

# HOUSE BILL No. 1107

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2-9.9; IC 31-32-3; IC 34-30-2-133.9.

**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.

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**Richardson**

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January 6, 2011, read first time and referred to Committee on Family, Children and Human Affairs.

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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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## 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



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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