
HOUSE BILL No. 1557

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-1.

Synopsis: Child in need of services. Establishes a rebuttable presumption that a child is a child in need of services (CHINS) if the child is born with fetal alcohol syndrome or born with any amount of a controlled substance or legend drug in the child's body. Establishes a rebuttable presumption that a child is a CHINS if the child has an injury, has an abnormal physical or psychological development, or is at a substantial risk of a life threatening condition due to the mother's use of alcohol, controlled substances, or legend drugs during pregnancy.

Effective: July 1, 2011.

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January 20, 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. 1557



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 31-34-1-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. Except as provided
3 in sections 12 and 13 of this chapter, **a rebuttable presumption is**
4 **raised that** a child is a child in need of services if **the state introduces**
5 **competent evidence of probative value that**

6 ~~(1)~~ the child ~~is~~ **was** born with:
7 (A) ~~(1)~~ fetal alcohol syndrome; or
8 ~~(B)~~ ~~(2)~~ any amount, including a trace amount, of a controlled
9 substance or a legend drug in the child's body. ~~and~~
10 ~~(2)~~ the child ~~needs care, treatment, or rehabilitation that:~~
11 (A) the child is ~~not receiving;~~ or
12 (B) is ~~unlikely to be provided or accepted without the coercive~~
13 ~~intervention of the court:~~

14 SECTION 2. IC 31-34-1-11, AS AMENDED BY P.L.2-2005,
15 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 11. Except as provided in sections 12 and 13 of
17 this chapter, **a rebuttable presumption is raised that** a child is a child



1 in need of services if **the state introduces competent evidence of**
2 **probative value that:**

- 3 (1) the child:
 - 4 (A) has an injury;
 - 5 (B) has abnormal physical or psychological development; or
 - 6 (C) is at a substantial risk of a life threatening condition;
 that arises or is substantially aggravated because the child's
 - 7 mother used alcohol, a controlled substance, or a legend drug
 - 8 during pregnancy; and
- 9 (2) the child needs care, treatment, or rehabilitation that:
 - 10 (A) the child is not receiving; or
 - 11 (B) is unlikely to be provided or accepted without the coercive
 - 12 intervention of the court.

13
14 SECTION 3. IC 31-34-1-12 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. A child is not a
16 child in need of services under section 10 or 11 of this chapter if:

- 17 (1) a drug detected in the body of the child under section ~~10(1)~~ 10
18 of this chapter or the condition described in section 11(1) of this
19 chapter was caused by a legend drug; and
- 20 (2) during pregnancy the child's mother:
 - 21 (A) possessed a valid prescription for the legend drug;
 - 22 (B) was not in violation of IC 16-42-19 (the Indiana legend
 - 23 drug act); and
 - 24 (C) made a good faith attempt to use the legend drug
 - 25 according to the prescription instructions.

26 SECTION 4. IC 31-34-1-13 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. A child is not a
28 child in need of services under section 10 or 11 of this chapter if:

- 29 (1) a drug detected in the body of the child under section ~~10(1)~~ 10
30 of this chapter or the condition described in section 11(1) of this
31 chapter was caused by a controlled substance; and
- 32 (2) during pregnancy the child's mother:
 - 33 (A) possessed a valid prescription for the controlled substance;
 - 34 and
 - 35 (B) made a good faith attempt to use the controlled substance
 - 36 according to the prescription instructions.

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