

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.

HOUSE ENROLLED ACT No. 1107

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:

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**

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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

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(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

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(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].



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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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