



January 21, 2011

# HOUSE BILL No. 1107

DIGEST OF HB 1107 (Updated January 19, 2011 1:17 pm - DI 107)

**Citations Affected:** IC 31-9; IC 31-32; IC 34-30.

**Synopsis:** Preventative programs for at-risk children. Provides that a juvenile court may create a preventative program for at-risk children (program). Allows a court to appoint program staff, a guardian ad litem (GAL) or court appointed special advocate (CASA) to implement, coordinate, and carry out the purposes of the program. Provides procedures for program staff, a GAL, or a CASA participating in a program. Provides civil and criminal immunity to a person who: (1) requests that a child participate in a program; (2) provides information concerning a child to program staff, a GAL, or a CASA; or (3) participates in a plan for an at-risk child in a program.

**Effective:** July 1, 2011.

**Richardson**

January 6, 2011, read first time and referred to Committee on Family, Children and Human Affairs.  
January 20, 2011, reported — Do Pass.

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HB 1107—LS 6498/DI 110+



January 21, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1107



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 31-9-2-9.9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2011]: **Sec. 9.9. "At-risk child" or "at-risk children", for**
- 4 **purposes of IC 31-32-3, means a child or children who are at risk:**
- 5 **(1) of becoming involved in a juvenile proceeding;**
- 6 **(2) of being suspended or expelled from school; or**
- 7 **(3) of dropping out of school.**
- 8 SECTION 2. IC 31-32-3-1 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The juvenile court
- 10 may appoint a guardian ad litem or a court appointed special advocate,
- 11 or both, for the child at any time, **including for a child who is**
- 12 **participating in a preventative program for at-risk children that**
- 13 **has been established by the court under section 11 of this chapter.**
- 14 SECTION 3. IC 31-32-3-8 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A guardian ad litem
- 16 or court appointed special advocate serves until:
- 17 **(1) the juvenile court enters an order for discharge under**

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1           IC 31-34-21-11 or ~~IC 31-37-20-8~~: IC 31-37-20-7; or  
2           **(2) the plan developed for an at-risk child under section 11 of**  
3           **this chapter has been terminated.**  
4           SECTION 4. IC 31-32-3-11 IS ADDED TO THE INDIANA CODE  
5           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
6           1, 2011]: **Sec. 11. (a) A juvenile court may establish a preventative**  
7           **program for at-risk children.**  
8           **(b) A juvenile court that establishes a program under subsection**  
9           **(a) may appoint staff, guardians ad litem, and court appointed**  
10           **special advocates to implement, coordinate, and carry out the**  
11           **purposes of the program.**  
12           **(c) The program staff, a guardian ad litem, or a court appointed**  
13           **special advocate appointed under subsection (b) may:**  
14           **(1) receive information concerning an at-risk child from any**  
15           **person; and**  
16           **(2) use the information received under subdivision (1) to**  
17           **create, implement, and maintain a plan for the at-risk child**  
18           **and the child's family if the child's parent, guardian, or**  
19           **custodian has consented to the participation of the child in the**  
20           **program.**  
21           **(d) All information received under the program by the program**  
22           **staff, a guardian ad litem, or a court appointed special advocate:**  
23           **(1) is confidential; and**  
24           **(2) may be disclosed only to the following:**  
25           **(A) Program staff, a guardian ad litem, or court appointed**  
26           **special advocate appointed to the program under**  
27           **subsection (b).**  
28           **(B) Any person or entity engaged by a person described in**  
29           **clause (A) in creating, implementing, and maintaining a**  
30           **plan for an at-risk child and the child's family.**  
31           **(C) The juvenile court.**  
32           **(e) The privileged communication between:**  
33           **(1) a husband and wife;**  
34           **(2) a health care provider and the health care provider's**  
35           **patient;**  
36           **(3) a client and a:**  
37           **(A) licensed social worker;**  
38           **(B) licensed clinical social worker;**  
39           **(C) licensed marriage and family therapist;**  
40           **(D) licensed mental health counselor;**  
41           **(E) licensed addiction counselor; or**  
42           **(F) licensed clinical addiction counselor;**

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1           **(4) a school counselor and a student; or**  
 2           **(5) a school psychologist and a student;**  
 3       **may not prevent an individual described in this subsection from**  
 4       **reporting, requesting assistance, or cooperating with program**  
 5       **staff, a guardian ad litem, or a court appointed special advocate**  
 6       **under this section.**  
 7       **(f) Any individual may request that a child receive assistance**  
 8       **under a program established under subsection (a) if the individual**  
 9       **believes a child may be an at-risk child.**  
 10       **(g) A person who:**  
 11           **(1) makes a good faith request under subsection (f);**  
 12           **(2) in good faith provides information concerning a child to**  
 13           **program staff, a guardian ad litem, or a court appointed**  
 14           **special advocate appointed under subsection (b); or**  
 15           **(3) in good faith participates in a plan under this section;**  
 16       **is immune from civil or criminal liability.**  
 17       SECTION 5. IC 34-30-2-133.9 IS ADDED TO THE INDIANA  
 18       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19       [EFFECTIVE JULY 1, 2011]: **Sec. 133.9. IC 31-32-3-11 (Concerning**  
 20       **a person who makes a request for a child to participate in a**  
 21       **preventative program for at-risk children, a person who provides**  
 22       **information concerning a child to the staff of a preventative**  
 23       **program for at-risk children, or a person who participates in a**  
 24       **plan for at-risk children).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1107, 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.

NOE, Chair

Committee Vote: yeas 8, nays 1.

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