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# SENATE BILL No. 413

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-2-9.

**Synopsis:** Office of the child advocate. Establishes: (1) the office of the child advocate; and (2) the duties of the child advocate, which include taking all possible action to ensure the legal, civil, and special rights of children. Requires the governor to appoint the child advocate. Requires the child advocate to submit an annual report.

**Effective:** July 1, 2011.

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January 11, 2011, read first time and referred to Committee on Public Policy.

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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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## SENATE BILL No. 413



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 4-2-9 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2011]:
- 4 **Chapter 9. Office of the Child Advocate**
- 5 **Sec. 1. As used in this chapter, "child" has the meaning set forth**
- 6 **in IC 31-21-2-3.**
- 7 **Sec. 2. As used in this chapter, "office" refers to the office of the**
- 8 **child advocate established by section 4 of this chapter.**
- 9 **Sec. 3. As used in this chapter, "person" has the meaning set**
- 10 **forth in IC 4-2-6-1.**
- 11 **Sec. 4. (a) The office of the child advocate is established. The**
- 12 **office consists of one (1) child advocate.**
- 13 **(b) The governor shall appoint the child advocate. The child**
- 14 **advocate:**
- 15 **(1) shall be appointed for a term that expires on the earlier of:**
- 16 **(A) the date on which the term of the governor who**
- 17 **appointed the child advocate expires; or**



- 1                   **(B) the date the governor leaves office;**
- 2           **(2) may be removed from office by the governor for only:**
- 3                   **(A) neglect of duty;**
- 4                   **(B) misfeasance;**
- 5                   **(C) malfeasance; or**
- 6                   **(D) nonfeasance; and**
- 7           **(3) is entitled to receive compensation set by the governor and**
- 8                   **approved by the budget agency.**

9 **If the governor is reelected, the governor may reappoint the child**  
 10 **advocate for an additional term. The child advocate's**  
 11 **compensation may not be reduced during the child advocate's**  
 12 **continuance in office.**

- 13           **Sec. 5. (a) The child advocate shall do the following:**
- 14                   **(1) Take all possible action, including the establishment of**  
 15                   **programs of public education and legislative advocacy, to**  
 16                   **secure and ensure the legal, civil, and special rights of**  
 17                   **children.**
  - 18                   **(2) Periodically review relevant policies and procedures with**  
 19                   **a view toward the rights of children.**
  - 20                   **(3) Refer a person making a complaint or report of child**  
 21                   **abuse or neglect to the department of child services and, if**  
 22                   **appropriate, to an appropriate law enforcement agency or the**  
 23                   **department of child services ombudsman under IC 4-13-19.**
  - 24                   **(4) Recommend changes in procedures for investigating and**  
 25                   **overseeing the welfare of children.**
  - 26                   **(5) Make the public aware of the services of the child**  
 27                   **advocate, the purpose of the office, and information on**  
 28                   **contacting the office.**
  - 29                   **(6) Examine policies and procedures and evaluate the**  
 30                   **effectiveness of the child protection system, specifically the**  
 31                   **respective roles of the department of child services, courts, the**  
 32                   **medical community, and law enforcement agencies.**
  - 33                   **(7) Review and make recommendations concerning**  
 34                   **investigative procedures and emergency responses.**
  - 35                   **(8) Submit an annual report described under subsection (c) to:**
    - 36                           **(A) the governor; and**
    - 37                           **(B) the legislative services agency;**
  - 38                   **not later than July 1 of each year. The report submitted to the**  
 39                   **legislative services agency must be in an electronic format**  
 40                   **under IC 5-14-6.**
  - 41                   **(b) The child advocate may not commence or participate in a**  
 42                   **court action regarding a child.**

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1           **(c) The child advocate shall include the following information in**  
 2 **the annual report required under subsection (a)(8):**  
 3           **(1) The child advocate's activities.**  
 4           **(2) The general status of children in Indiana, including:**  
 5               **(A) the health and education of children;**  
 6               **(B) the administration or implementation of programs for**  
 7               **children; and**  
 8               **(C) any other issues, concerns, or information concerning**  
 9               **children.**

10           **Sec. 6. (a) Except for information declared confidential under**  
 11 **subsection (b), records of the office are subject to public inspection**  
 12 **under IC 5-14-3.**

13           **(b) All records of the office pertaining to the care and treatment**  
 14 **of a child are confidential, including the identity of a person**  
 15 **seeking assistance from the office on behalf of a child. Information**  
 16 **contained in records of the office may not be disclosed in a manner**  
 17 **that identifies a person.**

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