February 8, 2008

ENGROSSED
HOUSE BILL No. 1165

DIGEST OF HB 1165 (Updated February 7, 2008 9:15 am - DI 110)

Citations Affected: IC 5-20; IC 20-27; IC 20-50; IC 31-9; IC 31-17; IC 31-28; IC 31-36.

Synopsis: Homelessness, foster youth, and education. Requires the Indiana housing and community development authority (authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. Extends the authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness. Requires the department of education (department) to establish an office of coordinator for education of homeless children. Requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the department the contact

(Continued next page)

Effective: July 1, 2008; July 1, 2009.

Avery, Cheatham, Knollman, Crouch

(SENATE SPONSORS — BECKER, LAWSON C, SIPES, DELPH, MERRITT, SIMPSON, BREAUX)

January 14, 2008, read first time and referred to Committee on Family, Children and Human Affairs.
January 24, 2008, reported — Do Pass.
January 28, 2008, read second time, amended, ordered engrossed.
January 29, 2008, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.
February 7, 2008, amended, reported favorably — Do Pass.

C o p y

information for the liaison. Requires the department to train new liaisons. Requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison. Relocates a chapter of the Indiana Code concerning the transportation of homeless students to a new article concerning homeless children. Requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. Requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring. Requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. Permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care. Provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. Requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. Requires DCS to: (1) conduct as investigation concerning the child not later than 48 hours after DCS receives notification; and (2) notify the child's parent, guardian, or custodian not later than 72 hours after the child enters the shelter or facility. Prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered. (The introduced version of this bill was prepared by the interim study committee on missing children.)

C o p y

February 8, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1165

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 5-20-1-4, AS AMENDED BY P.L.99-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: 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;

(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

C o p y

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;

(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;

C o p y

(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 individuals with a developmental disability or for individuals with a mental illness or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for individuals with a developmental disability or for individuals with a mental illness;

(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;

(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

C o p y

IC 8-9.5-9-5 and IC 8-9.5-9-7;

(30) to promote and foster community revitalization through community services and real estate development;

(31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals **and families, including individuals or families facing or experiencing homelessness;**

(32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(33) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(34) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties.

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

C o p y

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) The authority, when directed by the governor, shall administer programs and funds under 42 U.S.C. 1437 et seq.

(f) 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.

(g) The authority shall:
(1) oversee and encourage a regional homeless delivery system that:
(A) considers the need for housing and support services;

C o p y

(B) implements strategies to respond to gaps in the delivery system; and

(C) ensures individuals and families are matched with optimal housing solutions;

(2) facilitate the dissemination of information to assist individuals and families accessing local resources, programs, and services related to homelessness, housing, and community development; and

(3) each year, estimate and reasonably determine the number of the following:

(A) Individuals in Indiana who are homeless.

(B) Individuals in Indiana who are homeless and less than eighteen (18) years of age.

(C) Individuals in Indiana who are homeless and not residents of Indiana.

SECTION 2. IC 20-27-9-5, AS AMENDED BY P.L.99-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors, to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability; and

(4) to transport homeless students under ~~IC 20-27-12.~~ **IC 20-50-3.**

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, or public passenger chauffeur's license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed,

C o p y

equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

SECTION 3. IC 20-50 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 50. HOMELESS CHILDREN AND FOSTER CARE CHILDREN

Chapter 1. School Corporation Liaison for Homeless Children

Sec. 1. (a) As used in this chapter, "homeless child" means a minor who lacks a fixed, regular, and adequate nighttime residence.

(b) The term includes:

(1) a child who:

(A) shares the housing of other persons due to the child's loss of housing, economic hardship, or a similar reason;

(B) lives in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(C) lives in an emergency or transitional shelter;

(D) is abandoned in a hospital or other place not intended for general habitation; or

(E) is awaiting foster care placement;

(2) a child who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) a child who lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing, or a similar setting; and

(4) a child of a migratory worker who lives in circumstances described in subdivisions (1) through (3).

Sec. 2. The department shall establish an office of coordinator for education of homeless children as required by 42 U.S.C. 11431 et seq.

Sec. 3. Each school corporation shall appoint an employee to be the school corporation's liaison for homeless children as required by 42 U.S.C. 11431 et seq.

Sec. 4. Each school corporation shall report to the department, by August 1 of each year, the name and contact information of the school corporation's liaison for homeless children.

Sec. 5. Each school corporation that has an Internet web site

C o p y

shall post the contact information of the school corporation's liaison for homeless children on the school corporation's Internet web site.

Sec. 6. Each year, the department shall provide training to individuals who are appointed under section 3 of this chapter as liaisons for homeless children.

Chapter 2. Tutoring and Mentoring for Homeless Children and Foster Care Children

Sec. 1. This chapter applies after June 30, 2009.

Sec. 2. As used in this chapter, "homeless child" has the meaning set forth in IC 20-50-1-1.

Sec. 3. Each school corporation shall provide tutoring for a child enrolled in a school operated by the school corporation who is:

(1) in foster care; or

(2) a homeless child;

if the school corporation determines the child has a demonstrated need for tutoring.

Chapter 3. Transportation of Homeless Students and Students in Foster Care

Sec. 1. This chapter applies after June 30, 2009.

Sec. 2. As used in this chapter, "homeless student" means a homeless child (as defined in IC 20-50-1-1) who is a student. The term includes a student who is awaiting placement in foster care.

Sec. 3. As used in this chapter, "original school corporation" means the school corporation in which the school of origin of a homeless student or student in foster care is located.

Sec. 4. As used in this chapter, "school of origin" means the school:

(1) that a homeless student or student in foster care attended when the student last had a permanent residence; or

(2) in which the homeless student or student in foster care was last enrolled.

Sec. 5. As used in this chapter, "transitional school corporation" means the school corporation in which a homeless student or student in foster care temporarily stays.

Sec. 6. (a) If a homeless student or a student in foster care temporarily stays in the student's original school corporation but outside the attendance area of the student's school of origin, the original school corporation shall provide transportation for the student from the place where the student is temporarily staying to the school of origin and from the school of origin to the place where the student is temporarily staying.

C o p y

(b) If:

(1) the school of origin of a homeless student or a student in foster care is located in a school corporation other than the school corporation in which the student is temporarily staying; and

(2) the student does not elect to attend a school located in the school corporation in which the homeless student or student in foster care is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the student to and from the school of origin.

(c) If the original school corporation and the transitional school corporation described in subsection (b) are unable to reach an agreement under subsection (b), the responsibility for transporting the homeless student or student in foster care to and from the school of origin is shared equally between both school corporations, and the cost of transporting the student to and from the school of origin is apportioned equally between both school corporations.

Sec. 7. (a) The following apply to the vehicles to be used by a school corporation in transporting a homeless student or student in foster care to or from a school of origin:

(1) If at least four (4) students are being transported to or from schools in the same school corporation, a special purpose bus may be used to transport the students.

(2) If three (3) or fewer students are being transported to or from schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students or students in foster care to and from a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

SECTION 4. IC 31-9-2-13, AS AMENDED BY P.L.138-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: 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

C o p y

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) **Except as otherwise provided in this section,** "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;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

~~(e)~~ **(f)** "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)~~ **(g)** "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)~~ **(h)** "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.

~~(h)~~ **(i)** "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 5. IC 31-9-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5,** and the juvenile law, means a community volunteer who:

(1) has completed a training program approved by the court;

(2) has been appointed by a court to represent and protect the best interests of a child; and

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(3) may research, examine, advocate, facilitate, and monitor a child's situation.

SECTION 6. IC 31-9-2-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5,** and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

(1) represent and protect the best interests of a child; and

(2) provide the child with services requested by the court, including:

(A) researching;

(B) examining;

(C) advocating;

(D) facilitating; and

(E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 7. IC 31-9-2-116.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 116.5. "Services or items", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-1.**

SECTION 8. IC 31-9-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 117.3. "Sibling", for purposes of IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.**

SECTION 9. IC 31-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, ~~or~~ IC 31-17-7, **or IC 31-28-5,** may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.

SECTION 10. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Foster Care Sibling Visitation

Sec. 1. This chapter applies to:

(1) a child who receives foster care that is funded by the department or a county office; and

(2) a sibling of a child described in subdivision (1).

C o p y

Sec. 2. The department shall make reasonable efforts to promote sibling visitation for every child who receives foster care, including visitation when one (1) sibling receives foster care and another sibling does not.

Sec. 3. A child, a child's foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visitation with the child's sibling if the child or the child's sibling, or both, receive foster care. If the department finds that the sibling visitation is in the best interests of each child who receives foster care, the department shall permit the sibling visitation and establish a sibling visitation schedule.

Sec. 4. (a) If the department denies a request for sibling visitation under section 3 of this chapter, the child's guardian ad litem or court appointed special advocate may petition the juvenile court with jurisdiction in the county in which the child receiving foster care is located for an order requiring sibling visitation.

(b) If the juvenile court determines it is in the best interests of the child receiving foster care to have sibling visitation, the juvenile court shall order sibling visitation and establish a schedule for the sibling visitation.

Sec. 5. (a) The juvenile court may appoint a guardian ad litem or court appointed special advocate if a child receiving foster care requests sibling visitation.

(b) The provisions of IC 31-17-6 apply to a guardian ad litem or court appointed special advocate appointed under this section.

SECTION 11. IC 31-36-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3. Homeless Children

Sec. 1. As used in this chapter, "services or items" includes food, clothing, personal hygiene products, health care, and counseling.

Sec. 2. A child may receive shelter and services or items that are directly related to providing shelter to the child from:

(1) an emergency shelter;

(2) a shelter care facility; or

(3) a program that provides services or items that are directly related to providing shelter to individuals who are homeless or have a low income;

without the notification, consent, or permission of the child's parent, guardian, or custodian.

C o p y

Sec. 3. (a) Except as provided in subsection (d), if a child voluntarily enters an emergency shelter or a shelter care facility, the shelter or facility shall notify the department, not later than twenty-four (24) hours after the child enters the shelter or facility, of the following:

(1) The name of the child.

(2) The location of the shelter or facility.

(3) Whether the child alleges that the child is the subject of abuse or neglect.

(b) The department shall conduct an investigation concerning the child not later than forty-eight (48) hours after receiving notification from the emergency shelter or shelter care facility under subsection (a).

(c) The department shall notify the child's parent, guardian, or custodian that the child is in an emergency shelter or a shelter care facility not later than seventy-two (72) hours after the child enters the shelter or facility. However, the department may not notify the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered.

(d) An emergency shelter or a shelter care facility is not required to notify the department of a child who is an emancipated minor.

SECTION 12. IC 20-27-12 IS REPEALED [EFFECTIVE JULY 1, 2009].

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:

Page 9, line 18, after "1." insert "**This chapter applies after June 30, 2009.**

Sec. 2.".

Page 9, line 21, delete "2." and insert "**3.**".

Page 9, line 24, delete "3." and insert "**4.**".

Page 9, line 30, delete "4." and insert "**5.**".

Page 9, line 33, delete "5." and insert "**6.**".

Page 10, line 2, delete "and".

Page 10, line 3, after "(2)" insert "**the school of origin is located in a school corporation that adjoins the school corporation in which the student is temporarily staying; and**

(3)".

Page 10, line 11, after "corporation" insert "**described in subsection (b)**".

Page 10, line 17, delete "6." and insert "**7.**".

Page 14, line 23, delete "2008]." and insert "2009].".

(Reference is to HB 1165 as printed January 25, 2008.)

AVERY

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:

Page 12, line 13, after "A" delete "child" and insert "**child, a child's foster parent, or a child's guardian ad litem or court appointed special advocate**".

(Reference is to HB 1165 as printed January 25, 2008.)

AVERY

SENATE MOTION

Madam President: I move that Senators Merritt, Simpson and Breaux be added as cosponsors of Engrossed House Bill 1165.

BECKER

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1165, 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 8, line 22, delete "hospital;" and insert "**hospital or other place not intended for general habitation;**".

Page 9, line 4, delete "newly".

Page 9, between lines 7 and 8, begin a new paragraph and insert:

"**Sec. 1. This chapter applies after June 30, 2009.**".

Page 9, line 8, delete "1." and insert "**2.**".

Page 9, line 10, delete "2." and insert "**3.**".

Page 10, line 3, after "staying;" insert "**and**".

Page 10, delete lines 4 through 6.

Page 10, line 7, delete "(3)" and insert "**(2)**".

Page 10, line 27, delete "shall" and insert "**may**".

Page 10, delete lines 36 through 42.

Page 11, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 4. IC 31-9-2-13, AS AMENDED BY P.L.138-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2008]: 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) **Except as otherwise provided in this section,** "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;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

~~(e)~~ **(f)** "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)~~ **(g)** "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)~~ **(h)** "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.

~~(h)~~ **(i)** "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.".

Page 12, delete lines 2 through 5, begin a new paragraph and insert:

"SECTION 9. IC 31-17-6-1 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, ~~or~~ IC 31-17-7, **or IC 31-28-5,** may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.".

Page 12, line 18, delete "or".

Page 12, line 19, delete "litem or" and insert "**litem, a**".

Page 12, line 19, delete "advocate" and insert "**advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child**".

Page 12, line 27, delete "any individual" and insert "**the child's guardian ad litem or court appointed special advocate**".

Page 12, line 38, delete "A guardian ad litem or court appointed special advocate" and insert "**The provisions of IC 31-17-6 apply to a guardian ad litem or court appointed special advocate appointed under this section.**".

Page 12, delete lines 39 through 42.

Page 13, delete lines 1 through 18.

Page 13, delete lines 25 through 36.

Page 13, line 37, delete "3. An individual who is at least sixteen (16) years of age and" and insert "**2. A child**".

Page 13, delete line 38.

Page 13, run in lines 37 through 39.

Page 13, line 40, delete "individual" and insert "**child**".

Page 14, line 4, delete "individual's" and insert "**child's**".

Page 14, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 3. (a) Except as provided in subsection (d), if a child voluntarily enters an emergency shelter or a shelter care facility, the shelter or facility shall notify the department, not later than twenty-four (24) hours after the child enters the shelter or facility, of the following:**

(1) The name of the child.

(2) The location of the shelter or facility.

(3) Whether the child alleges that the child is the subject of abuse or neglect.

(b) The department shall conduct an investigation concerning the child not later than forty-eight (48) hours after receiving notification from the emergency shelter or shelter care facility under subsection (a).

(c) The department shall notify the child's parent, guardian, or custodian that the child is in an emergency shelter or a shelter care facility not later than seventy-two (72) hours after the child enters the shelter or facility. However, the department may not notify the

C o p y

child's parent, guardian, or custodian as to the specific shelter or facility the child has entered.

(d) An emergency shelter or a shelter care facility is not required to notify the department of a child who is an emancipated minor.".

Page 14, delete lines 6 through 28.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1165 as reprinted January 29, 2008.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 10, Nays 0.

C o p y