COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "who are at risk:" and insert "**who:**".
Page 1, line 5, after "(1)" insert "**are at risk**".
Page 1, line 6, after "(2)" insert "**are at risk**".
Page 1, line 6, delete "or".
Page 1, line 7, after "(3)" insert "**are at risk**".
Page 1, line 7, delete "school." and insert "**school;**
(4) were previously children in need of services and who are in need of ongoing supervision and assistance; or
(5) have been the victim of domestic violence.".
Page 1, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 2. IC 31-9-2-22.5, AS AMENDED BY P.L.138-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22.5. "Conduct a criminal history check", for purposes of IC 31-19, IC 31-26, IC 31-27, **IC 31-32-3,** IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:
(1) request: ~~the state police department to:~~
~~(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is at least fourteen (14) years of age and who is:~~

~~(i) for purposes of IC 31-19, IC 31-26, IC 31-33, IC 31-34, and IC 31-37, currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; or~~

~~(ii) for purposes of IC 31-27-4-5, a resident of the applicant's household who is at least fourteen (14) years of age; and~~

~~(B)~~ **(A) the state police department to** conduct a:

(i) fingerprint based criminal history background check of both national and state records data bases concerning a person who is at least eighteen (18) years of age in accordance with IC 10-13-3-27 and IC 10-13-3-39; or

(ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person who is at least eighteen (18) years of age ~~as described in clause (A)~~ as provided by IC 10-13-3-27.5; **or**

(B) if an individual has:

(i) a physical disability that prevents fingerprinting and a person approved by the department who is trained to take fingerprints or a qualified medical practitioner verifies that the individual has a disabling condition that prevents fingerprinting; or

(ii) low quality fingerprints, as a result of age, occupation, or otherwise, that prevent fingerprint results from being obtained and the individual's fingerprints have been rejected the required number of times by automated fingerprint classification equipment or rejected by a person designated by the department to examine and classify fingerprints;

the state police department to conduct a national name based criminal history record check (as defined in IC 10-13-3-12.5) or request the state police department to release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and the state police in every state the individual has resided in the past five (5) years to release or allow inspection of the state's criminal history;

(2) collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker,

or the department of child services has reason to believe that a person ~~described in subdivision (1)(A),~~ **who is fourteen (14) years of age or older,** or a person for whom a fingerprint based criminal history background check is required under IC 31, resided within the previous five (5) years; and

(3) request information concerning any substantiated report of child abuse or neglect relating to a person ~~described in subdivision (1)(A)~~ **who is fourteen (14) years of age or older** that is contained in a national registry of substantiated cases of child abuse or neglect that is established and maintained by the United States Department of Health and Human Services, to the extent that the information is accessible under 42 U.S.C. 16990 and any applicable regulations or policies of the Department of Health and Human Services.

SECTION 3. 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 program who is appointed by the court as an officer of the court to assist, represent, and protect the interests of at-risk children.**".

Page 1, line 9, after "1." insert "**(a)**".

Page 1, line 11, delete ", including for a child who is" and insert "."

Page 1, delete lines 12 through 13, begin a new paragraph and insert:

"**(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.**".

Page 1, line 15, after "8." insert "**(a)**".

Page 1, line 16, delete ":".

Page 1, line 17, delete "(1)".

Page 1, run in lines 16 through 17.

Page 2, line 1, delete "; or" and insert "**.**".

Page 2, delete lines 2 through 3, begin a new paragraph and insert:

"**(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 5. 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.~~".

Page 2, line 6, after "establish a" insert "**voluntary**".

Page 2, line 9, after "may" insert "**, after conducting a criminal history check of every individual who is likely to have contact with a child,**".

Page 2, line 9, delete ", guardians ad litem, and court appointed" and insert "**and an early intervention advocate**".

Page 2, line 10, delete "special advocates".

Page 2, line 11, after "program." insert "**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).".

Page 2, line 12, delete ", a guardian ad litem, or a court appointed" and insert "**or an early intervention advocate**".

Page 2, line 13, delete "special advocate".

Page 2, line 17, delete "a" and insert "**an individualized**".

Page 2, line 20, after "program." insert "**The individualized plan**

created under this subdivision may include a program of counseling, tutoring, or mentoring.".

Page 2, line 22, delete ", a guardian ad litem, or a court appointed special advocate:" and insert "**or an early intervention advocate:**".

Page 2, line 25, delete ", a guardian ad litem, or court appointed" and insert "**or an early intervention advocate**".

Page 2, line 26, delete "special advocate".

Page 2, line 36, before "client" insert "**juvenile**".

Page 3, line 5, delete ", a guardian ad litem, or a court appointed special advocate" and insert "**or an early intervention advocate**".

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"**(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, staff or an early intervention advocate shall determine whether the child would benefit from the program described in subsection (a). If the 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.**".

Page 3, line 10, delete "(g)" and insert "**(h)**".

Page 3, line 13, delete ", a guardian ad litem, or a court appointed" and insert "**or an early intervention advocate**".

Page 3, line 14, delete "special advocate".

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"**(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.**".

1 Page 3, line 22, after "to" insert "**an early intervention advocate,**".

2 Renumber all SECTIONS consecutively.

(Reference is to HB 1107 as printed January 21, 2011.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

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Bray **Chairperson**