CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1107

Citations Affected: IC 31-9-2; IC 31-32-3; IC 34-30-2-133.9.

Synopsis: Preventative programs for at-risk children. Conference committee report for EHB 1107. Provides that a juvenile court may create a voluntary preventative program for at-risk children (program). Allows a court to appoint program staff and an early intervention advocate to implement, coordinate, and carry out the purposes of the program. Requires staff and early intervention advocates who are likely to work with children to undergo a criminal history background check. Provides procedures for program staff and early intervention advocates 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 or an early intervention advocate; or (3) participates in a plan for an at-risk child in a program. Specifies that, subject to the duty to report suspected child abuse or neglect, no information received under the program by staff or an early intervention advocate may be used against the child in a civil or criminal matter. **(This conference committee report: (1) removes language that exists in SEA 465; (2) removes IC 31-9-2-22.5 to conform to changes made in SEA 465; and (3) makes technical corrections.)**

Effective: July 1, 2011.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1107 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-9-2-9.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9.9. "At-risk child" or "at-risk children", for purposes of IC 31-32-3, means a child or children who:**

(1) are at risk of becoming involved in a juvenile proceeding;

(2) are at risk of being suspended or expelled from school;

(3) are at risk of dropping out of school;

(4) were previously children in need of services and who are in need of ongoing supervision and assistance; or

(5) have been victims of domestic violence.

SECTION 2. IC 31-9-2-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11.1. "Case", for purposes of IC 31-33-18-1.5, has the meaning set forth in IC 31-33-18-1.5(d).**

SECTION 3. IC 31-9-2-23.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 23.7. "Contact", for purposes of IC 31-33-18-1.5, has the meaning set forth in IC 31-33-18-1.5(d).**

SECTION 4. IC 31-9-2-43.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 43.2. "Early intervention advocate", for purposes of**

IC 31-32-3, means a volunteer or staff member of a preventative program who is appointed by the court as an officer of the court to assist, represent, and protect the interests of at-risk children.

SECTION 5. IC 31-32-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** The juvenile court may appoint a guardian ad litem or a court appointed special advocate, or both, for the child at any time.

(b) The juvenile court may appoint an early intervention advocate for a child who is participating in a preventative program for at-risk children that has been established by the court under section 11 of this chapter.

SECTION 6. IC 31-32-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a)** A guardian ad litem or court appointed special advocate serves until the juvenile court enters an order for discharge under IC 31-34-21-11 or ~~IC 31-37-20-8.~~ **IC 31-37-20-7.**

(b) An early intervention advocate serves until the plan developed for an at-risk child under section 11 of this chapter has been terminated.

SECTION 7. IC 31-32-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. Except for gross misconduct, if:

(1) ~~the~~ **a** guardian ad litem;

(2) a court appointed special advocate;

(3) an employee of a county guardian ad litem or court appointed special advocate program; ~~or~~

(4) a volunteer for a county guardian ad litem or court appointed special advocate program;

(5) an early intervention advocate; or

(6) an employee of or volunteer for an early intervention advocate or staff member of a preventative program established by the court under section 11 of this chapter;

performs **the person's** duties in good faith, the ~~guardian ad litem or court appointed special advocate~~ **person** is immune from any civil liability that may occur as a result of that person's performance during the time that the person is acting within the **scope of the person's** duties. ~~of the guardian ad litem or court appointed special advocate program.~~

SECTION 8. IC 31-32-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11. (a) A juvenile court may establish a voluntary preventative program for at-risk children.**

(b) A juvenile court that establishes a program under subsection (a) may, after conducting a criminal history check of every individual who is likely to have contact with a child, appoint staff and an early intervention advocate to implement, coordinate, and carry out the purposes of the program. The court may not appoint an individual under this subsection if the results of the criminal history check disclose that the individual has a record of:

(1) a conviction for a felony;

(2) a conviction for a misdemeanor relating to the health and

safety of a child; or

(3) a juvenile adjudication for an act that, if committed by an adult, would be a felony listed in IC 31-27-4-13(a).

(c) The program staff or an early intervention advocate appointed under subsection (b) may:

(1) receive information concerning an at-risk child from any person; and

(2) use the information received under subdivision (1) to create, implement, and maintain an individualized plan for the at-risk child and the child's family if the child's parent, guardian, or custodian has consented to the participation of the child in the program. The individualized plan created under this subdivision may include a program of counseling, tutoring, or mentoring.

(d) All information received under the program by the program staff or an early intervention advocate:

(1) is confidential; and

(2) may be disclosed only to the following:

(A) Program staff or an early intervention advocate appointed to the program under subsection (b).

(B) Any person or entity engaged by a person described in clause (A) in creating, implementing, and maintaining a plan for an at-risk child and the child's family.

(C) The juvenile court.

(e) The privileged communication between:

(1) a husband and wife;

(2) a health care provider and the health care provider's patient;

(3) a juvenile client and a:

(A) licensed social worker;

(B) licensed clinical social worker;

(C) licensed marriage and family therapist;

(D) licensed mental health counselor;

(E) licensed addiction counselor; or

(F) licensed clinical addiction counselor;

(4) a school counselor and a student; or

(5) a school psychologist and a student;

may not prevent an individual described in this subsection from reporting to, requesting assistance from, or cooperating with program staff or an early intervention advocate under this section.

(f) Any individual may request that a child receive assistance under a program established under subsection (a) if the individual believes a child may be an at-risk child.

(g) After receiving a request that a child receive assistance under a program described in subsection (a), or after receiving information that a child may be an at-risk child, program staff or an early intervention advocate shall determine whether the child would benefit from the program. If the program staff or early intervention advocate determines that the child would benefit from the program, the staff or early intervention advocate shall inform the parent, guardian, or custodian of the determination and

request that the parent, guardian, or custodian permit the child to participate in the program. The child (and the parent, guardian, or custodian) may participate in the program only with the consent of the parent, guardian, or custodian.

(h) A person who:

(1) makes a good faith request under subsection (f);

(2) in good faith provides information concerning a child to program staff or an early intervention advocate appointed under subsection (b); or

(3) in good faith participates in a plan under this section;

is immune from civil or criminal liability.

(i) Except as provided under IC 31-33-5, no information received under the program by the program staff or an early intervention advocate may be used against the child in a criminal or civil proceeding.

SECTION 9. IC 34-30-2-133.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 133.9. IC 31-32-3-11 (Concerning a person who makes a request for a child to participate in a preventative program for at-risk children, a person who provides information concerning a child to an early intervention advocate, the staff of a preventative program for at-risk children, or a person who participates in a plan for at-risk children).**

SECTION 10. IC 31-9-2-10.9 IS REPEALED [EFFECTIVE JULY 1, 2011].

(Reference is to EHB 1107 as reprinted April 6, 2011.)

Conference Committee Report
on
Engrossed House Bill 1107

Signed by:

_____	_____
Representative Richardson Chairperson	Senator Buck
_____	_____
Representative Bartlett	Senator Lanane
House Conferees	**Senate Conferees**