

Adopted Rejected

# COMMITTEE REPORT

YES: 12  
NO: 0

## MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate Bill 149, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007,
- 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 6. This article does not apply to the formulation,
- 6 issuance, or administrative review (but does apply to the judicial
- 7 review and civil enforcement) of any of the following:
- 8 (1) Except as provided in IC 12-17.2-4-18.7 and
- 9 IC 12-17.2-5-18.7, determinations by the division of family
- 10 resources. ~~and the department of child services.~~
- 11 **(2) Determinations by the department of child services:**
- 12 **(A) except as provided in IC 12-17.2-4-18.7 and**
- 13 **IC 12-17.2-5-18.7; and**
- 14 **(B) except for determinations by the department of child**
- 15 **services:**
- 16 **(i) concerning providers; and**

1                   (ii) **setting rates for reimbursement of licensed child**  
 2                   **caring institutions, licensed group homes, licensed foster**  
 3                   **family homes, and licensed placing agencies.**

4                   ~~(2)~~ **(3)** Determinations by the alcohol and tobacco commission.

5                   ~~(3)~~ **(4)** Determinations by the office of Medicaid policy and  
 6                   planning concerning recipients and applicants of Medicaid.

7                   However, this article does apply to determinations by the office  
 8                   of Medicaid policy and planning concerning providers."

9                   Page 7, line 26, after "department" insert "**of child services**".

10                  Page 7, line 30, delete "the alleged incapacitated person or" and  
 11                  insert "**a**".

12                  Page 8, line 16, after "department" insert "**of child services**".

13                  Page 8, line 33, delete "department;" and insert "**department of**  
 14                  **child services;**".

15                  Page 8, line 34, delete "department, allow the department" and  
 16                  insert "**department of child services, allow the department of child**  
 17                  **services**".

18                  Page 9, between lines 13 and 14, begin a new paragraph and insert:

19                  "SECTION 8. IC 31-25-2-18, AS ADDED BY P.L.145-2006,  
 20                  SECTION 271, IS AMENDED TO READ AS FOLLOWS  
 21                  [EFFECTIVE JULY 1, 2010]: Sec. 18. **(a)** The department may adopt  
 22                  rules under IC 4-22-2 necessary to carry out the department's or  
 23                  bureau's duties under this article.

24                  **(b) The department shall adopt rules under IC 4-22-2 regarding**  
 25                  **the determination of rates for reimbursement of licensed child**  
 26                  **caring institutions, licensed group homes, licensed foster family**  
 27                  **homes, and licensed placing agencies."**

28                  Page 13, line 6, delete "other issues." and insert "**issues, including**  
 29                  **whether the juvenile court order regarding child custody, child**  
 30                  **support, or visitation should be modified."**

31                  Page 13, line 10, delete "proceeding." and insert "**proceeding, until**  
 32                  **the court having concurrent or original jurisdiction assumes**  
 33                  **primary jurisdiction and modifies the order."**

34                  Page 17, line 29, delete "(b)(2)(B)" and insert **(b)(2)**".

35                  Page 19, line 1, delete "(c)(3)(B) through (c)(1)(F) (c)(3)(F)" and  
 36                  insert "**(d)(3)(B) through ~~(c)(1)(F)~~ (d)(3)(F)**".

37                  Page 21, between lines 14 and 15, begin a new paragraph and insert:

38                  "SECTION 17. IC 31-40-1-2, AS AMENDED BY

1 P.L.182-2009(ss), SECTION 387, IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Except as  
 3 otherwise provided in this section and subject to:

4 (1) this chapter; and

5 (2) any other provisions of IC 31-34, IC 31-37, or other applicable  
 6 law relating to the particular program, activity, or service for  
 7 which payment is made by or through the department;

8 the department shall pay the cost of any child services provided by or  
 9 through the department for any child or the child's parent, guardian, or  
 10 custodian.

11 (b) The department shall pay the cost of returning a child under  
 12 IC 31-37-23.

13 (c) Except as provided under section 2.5 of this chapter, the  
 14 department is not responsible for payment of any costs of secure  
 15 detention.

16 (d) The department is not responsible for payment of any costs or  
 17 expenses for child services for a child if:

18 (1) the juvenile court has not entered the required findings and  
 19 conclusions in accordance with IC 31-34-5-3, IC 31-34-20-1,  
 20 IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is  
 21 applicable); and

22 (2) the department has determined that the child otherwise meets  
 23 the eligibility requirements for assistance under Title IV-E of the  
 24 federal Social Security Act (42 U.S.C. 670 et seq.).

25 (e) In all cases under this title, if the juvenile court orders services,  
 26 programs, or placements that:

27 (1) are not eligible for federal assistance under either Title IV-B  
 28 of the federal Social Security Act (42 U.S.C. 620 et seq.) or Title  
 29 IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);  
 30 and

31 (2) have not been recommended or approved by the department;  
 32 the department is not responsible for payment of the costs of those  
 33 services, programs, or placements.

34 (f) The department is not responsible for payment of any costs or  
 35 expenses for housing or services provided to or for the benefit of a  
 36 child placed by a juvenile court in a home or facility located outside  
 37 Indiana if the placement: ~~is not recommended or approved by the~~  
 38 ~~director of the department or the director's designee.~~

1           **(1) does not comply with the conditions stated in**  
2           **IC 31-34-20-1(b) or IC 31-37-19-3(b); and**

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

5           (g) The department is not responsible for payment of any costs or  
6           expenses of child services for a delinquent child under a dispositional  
7           decree entered under IC 31-37-19, if the probation officer who  
8           prepared the predispositional report did not submit to the department  
9           the information relating to determination of eligibility of the child for  
10          assistance under Title IV-E of the Social Security Act (42 U.S.C. 670  
11          et seq.), as required by IC 31-37-17-1(a)(3).

12          (h) If:

13               (1) the department is not responsible for payment of costs or  
14               expenses of services, programs, or placements ordered by a court  
15               for a child or the child's parent, guardian, or custodian, as  
16               provided in this section; and

17               (2) another source of payment for those costs or expenses is not  
18               specified in this section or other applicable law;  
19          the county in which the child in need of services case or delinquency  
20          case was filed is responsible for payment of those costs and expenses.".

21          Renumber all SECTIONS consecutively.

              (Reference is to SB 149 as reprinted February 2, 2010.)

**and when so amended that said bill do pass.**

---

Representative Lawson L