

HOUSE BILL No. 1316

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-2-11; IC 31-40-1-3.5.

Synopsis: Parental reimbursement for juvenile services. Establishes the division of youth services transitional services fund to provide juvenile transitional services to delinquent offenders. Appropriates money in the fund. Permits a juvenile court to order a parent or guardian of the estate of a child to pay or reimburse the department of correction for the costs incurred by the department of correction for a child who is committed to the department of correction.

Effective: Upon passage.

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January 13, 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. 1316



A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

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

- 1 SECTION 1. IC 11-10-2-11 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 11. (a) The division of youth services**
- 4 **transitional services fund is established for the purposes described**
- 5 **in subsection (e). The department shall administer the fund.**
- 6 **(b) The fund consists of money collected under IC 31-40-1-3.5.**
- 7 **(c) The treasurer of state shall invest the money in the fund not**
- 8 **currently needed to meet the obligations of the fund in the same**
- 9 **manner as other public money may be invested.**
- 10 **(d) Money in the fund at the end of a state fiscal year does not**
- 11 **revert to the state general fund.**
- 12 **(e) Money in the fund is annually appropriated to the**
- 13 **department for the purposes of:**
- 14 **(1) augmenting and supplementing the funds appropriated to**
- 15 **the department of correction to provide juvenile transitional**
- 16 **services to delinquent offenders; and**
- 17 **(2) paying collection costs incurred under IC 31-40-1-3.5.**



1 SECTION 2. IC 31-40-1-3.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3.5. (a) If a juvenile court:

- 4 (1) adjudicates a child to be a delinquent child; and
- 5 (2) awards wardship of the child to the department of
6 correction;

7 the juvenile court may conduct a hearing to determine whether a
8 child's parents or guardian of the child's estate should pay for, or
9 reimburse the department of correction for, the costs of wardship
10 incurred by the department of correction, including the cost of any
11 services provided by or through the department of correction. The
12 hearing may be conducted before or after the department of
13 correction incurs costs for a child.

14 (b) Each parent and guardian of the estate of a child shall,
15 before a hearing under subsection (a), furnish the juvenile court
16 and the department of correction with an accurately completed
17 and current child support obligation worksheet on the same form
18 that is prescribed by the Indiana supreme court for child support
19 orders.

20 (c) A juvenile court may not order a parent or guardian of the
21 estate of a child to pay or reimburse the department of correction
22 if the juvenile court makes a specific finding that the parent or
23 guardian is unable to pay or that justice would not be served by
24 ordering payment from the parent or guardian.

25 (d) If, after a hearing, the juvenile court orders a parent or
26 guardian of the estate of a child to pay or reimburse costs, the
27 parent or guardian of the estate of a child is financially responsible
28 for the costs of wardship incurred by the department of correction,
29 including the cost of any services provided by or through the
30 department of correction.

31 (e) Any parental reimbursement obligation under this section
32 shall be paid directly to the department of correction and not to the
33 local court clerk so long as the juvenile delinquency case is open.
34 The department of correction shall keep track of all payments
35 made by each parent or guardian and shall provide a receipt for
36 each payment received. At the end of the juvenile delinquency
37 action, the department of correction shall provide an accounting of
38 payments received, and the juvenile court may consider additional
39 evidence of payment activity and determine the amount of parental
40 reimbursement obligation that remains unpaid. The juvenile court
41 shall reduce the unpaid balance to a final judgment that may be
42 enforced in any court having jurisdiction over such matters.

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1 **(f) After a judgment for unpaid parental reimbursement**
2 **obligation is rendered, payments made toward satisfaction of the**
3 **judgment shall be made to the clerk of the court in the county**
4 **where the enforcement action is filed and shall be forwarded**
5 **promptly to the department of correction in the same manner as**
6 **any other judgment payment.**
7 **(g) The department of correction shall deposit money collected**
8 **under this section in the division of youth services transitional**
9 **services fund established by IC 11-10-2-11.**
10 **SECTION 3. An emergency is declared for this act.**

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