March 23, 2007

# ENGROSSED
# HOUSE BILL No. 1778

DIGEST OF HB 1778 (Updated March 21, 2007 1:36 pm - DI 106)

**Citations Affected:** IC 12-7; IC 12-17.2; IC 31-9; IC 31-33.

**Synopsis:** Juvenile law and child care. Applies the law concerning children in need of services to child care ministries and certain child care providers. Requires the department of child services and the appropriate law enforcement agency to jointly investigate a report that alleges child abuse or neglect and involves a child care ministry. Adds a definition of "child caregiver." Specifies that a child who is at least 14 years of age and does not require child care services is not counted for purposes of the limit on the number of children who may be present in a child care home. Specifies that a licensed child care provider is considered to be in compliance with the federal Child Care and Development Fund voucher program requirements if the provider is not found to be in violation of the requirements. Requires a criminal history background check for members of a child care home provider's household. Requires that a child care ministry refrain from employing, or allowing to serve as volunteers, certain individuals.

**Effective:** July 1, 2007.


## Summers, Hinkle, Turner

(SENATE SPONSORS — LUBBERS, DILLON, ROGERS, LANANE)



January 26, 2007, read first time and referred to Committee on Family, Children and Human Affairs.
February 15, 2007, amended, reported — Do Pass.
February 19, 2007, read second time, amended, ordered engrossed.
February 20, 2007, engrossed.
February 22, 2007, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Judiciary.
March 22, 2007, amended, reported favorably — Do Pass.



C o p y

March 23, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

C o p y

# ENGROSSED
# HOUSE BILL No. 1778

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

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

SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative **or any child who is at least fourteen (14) years of age and does not require child care)** at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;

(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) The term includes:

(1) a class I child care home; and

(2) a class II child care home.

SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.7. (a) As used in this

chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

**(2) who is at least fourteen (14) years of age and does not require child care;**

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.8. (a) As used in this chapter, "class II child care home" means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

**(2) who is at least fourteen (14) years of age and does not require child care;**

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 4. IC 12-17.2-3.5-1, AS AMENDED BY P.L.16-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article. However, a child care provider that is licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with this chapter **unless the child care provider is found to be in violation of this chapter.**

(b) If a school age child care program that is:

(1) described in IC 12-17.2-2-8(10); and

(2) located in a school building;

is determined to be in compliance with a requirement of this chapter by another state regulatory authority, the school age child care program is considered to be in compliance with the requirement under this

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chapter.

SECTION 5. IC 12-17.2-5-4, AS AMENDED BY P.L.146-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

**(B) a member of the applicant's household;**

~~(B)~~ **(C)** an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

~~(C)~~ **(D)** a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

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(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 6. IC 12-17.2-5-32, AS AMENDED BY P.L.146-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

**(B) a member of the licensee's household;**

~~(B)~~ **(C)** an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

~~(C)~~ **(D)** a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a member of the licensee's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

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(1) a license is revoked due to a criminal conviction of:
(A) an employee or a volunteer of the licensee's; or
(B) a resident of the licensee's household; and
(2) the division determines that the:
(A) employee or volunteer has been dismissed by the licensee; or
(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 7. IC 12-17.2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The child care ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's employees and volunteers.

**(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:**

**(A) has been convicted of any of the following felonies:**

**(i) Murder (IC 35-42-1-1).**
**(ii) Causing suicide (IC 35-42-1-2).**
**(iii) Assisting suicide (IC 35-42-1-2.5).**
**(iv) Voluntary manslaughter (IC 35-42-1-3).**
**(v) Reckless homicide (IC 35-42-1-5).**
**(vi) Battery (IC 35-42-2-1).**
**(vii) Aggravated battery (IC 35-42-2-1.5).**
**(viii) Kidnapping (IC 35-42-3-2).**
**(ix) Criminal confinement (IC 35-42-3-3).**
**(x) A felony sex offense under IC 35-42-4.**
**(xi) Carjacking (IC 35-42-5-2).**
**(xii) Arson (IC 35-43-1-1).**
**(xiii) Incest (IC 35-46-1-3).**
**(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).**
**(xv) Child selling (IC 35-46-1-4(d)).**
**(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.**
**(xvii) A felony relating to controlled substances under IC 35-48-4.**
**(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.**
**(xix) A felony that is substantially equivalent to a**

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**felony listed in items (i) through (xviii) for which the conviction was entered in another state.**

**(B) has been convicted of a misdemeanor related to the health or safety of a child; or**

**(C) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.**

~~(2)~~ **(3)** Maintain records of each criminal history check.

SECTION 8. IC 31-9-2-16.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.4. "Child caregiver", for purposes of section 31 of this chapter, means a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian or custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:**

**(1) is not required to be licensed as the operator of:**

**(A) a child care home under IC 12-17.2-5; or**

**(B) a foster family home under IC 31-27-4;**

**(2) provides care and supervision of a child while unattended by the child's:**

**(A) parent;**

**(B) guardian; or**

**(C) custodian with whom the child resides; and**

**(3) receives more than two thousand dollars ($2,000) in annual compensation for providing care and supervision of a child or children.**

SECTION 9. IC 31-9-2-31, AS AMENDED BY P.L.146-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of IC 31-34-1, includes any person who is:

(1) a license applicant or licensee of:

(A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 31-27;

(B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or

(C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5; ~~or~~

(2) a person who is responsible for care, supervision, or welfare of children while providing services as an **owner, operator,**

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**director, manager, supervisor,** employee, or volunteer at:

(A) a home, center, or facility described in subdivision (1);

**(B) a child care ministry, as defined in IC 12-7-2-28.8, that is exempt from licensing requirements and is registered or required to be registered under IC 12-17.2-6;**

**(C) a home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4);**

**(D) a home, center, or facility that is the location of a program that provides child care, as defined in section 16.3 of this chapter, to serve migrant children and that is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9;**

or

~~(B)~~ **(E)** a school, as defined in ~~IC 31-9-2-113.5.~~ **section 113.5 of this chapter;**

**(3) a child caregiver, as defined in section 16.4 of this chapter; or**

**(4) an individual who has direct contact, on a regular and continuing basis, with a child for whom care and supervision is provided as described in this subsection.**

SECTION 10. IC 31-33-8-1, AS AMENDED BY P.L.234-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

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

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

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

(e) If the department has reason to believe that the child is in imminent danger of serious bodily harm, the department shall initiate within one (1) hour an immediate, onsite investigation.

**(f) If a report alleges abuse or neglect and involves a child care**

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**ministry that is exempt from licensure under IC 12-17.2-6, the department and the appropriate law enforcement agency shall jointly conduct an investigation. The investigation shall be conducted under the requirements of this section and section 2(b) of this chapter.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1778, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative **or any child who is at least fourteen (14) years of age and does not require child care)** at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;

(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) The term includes:

(1) a class I child care home; and

(2) a class II child care home.

SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

**(2) who is at least fourteen (14) years of age and does not require child care;**

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.8. (a) As used in this chapter, "class II child care home" means a child care home that serves

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more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

**(2) who is at least fourteen (14) years of age and does not require child care;**

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 4. IC 12-17.2-3.5-1, AS AMENDED BY P.L.16-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article. However, a child care provider that is licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with this chapter **unless the child care provider is found to be in violation of this chapter.**

(b) If a school age child care program that is:

(1) described in IC 12-17.2-2-8(10); and

(2) located in a school building;

is determined to be in compliance with a requirement of this chapter by another state regulatory authority, the school age child care program is considered to be in compliance with the requirement under this chapter.

SECTION 5. IC 12-17.2-5-4, AS AMENDED BY P.L.146-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

**(B) a member of the applicant's household;**

~~(B)~~ **(C)** an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

~~(C)~~ **(D)** a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous

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basis, with children who are under the direct supervision of the applicant, a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 6. IC 12-17.2-5-32, AS AMENDED BY P.L.146-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

**(B) a member of the licensee's household;**

~~(B)~~ **(C)** an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

~~(C)~~ **(D)** a volunteer of the licensee who has direct contact, on

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a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a member of the licensee's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 7. IC 12-17.2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The child care ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's employees and volunteers.

**(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:**

**(A) has been convicted of a:**

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**(i) felony; or**

**(ii) misdemeanor related to the health or safety of a child; or**

**(B) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.**

~~(2)~~ **(3)** Maintain records of each criminal history check.".

Page 2, line 1, delete "a program that is exempt from licensure under" and insert "**a child care ministry exempt from licensing and registered under IC 12-17.2-6;**".

Page 2, line 2, delete "IC 12-17.2-2-8;", begin a new line double block indented and insert:

"**(C) a child care provider that is eligible to receive reimbursement under IC 12-17.2-3.5;**

**(D) a child care home if the provider:**

**(i) does not receive regular compensation;**

**(ii) cares only for children who are related to the provider;**

**(iii) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or**

**(iv) operates to serve migrant children;**".

Page 2, line 3, delete "(C)" and insert "**(E)**".

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 9. IC 31-33-8-1, AS AMENDED BY P.L.234-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

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

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

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

(e) If the department has reason to believe that the child is in

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imminent danger of serious bodily harm, the department shall initiate within one (1) hour an immediate, onsite investigation.

**(f) If a report alleges abuse or neglect and involves a child care ministry that is exempt from licensure under IC 12-17.2-6, the department and the appropriate law enforcement agency shall jointly conduct an investigation. The investigation shall be conducted under the requirements of this section and section 2(b) of this chapter.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1778 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1778 be amended to read as follows:

Page 5, line 18, delete "a:" and insert "**any of the following felonies:**

**(i) Murder (IC 35-42-1-1).**
**(ii) Causing suicide (IC 35-42-1-2).**
**(iii) Assisting suicide (IC 35-42-1-2.5).**
**(iv) Voluntary manslaughter (IC 35-42-1-3).**
**(v) Reckless homicide (IC 35-42-1-5).**
**(vi) Battery (IC 35-42-2-1).**
**(vii) Aggravated battery (IC 35-42-2-1.5).**
**(viii) Kidnapping (IC 35-42-3-2).**
**(ix) Criminal confinement (IC 35-42-3-3).**
**(x) A felony sex offense under IC 35-42-4.**
**(xi) Carjacking (IC 35-42-5-2).**
**(xii) Arson (IC 35-43-1-1).**
**(xiii) Incest (IC 35-46-1-3).**
**(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).**
**(xv) Child selling (IC 35-46-1-4(d)).**
**(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.**
**(xvii) A felony relating to controlled substances under**

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**IC 35-48-4.**

**(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.**

**(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.**".

Page 5, delete line 19.

Page 5, line 20, beginning with "(ii)" begin a new line double block indented.

Page 5, line 20, delete "(ii)" and insert "**(B) has been convicted of a**".

Page 5, line 22, delete "(B)" and insert "**(C)**".

(Reference is to HB 1778 as printed February 16, 2007.)

HINKLE

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SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1778.

LUBBERS

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1778, 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 5, triple block indent lines 19 through 42.

Page 6, line 1, beginning with "was" begin a new line triple block indented.

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 8. IC 31-9-2-16.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.4. "Child caregiver", for purposes of section 31 of this chapter, means a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian or**

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**custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:**

**(1) is not required to be licensed as the operator of:**

**(A) a child care home under IC 12-17.2-5; or**

**(B) a foster family home under IC 31-27-4;**

**(2) provides care and supervision of a child while unattended by the child's:**

**(A) parent;**

**(B) guardian; or**

**(C) custodian with whom the child resides; and**

**(3) receives more than two thousand dollars ($2,000) in annual compensation for providing care and supervision of a child or children.**".

Page 6, line 19, strike "or".

Page 6, line 21, after "an" insert "**owner, operator, director, manager, supervisor,**".

Page 6, line 21, after "employee" insert ",".

Page 6, line 24, after "ministry" insert "**, as defined in IC 12-7-2-28.8, that is**".

Page 6, line 24, after "licensing" insert "**requirements**".

Page 6, line 24, after "and" insert "**is**".

Page 6, line 25, after "registered" insert "**or required to be registered**".

Page 6, line 26, after "(C)" insert "**a home, center, or facility of**".

Page 6, line 26, delete "that is eligible to receive" and insert "**, as defined in IC 12-7-2-149.1(4);**".

Page 6, delete lines 27 through 34, begin a new line double block indented and insert:

"**(D) a home, center, or facility that is the location of a program that provides child care, as defined in section 16.3 of this chapter, to serve migrant children and that is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9;** or".

Page 6, delete line 35.

Page 6, line 36, strike "IC 31-9-2-113.5." and insert "**section 113.5 of this chapter;**

**(3) a child caregiver, as defined in section 16.4 of this chapter; or**

**(4) an individual who has direct contact, on a regular and continuing basis, with a child for whom care and supervision is provided as described in this subsection.**".



C o p y

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1778 as reprinted February 20, 2007.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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