



January 29, 2010

HOUSE BILL No. 1167

DIGEST OF HB 1167 (Updated January 26, 2010 1:36 pm - DI 107)

Citations Affected: IC 31-40.

Synopsis: Placement of children outside Indiana. Removes a provision that states the department of child services (department) is responsible for payment of any costs or expenses for housing or services provided to or for the benefit of a child placed by a juvenile court in a home or facility located outside Indiana only if the director of the department or the director's designee recommends or approves the placement. Provides that the department is responsible for these costs and expenses if a juvenile court places a child in a home or facility that is located outside Indiana and the: (1) juvenile court makes written findings based on clear and convincing evidence that the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana, the location of the home or facility is within a distance not greater than 50 miles from the county of residence of the child, or the placement is recommended or approved by the director of the department or the director's designee; and (2) the placement is less expensive than similar services that can be provided in Indiana.

Effective: July 1, 2010.

Moses, Lawson L

January 7, 2010, read first time and referred to Committee on Judiciary.
January 28, 2010, amended, reported — Do Pass.

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January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1167

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

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

- 1 SECTION 1. IC 31-40-1-2, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 387, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Except as otherwise provided
4 in this section and subject to:
5 (1) this chapter; and
6 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
7 law relating to the particular program, activity, or service for
8 which payment is made by or through the department;
9 the department shall pay the cost of any child services provided by or
10 through the department for any child or the child's parent, guardian, or
11 custodian.
12 (b) The department shall pay the cost of returning a child under
13 IC 31-37-23.
14 (c) Except as provided under section 2.5 of this chapter, the
15 department is not responsible for payment of any costs of secure
16 detention.
17 (d) The department is not responsible for payment of any costs or

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1 expenses for child services for a child if:

2 (1) the juvenile court has not entered the required findings and

3 conclusions in accordance with IC 31-34-5-3, IC 31-34-20-1,

4 IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is

5 applicable); and

6 (2) the department has determined that the child otherwise meets

7 the eligibility requirements for assistance under Title IV-E of the

8 federal Social Security Act (42 U.S.C. 670 et seq.).

9 (e) In all cases under this title, if the juvenile court orders services,

10 programs, or placements that:

11 (1) are not eligible for federal assistance under either Title IV-B

12 of the federal Social Security Act (42 U.S.C. 620 et seq.) or Title

13 IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);

14 and

15 (2) have not been recommended or approved by the department;

16 the department is not responsible for payment of the costs of those

17 services, programs, or placements.

18 (f) The department is not responsible for payment of any costs or

19 expenses for housing or services provided to or for the benefit of a

20 child placed by a juvenile court in a home or facility located outside

21 Indiana if the placement:

22 (1) ~~is not recommended or approved by the director of the~~

23 ~~department or the director's designee;~~ **does not comply with the**

24 **conditions stated in IC 31-34-20-1(b) or IC 31-37-19-3(b); and**

25 **(2) is more expensive than similar services that can be**

26 **provided in Indiana.**

27 (g) The department is not responsible for payment of any costs or

28 expenses of child services for a delinquent child under a dispositional

29 decree entered under IC 31-37-19, if the probation officer who

30 prepared the predispositional report did not submit to the department

31 the information relating to determination of eligibility of the child for

32 assistance under Title IV-E of the Social Security Act (42 U.S.C. 670

33 et seq.), as required by IC 31-37-17-1(a)(3).

34 (h) If:

35 (1) the department is not responsible for payment of costs or

36 expenses of services, programs, or placements ordered by a court

37 for a child or the child's parent, guardian, or custodian, as

38 provided in this section; and

39 (2) another source of payment for those costs or expenses is not

40 specified in this section or other applicable law;

41 the county in which the child in need of services case or delinquency

42 case was filed is responsible for payment of those costs and expenses.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1167, 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 21, delete "placement" and insert "placement:

(1)".

Page 2, line 23, delete "IC 31-37-19-3(b)." and insert "**IC 31-37-19-3(b); and**

(2) is more expensive than similar services that can be provided in Indiana.".

and when so amended that said bill do pass.

(Reference is to HB 1167 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 9, nays 2.

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