February 18, 2009

HOUSE BILL No. 1388

DIGEST OF HB 1388 (Updated February 12, 2009 9:40 am - DI 107)

Citations Affected: IC 31-25; IC 31-27; IC 31-34; noncode.

Synopsis: Foster care and kinship care. Requires the department of child services (department) to apply for federal funding if the department receives state funding for the implementation of the kinship care navigator pilot projects. Requires the department to: (1) exercise due diligence to identify all blood and adoptive relatives of a child alleged to be a child in need of services who is taken into custody; and (2) provide certain notice to the blood and adoptive relatives of the child. Changes the felonies that certain individuals must have committed to be prohibited from having a child placed with certain individuals in an out-of-home placement. Allows the department to deny a foster family home license to an applicant or revoke a foster family home license of a licensee if an employee or volunteer who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant or licensee has been convicted of certain felonies within certain periods. (Current law allows the department to deny or revoke a license to an applicant if the employee or volunteer has been convicted of other specified felonies.) Provides that the department may deny a license to an applicant if certain time periods have elapsed since the date the applicant was convicted of certain felonies. Appropriates $150,000 to the department from the state general fund for each year of the biennium beginning July 1, 2009, and ending June 30, 2011.

Effective: July 1, 2009.

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Summers

January 13, 2009, read first time and referred to Committee on Family, Children and Human Affairs.
February 17, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 18, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1388

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 31-25-2-20, AS AMENDED BY P.L.3-2008, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The department shall collaborate with at least one (1) nonprofit community based agency to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of three (3) kinship care navigator pilot projects to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home care.

(b) The proposal under subsection (a) must seek to do the following:

(1) Divide the whole state into the following three (3) regions:

(A) Northern Indiana.

(B) Central Indiana.

(C) Southern Indiana.

(2) Establish at least one (1) kinship care navigator pilot project in each region described under subdivision (1) with each project managed by a participating community based agency.

(c) A person who acts as a kinship care navigator under the kinship care navigator pilot project shall be required to do the following:

(1) Have an understanding of the various state agency systems serving kinship caregivers.

(2) Work in partnership with local community service providers.

(3) Track trends, concerns, and other factors related to kinship caregivers.

(4) Assist in establishing stable, respectful relationships between kinship caregivers and department staff.

~~(d) The implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for the pilot projects.~~

(d) If the department receives state funding for implementation of the kinship care navigator pilot projects, the department shall apply for applicable federal funding for costs associated with the kinship care navigator pilot projects.

(e) The department shall report annually to the:

(1) legislative council in an electronic format under IC 5-14-6; and

(2) governor;

on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects beginning one (1) year after implementation of the pilot projects.

(f) The report under subsection (e) must:

(1) provide data that demonstrates whether the kinship care navigator pilot projects reduced barriers of access to services by kinship caregivers;

(2) identify statutory and administrative barriers for kinship caregivers; and

(3) provide recommendations to reduce or eliminate the barriers to services without adverse consequences to children placed with kinship caregivers.

(g) This SECTION expires ~~January 1, 2011.~~ **July 1, 2013.**

SECTION 2. IC 31-27-4-6, AS AMENDED BY P.L.138-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the

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direct supervision of the applicant;

(C) 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

(D) a person residing in the applicant's residence who is at least eighteen (18) years of age.

(2) A criminal conviction of the applicant of any of the following:

(A) A felony.

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

(C) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2-5. ~~or~~

(D) A misdemeanor for operating a foster family home without a license under of this chapter (or IC 12-17.4-4 before its repeal).

(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.

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

(A) child care center or child care home without a license under IC 12-17.2-5; or

(B) foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(b) An application for a license may also be denied if an individual who resides in the residence of the applicant ~~or an employee or 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~~ has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or ~~a~~ misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department ~~to employ or assign the person as a volunteer in a position described in this subsection or~~ to permit the individual to reside in the applicant's residence.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed

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employment positions or volunteer assignment.

(5) The nature and extent of unsupervised contact with children residing in the home.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license application could be denied due to a criminal conviction of, or a determination of child abuse or neglect by, an employee, a volunteer, or a person residing in the residence of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant or that the person residing in the residence no longer resides there;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former household resident does not constitute a sufficient basis for the denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 3. IC 31-27-4-13, AS AMENDED BY P.L.138-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The department shall deny a license when an 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) Domestic battery (IC 35-42-2-1.3).

(8) Aggravated battery (IC 35-42-2-1.5).

(9) Kidnapping (IC 35-42-3-2).

(10) Criminal confinement (IC 35-42-3-3).

(11) A felony sex offense under IC 35-42-4.

(12) Carjacking (IC 35-42-5-2).

~~(13) Arson (IC 35-43-1-1).~~

~~(14)~~ **(13)** Incest (IC 35-46-1-3).

~~(15)~~ **(14)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

~~(16)~~ **(15)** Child selling (IC 35-46-1-4(d)).

~~(17) A felony involving a weapon under IC 35-47 or IC 35-47.5.~~

~~(18) A felony relating to controlled substances under IC 35-48-4.~~

~~(19) An offense relating to material or a performance that is~~

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~~harmful to minors or obscene under IC 35-49-3.~~

~~(20)~~ **(16)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(19)~~ **(15)** for which the conviction was entered in another state.

Except for crimes listed in subsections (b) and (c), 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 deny a license to an applicant if less than ten (10) years have elapsed since the date the applicant was convicted of any of the following felonies:

(1) Reckless homicide (IC 35-42-1-5).

(2) Battery (IC 35-42-2-1) as a Class C or Class D felony.

(3) Criminal confinement (IC 35-42-3-3) as a Class C or Class D felony.

(4) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(5) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(c) The department shall deny a license to an applicant if less than five (5) years have elapsed since the date the applicant was convicted of a felony relating to controlled substances under IC 35-48-4.

(d) An application for a license may be denied if the applicant has an employee or volunteer who has direct contact on a regular and continuous basis with children under the direct supervision of the applicant and who has been convicted of any of the following:

(1) The following felonies:

(A) Murder (IC 35-42-1-1).

(B) Causing suicide (IC 35-42-1-2).

(C) Assisting suicide (IC 35-42-1-2.5).

(D) Voluntary manslaughter (IC 35-42-1-3).

(E) Battery (IC 35-42-2-1) as a Class A or Class B felony.

(F) Domestic battery (IC 35-42-2-1.3).

(G) Aggravated battery (IC 35-42-2-1.5).

(H) Kidnapping (IC 35-42-3-2).

(I) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(J) A felony sex offense under IC 35-42-4.

(K) Carjacking (IC 35-42-5-2).

(L) Incest (IC 35-46-1-3).

(M) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

(N) Child selling (IC 35-46-1-4(d)).

(O) An offense relating to material or a performance that

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is harmful to minors or obscene under IC 35-49-3.

(2) The following felonies if less than ten (10) years have elapsed since the date the employee or volunteer was convicted of the felony:

(A) Reckless homicide (IC 35-42-1-5).

(B) Battery (IC 35-42-2-1) as a Class C or Class D felony.

(C) Criminal confinement (IC 35-42-3-3) as a Class C or Class D felony.

(D) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(E) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(3) A felony relating to controlled substances under IC 35-48-4 if less than five (5) years have elapsed since the date the employee or volunteer was convicted of the felony.

(4) Any other felony or misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

~~(b)~~ **(e)** The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

~~(c)~~ **(f)** 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).~~ **(e).**

~~(d)~~ **(g)** An administrative hearing shall be held not more than sixty (60) days after receiving a written request.

~~(e)~~ **(h)** An administrative hearing shall be held in accordance with IC 4-21.5-3.

~~(f)~~ **(i)** The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.

SECTION 4. IC 31-27-4-32, AS AMENDED BY P.L.138-2007, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by:

(A) the licensee;

(B) 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;

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

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direct supervision of the licensee; or

(D) a person at least eighteen (18) years of age who is residing in the home of the licensee.

(2) A criminal conviction of the licensee for 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 or child care home without a license under IC 12-17.2-5.

(D) A misdemeanor for operating a foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(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.

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

(A) child care center or child care home without a license under IC 12-17.2-5; or

(B) foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(b) A license may also be revoked if an individual who resides in the residence of the licensee ~~or an employee or 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~~ has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or ~~a~~ misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department ~~to employ or assign the person as a volunteer in a position described in this subsection or~~ to permit the individual to reside in the licensee's residence.

~~(c)~~ **(d)** In determining whether to grant a waiver under subsection (b) **or (c),** the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

~~(d)~~ **(e)** Notwithstanding subsection (b) **or (c),** if:

(1) a license could be revoked due to a criminal conviction of, or a determination of child abuse or neglect by, an employee or a

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volunteer of the licensee or an individual residing in the residence of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction or that the individual no longer resides in the licensee's residence;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former household resident does not constitute a sufficient basis for the revocation of a license.

~~(c)~~ **(f)** The department may adopt rules to implement this section.

SECTION 5. IC 31-34-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. If a child alleged to be a child in need of services is taken into custody under an order of the court under this article, not later than thirty (30) days after the date the child is taken into custody, the department shall:**

(1) exercise due diligence to identify all blood and adoptive relatives of the child, including any other adult relative suggested by a parent; and

(2) subject to exceptions due to family or domestic violence, provide notice to all the blood and adoptive relatives identified under subdivision (1) that includes the following information:

(A) A statement that the child has been or is being removed from the custody of the parent, guardian, or custodian of the child.

(B) An explanation of the options the blood or adoptive relative has under federal and state law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice under this section.

(C) A description of:

(i) the requirements to become a licensed foster family home; and

(ii) the additional services and support that are available for children placed in a foster family home.

(D) If the state participates in payments under kinship guardianship assistance agreements, a description of how the blood or adoptive relative of the child may subsequently enter into a kinship guardianship assistance agreement to receive payments.

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SECTION 6. IC 31-34-4-2, AS AMENDED BY P.L.146-2008, SECTION 578, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: 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 and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

(1) suitable and willing blood or an adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling;

(2) de facto custodian; or

(3) stepparent;

before considering any other out-of-home placement.

(b) Before the department places a child in need of services with a blood relative or an adoptive relative caretaker, a de facto custodian, or a stepparent, the department shall complete an evaluation based on a home visit of the relative's home.

(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, a de facto custodian, or a stepparent, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(d) Except as provided in subsection (f), the department may not make an out-of-home placement if a person described in subsection (c) 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 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(e) The department is not required to conduct a criminal history check under subsection (c) if the department makes 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.

(f) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (c) 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:~~ **of:**

(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)~~ **(iv)** a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

~~(vi)~~ **(v)** a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

~~(vii)~~ **(vi)** a felony that is substantially equivalent to a felony listed in items (i) through ~~(vi)~~ **(v)** 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 or the department may not make an out-of-home placement if the person has been convicted of a felony listed in ~~IC 31-27-4-13~~ **subsection (d)(2)** 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 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).~~ **otherwise allowed under subsection (d)(2).**

(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 7. [EFFECTIVE JULY 1, 2009] **(a) As used in this SECTION, "department" means the department of child services established by IC 31-25-1-1.**

(b) As used in this SECTION, "projects" refers to kinship care navigator pilot projects established in accordance with IC 31-25-2-20.

(c) There is appropriated to the department one hundred fifty thousand dollars ($150,000) from the state general fund to fund the projects for the state fiscal year beginning July 1, 2009, and ending June 30, 2010.

(d) There is appropriated to the department one hundred fifty thousand dollars ($150,000) from the state general fund to fund the projects for the state fiscal year beginning July 1, 2010, and ending

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1 **June 30, 2011.**
2 **(e) This SECTION expires July 1, 2011.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1388, 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 2, line 33, after "July 1," delete "2011." and insert "**2013.**".

Page 3, delete lines 36 through 42.

Page 4, delete lines 1 through 34.

Page 4, line 35, reset in roman "(c)".

Page 4, line 35, delete "(d)".

Page 4, line 36, after "(b)" insert ",".

Page 4, line 36, delete "or (c),".

Page 5, line 3, reset in roman "(d)".

Page 5, line 3, delete "(e)".

Page 5, line 3, after "(a)" delete ",".

Page 5, line 3, reset in roman "or".

Page 5, line 3, delete "or (c),".

Page 5, line 15, reset in roman "(e)".

Page 5, line 15, delete "(f)".

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 3. IC 31-27-4-13, AS AMENDED BY P.L.138-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The department shall deny a license when an 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) Domestic battery (IC 35-42-2-1.3).

(8) Aggravated battery (IC 35-42-2-1.5).

(9) Kidnapping (IC 35-42-3-2).

(10) Criminal confinement (IC 35-42-3-3).

(11) A felony sex offense under IC 35-42-4.

(12) Carjacking (IC 35-42-5-2).

~~(13) Arson (IC 35-43-1-1).~~

~~(14)~~ **(13)** Incest (IC 35-46-1-3).

~~(15)~~ **(14)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

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~~(16)~~ **(15)** Child selling (IC 35-46-1-4(d)).

~~(17) A felony involving a weapon under IC 35-47 or IC 35-47.5.~~

~~(18) A felony relating to controlled substances under IC 35-48-4.~~

~~(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.~~

~~(20)~~ **(16)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(19)~~ **(15)** for which the conviction was entered in another state.

Except for crimes listed in subsections (b) and (c), 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 deny a license to an applicant if less than ten (10) years have elapsed since the date the applicant was convicted of any of the following felonies:

(1) Reckless homicide (IC 35-42-1-5).

(2) Battery (IC 35-42-2-1) as a Class C or Class D felony.

(3) Criminal confinement (IC 35-42-3-3) as a Class C or Class D felony.

(4) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(5) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(c) The department shall deny a license to an applicant if less than five (5) years have elapsed since the date the applicant was convicted of a felony relating to controlled substances under IC 35-48-4.

(d) An application for a license may be denied if the applicant has an employee or volunteer who has direct contact on a regular and continuous basis with children under the direct supervision of the applicant and who has been convicted of any of the following:

(1) The following felonies:

(A) Murder (IC 35-42-1-1).

(B) Causing suicide (IC 35-42-1-2).

(C) Assisting suicide (IC 35-42-1-2.5).

(D) Voluntary manslaughter (IC 35-42-1-3).

(E) Battery (IC 35-42-2-1) as a Class A or Class B felony.

(F) Domestic battery (IC 35-42-2-1.3).

(G) Aggravated battery (IC 35-42-2-1.5).

(H) Kidnapping (IC 35-42-3-2).

(I) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(J) A felony sex offense under IC 35-42-4.

(K) Carjacking (IC 35-42-5-2).

(L) Incest (IC 35-46-1-3).

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(M) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

(N) Child selling (IC 35-46-1-4(d)).

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

(2) The following felonies if less than ten (10) years have elapsed since the date the employee or volunteer was convicted of the felony:

(A) Reckless homicide (IC 35-42-1-5).

(B) Battery (IC 35-42-2-1) as a Class C or Class D felony.

(C) Criminal confinement (IC 35-42-3-3) as a Class C or Class D felony.

(D) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(E) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(3) A felony relating to controlled substances under IC 35-48-4 if less than five (5) years have elapsed since the date the employee or volunteer was convicted of the felony.

(4) Any other felony or misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

~~(b)~~ **(e)** The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

~~(c)~~ **(f)** 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).~~ **(e).**

~~(d)~~ **(g)** An administrative hearing shall be held not more than sixty (60) days after receiving a written request.

~~(e)~~ **(h)** An administrative hearing shall be held in accordance with IC 4-21.5-3.

~~(f)~~ **(i)** The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.".

Page 6, delete lines 17 through 42.

Page 7, delete lines 1 through 14.

Page 9, line 11, reset in roman "a felony listed in IC 31-27-4-13 or had a".

Page 9, reset in roman line 12.

Page 9, line 13, reset in roman "IC 31-27-4-13 if committed by an adult.".

Page 9, line 13, delete "any of the following:".

C o p y

Page 9, delete lines 14 through 42.
Page 10, delete lines 1 through 4.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1388 as introduced.)

VANDENBURGH, Chair

Committee Vote: yeas 12, nays 0.

C
o
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y