and insert "**department**".

Page 154, line 27, after "office" delete "attorney".

Page 154, line 29, delete "county office attorney" and insert "**department**".

Page 155, line 35, after "office" delete "attorney".

Page 155, line 38, delete "county office attorney" and insert "**department**".

Page 165, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 276. IC 31-33-17-6, AS AMENDED BY P.L.234-2005, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

(1) A law enforcement agency or the ~~department~~ **division of family resources** may have access to a substantiated report.

(2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the

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following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which

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the individual is named as the alleged perpetrator.

(7) The ~~department~~ **division of family resources** may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The ~~department~~ **division** may not disclose information used in connection with the ~~department's~~ **division's** activities under this subdivision.".

Page 176, line 10, after "(6)" delete "a" and insert "**the**".

Page 178, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 283. IC 31-34-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The ~~division of family and children~~ **department** may not:

(1) initiate a court proceeding to:

(A) terminate the parental rights concerning; or

(B) transfer legal custody of; or

(2) require a parent, guardian, or custodian to consent to:

(A) the termination of parental rights; or

(B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who 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. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the ~~division~~ **department or the county office** of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the ~~division of family and children~~ **department** and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

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(1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the ~~division of family and children.~~ **department.**

(2) A statement specifying the legal status of the child.

(3) A statement specifying the rights and obligations of the parent, guardian, or custodian.".

Page 178, line 23, delete "is:" and insert "is".

Page 178, line 24, strike "(1)".

Page 178, line 25, delete "placement; or" and insert "placement. ~~or~~".

Page 178, strike line 26.

Page 178, line 27, delete "department,".

Page 178, line 27, strike "expected to be residing in the location designated as".

Page 178, strike lines 28 through 29.

Page 178, run in lines 23 through 29.

Page 184, line 19, after "office" insert "**or department**".

Page 186, line 13, reset in roman "a county office".

Page 186, line 13, after "children," insert "**or**".

Page 186, line 15, reset in roman "county office".

Page 186, line 15, after "office" insert "**or the**".

Page 186, line 19, reset in roman "a county".

Page 186, line 20, reset in roman "office".

Page 186, line 20, after "children" insert "**or**".

Page 186, line 23, reset in roman "county office".

Page 186, line 23, after "office" insert "**or the**".

Page 186, line 31, reset in roman "county office".

Page 186, line 31, after "children." insert "**or the**".

Page 187, line 14, reset in roman "a county office".

Page 187, line 14, after "children" insert "**or**".

Page 189, line 20, reset in roman "county office".

Page 189, line 20, after "children" insert "**or the**".

Page 191, line 37, reset in roman "county office".

Page 191, line 37, after "children" insert "**or the**".

Page 196, line 4, delete "or".

Page 196, line 6, reset in roman "county office".

Page 196, line 6, after "office" insert "**;**".

Page 196, line 6, reset in roman "or".

Page 196, line 7, after "(B)" insert "**(C)**".

Page 196, line 14, delete "or".

Page 196, line 16, reset in roman "county office".

Page 196, line 16, after "office" insert "**;**".

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Page 196, line 16, reset in roman "or".
Page 196, line 17, after "(B)" insert "**(C)**".
Page 199, line 34, after "member of" reset in roman "the".
Page 199, line 34, reset in roman "staff of".
Page 201, line 25, reset in roman "county office".
Page 201, line 26, after "children;" insert "**or the**".
Page 207, line 22, reset in roman "a county office".
Page 207, line 22, after "children," insert "**or**".
Page 207, line 40, after "department" insert ",".
Page 207, line 40, strike "or".
Page 207, line 41, reset in roman "county office".
Page 207, line 41, after "children." insert "**or the**".
Page 208, line 26, strike "or".
Page 208, line 27, reset in roman "county office".
Page 208, line 27, delete "department." and insert "; or
(C) the department.".
Page 209, line 14, reset in roman "county office".
Page 209, line 15, after "children" insert "**or the**".
Page 210, line 4, reset in roman "county office".
Page 210, line 4, after "children" insert "**or the**".
Page 210, line 30, reset in roman "county office".
Page 210, line 30, after "children" insert "**or the**".
Page 213, line 13, reset in roman "county office".
Page 213, line 13, after "office" insert "**or the**".
Page 216, line 39, strike "IC 12-7-2-29)," and insert "**IC 31-9-2-16.7),**".
Page 219, line 4, after "for the" insert "**department on behalf of the**".
Page 219, line 6, strike "county office or the".
Page 219, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 356. IC 33-32-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection, disbursement, and distribution of child support payments established by the ~~division of family and children.~~ **department of child services.**

SECTION 357. IC 33-32-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

(1) through error or in accordance with the best information

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available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:

(A) child support order; or

(B) garnishment order;

(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

(A) an action by an employee of, or a consultant to, the ~~division of family and children;~~ **department of child services;**

(B) an ISETS technological error; or

(C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

SECTION 358. IC 34-30-2-45.2, AS ADDED BY P.L.145-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45.2. IC 12-16-2.5-6.5 (Concerning administering agreements between the hospital and the division of family ~~and children~~ **resources** under the hospital care for the indigent program).".

Page 220, line 41, reset in roman "a county office".

Page 220, line 42, after "children;" insert "**or**".

Page 222, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 363. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars ($10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

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(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family ~~and children~~ **resources** or county office of family and children has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

(1) the amount of the proceeds is more than ten thousand dollars ($10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.".

Page 223, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 365. IC 36-7-4-1108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1108. (a) This section applies only to a child care home that is used as the primary residence of the person who operates the child care home.

(b) As used in this section, "child care home" has the meaning set forth in IC 12-7-2-28.6.

(c) Except as provided in subsection (e), a zoning ordinance may not do any of the following:

(1) Exclude a child care home from a residential area solely because the child care home is a business.

(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.

(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety

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commission.

(d) Notwithstanding subsection (c), a child care home may be required to meet the same:

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

that apply to other residential structures in the same residential district or classification as the child care home.

(e) A zoning ordinance:

(1) that is in effect on July 1, 1993; and

(2) that:

(A) excludes a child care home from a residential area solely because the child care home is a business;

(B) imposes limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

(C) imposes requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission;

is not subject to subsection (c) until July 1, 1994.

SECTION 366. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

(1) on its own motion;

(2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or

(3) on receipt of an order from the division of family ~~and children.~~ **resources.**

(c) A resolution may be passed under this section only after a public hearing. Notice of the time, place, and purpose of the hearing must be given by the fiscal body by publication in accordance with IC 5-3-1.

(d) The fiscal body of a unit may adopt a resolution declaring that there is need for a housing authority in the unit if it finds that:

(1) unsanitary or unsafe dwelling accommodations are inhabited in the unit; or

(2) there is a shortage of safe or sanitary dwelling

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accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding.".

Page 223, line 15, after "IC 16-41-40-1;" insert "IC 31-9-2-41.2;".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 132 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Page 55, line 37, after "division" insert "**of family resources and the department of child services**".

Page 57, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 91. IC 12-17.2-2-1, AS AMENDED BY P.L.162-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 10-13-3-39 before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

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(C) Other relevant information.

The Internet site may not contain the address of a child care home. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5(b); and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome.".

Page 58, line 29, after "The" insert "**division of family resources**".

Page 58, line 31, after "article" insert ".".

Page 58, line 31, after "article" strike "and".

Page 58, line 32, delete "IC 31-27.".

Page 58, line 34, after "article" insert ".".

Page 58, line 34, strike "and".

Page 58, line 34, delete "IC 31-27.".

Page 63, line 8, after "the" insert "**division of family resources**".

Page 63, line 8, delete "." and insert "**established by IC 12-17.2-3-2.**".

Page 63, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 99. IC 12-17.2-4-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars ($1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**".

Page 65, line 33, after "the" insert "**division of family resources**".

Page 65, line 33, delete "." and insert "**established by IC 12-17.2-3-2.**".

Page 65, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 103. IC 12-17.2-5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars ($1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**".

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Page 66, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 106. IC 12-17.2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division shall charge a child care ministry a fifty dollar ($50) fee for processing a registration under section 2 of this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the **division of family resources** child care fund **established by IC 12-17.2-2-3.**".

Page 158, line 31, delete "The decision of the director under this chapter are" and insert "**(a) The department of child services child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of IC 31-25 through IC 31-28. The fund shall be administered by the department.**

(b) The fund consists of the fees and civil penalties collected under IC 31-25 through IC 31-28.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.".

Page 158, delete line 32.

Page 163, line 36, delete "bureau" and insert "**agency**".

Page 163, line 39, delete "two bureaus of the department." and insert "**bureau and the agency that administers Title IV-A of the Federal Social Security Act.**".

Page 193, line 11, delete "who:" and insert "**who**".

Page 193, line 12, delete "(1)".

Page 193, line 13, delete "placement; or" and insert "**placement**".

Page 193, delete lines 14 through 17.

Page 193, run in lines 11 through 18.

Page 194, line 22, delete "adoption from a" and insert "**adoption.**".

Page 194, delete line 23.

Page 195, line 2, after "the" insert "**department of child services**".

Page 195, line 3, delete "IC 12-17.2-2-3." and insert "**IC 31-25-1-16.**".

Page 201, line 36, delete "or of".

Page 201, line 36, after "employee" insert "**of the applicant**,".

Page 201, line 37, delete "applicant," and insert "**applicant who has direct contact with children who are under the direct supervision**

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of the applicant,".

Page 206, line 27, before "an employee" delete "or".

Page 206, line 27, after "employee" insert "**of the licensee,**".

Page 206, line 28, delete "licensee," and insert "**licensee who has direct contact with children who are under the direct supervision of the licensee,**".

Page 207, line 24, after "the" insert "**department of child services**".

Page 207, line 24, delete "fund." and insert "**fund established by IC 31-25-1-16.**".

Page 210, line 28, delete "or of".

Page 210, line 28, after "employee" insert "**of the applicant**".

Page 210, line 29, delete "," and insert "**who has direct contact with children who are under the direct supervision of the applicant,**".

Page 215, line 42, delete "or of".

Page 215, line 42, after "employee" insert "**of the licensee,**".

Page 216, line 1, delete "," and insert "**who has direct contact with children who are under the direct supervision of the applicant,**".

Page 216, line 41, after "the" insert "**department of child services**".

Page 216, line 41, delete "IC 12-17.2-2-3." and insert "**IC 31-25-1-16.**".

Page 220, line 13, delete "or of".

Page 220, line 13, after "employee" insert "**of the applicant,**".

Page 220, line 14, delete "applicant," and insert "**applicant who has direct contact with children who are under the direct supervision of the applicant.**".

Page 225, line 1, delete "licensee or of" and insert "**licensee,**".

Page 225, line 1, after "employee" insert "**of the licensee,**".

Page 225, line 2, delete "licensee," and insert "**licensee who has direct contact with children who are under the direct supervision of the licensee,**".

Page 225, line 41, after "the" insert "**department of child services**".

Page 225, line 41, delete "fund." and insert "**fund established by IC 31-25-1-16.**".

Page 226, line 42, delete "or of".

Page 226, line 42, after "employee" insert "**of the licensee,**".

Page 227, line 1, delete "licensee," and insert **licensee who has direct contact with children who are under the direct supervision of the licensee,**".

Page 231, line 22, delete "or of".

Page 231, line 22, after "employee" insert "**of the licensee,**".

Page 231, line 23, delete "licensee," insert "**licensee who has direct**

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contact with children who are under the direct supervision of the licensee,".

Page 232, line 22, after "the" insert "**department of child services**".

Page 232, line 22, delete "fund." and insert "**fund, established by IC 31-25-1-16.**".

Page 252, delete lines 20 through 23.

Page 264, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 306. IC 31-34-18-6.1, AS AMENDED BY P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1)~~ is currently residing in the location designated as the out-of-home placement. ~~or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the

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predispositional report is prepared.".

Page 266, line 3, delete "is:" and insert "is".

Page 266, line 4, strike "(1)".

Page 266, line 5, delete "chapter; or" and insert "chapter ~~or~~".

Page 266, strike lines 6 through 8.

Page 286, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 337. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1)~~ is currently residing in the location designated as the out-of-home placement. ~~or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.".

Page 288, line 5, delete "is:" and insert "is".

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Page 288, line 6, strike "(1)".
Page 288, line 8, delete "chapter; or" and insert "chapter ~~or~~".
Page 288, strike lines 9 through 12.
Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 20, 2006.)

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