

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed House Bill 287 be amended to read as follows:

- 1 Page 2, between lines 21 and 22, begin a new paragraph and insert:  
2 "SECTION 2. IC 4-13-19-4, AS ADDED BY P.L.182-2009(ss),  
3 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2012]: Sec. 4. (a) The governor shall appoint the ombudsman.  
5 The ombudsman serves at the pleasure of the governor. An individual  
6 may not be appointed as ombudsman if the individual has been  
7 employed by the department of child services at any time during the  
8 preceding twelve (12) months. The governor shall appoint a successor  
9 ombudsman not later than thirty (30) days after a vacancy occurs in the  
10 position of the ombudsman.  
11 (b) The office of the department of child services ombudsman:  
12 **(1) shall employ at least two (2) full time employees to assist**  
13 **the ombudsman with receiving, investigating, and attempting**  
14 **to resolve complaints described in section 5 of this chapter;**  
15 **and**  
16 **(2) may employ technical experts and other employees to carry**  
17 **out the purposes of this chapter.**  
18 ~~(c) However,~~ The office of the department of child services  
19 ombudsman may not hire an individual to serve as an ombudsman if  
20 the individual has been employed by the department of child services  
21 during the preceding twelve (12) months.  
22 ~~(c)~~ **(d)** The ombudsman and any other person employed or  
23 authorized by the ombudsman:  
24 **(1) are subject to the same criminal history and background**

1 checks, to be performed by the department of child services, that  
 2 are required for department of child services family case  
 3 managers; and

4 (2) are subject to the same disqualification for employment  
 5 criteria as department of child services family case managers.".

6 Page 4, between lines 36 and 37, begin a new paragraph and insert:

7 "SECTION 4. IC 4-13-19-13 IS ADDED TO THE INDIANA CODE  
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: **Sec. 13. (a) This section applies to any of the**  
 10 **following:**

11 **(1) An appropriation for the department of administration,**  
 12 **department of child services ombudsman bureau.**

13 **(2) An appropriation for the department of administration,**  
 14 **office of the department of child services ombudsman.**

15 **(3) An amount directly appropriated for the department of**  
 16 **child services ombudsman bureau.**

17 **(4) An amount directly appropriated for the office of the**  
 18 **department of child services ombudsman.**

19 **(b) An amount described in subsection (a):**

20 **(1) is to fund the responsibilities of the office of the**  
 21 **department of child services ombudsman under this chapter;**

22 **(2) does not revert at the end of any state fiscal year but**  
 23 **remains available for the purposes of the appropriation in**  
 24 **subsequent state fiscal years, notwithstanding IC 4-13-2-19 or**  
 25 **any other law; and**

26 **(3) is not subject to transfer to any other fund or to transfer,**  
 27 **assignment, or reassignment for any other use or purpose by:**

28 **(A) the state board of finance notwithstanding IC 4-9.1-1-7,**  
 29 **IC 4-13-2-23, or any other law; or**

30 **(B) the budget agency notwithstanding IC 4-12-1-12 or any**  
 31 **other law.**

32 **(b) This subsection applies notwithstanding IC 4-13-2-18 or any**  
 33 **other law. The department of administration and office of the**  
 34 **department of child services ombudsman shall:**

35 **(1) expend amounts described in subsection (a) for the**  
 36 **purposes of the office of the department of child services**  
 37 **ombudsman in the state fiscal year for which the**  
 38 **appropriation is made; or**

39 **(2) encumber the appropriated amounts within that state**  
 40 **fiscal year for expenditure within a reasonable period**  
 41 **following the end of that state fiscal year.**

42 **The department of administration and the office of the department**  
 43 **of child services ombudsman may not withhold or reduce a request**  
 44 **for an allotment of an amount described in subsection (a) in order**  
 45 **to revert or fail to expend an appropriation described in subsection**  
 46 **(a). To the extent that an appropriation has not been previously**  
 47 **allotted, the budget agency shall allot an amount described in**

1 subsection (a) to the department of administration (if the  
2 appropriation was made to the department of administration) or  
3 otherwise to the office of the department of child services  
4 ombudsman for the purposes of the office of the department of  
5 child services ombudsman upon request by the department of  
6 administration or the office of the department of child services  
7 ombudsman."

8 Page 4, between lines 40 and 41, begin a new paragraph and insert:

9 "SECTION 5. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: **Sec. 33. The department shall perform all  
12 investigations necessary for the department of child services as  
13 required under IC 31-25-2.5."**

14 Page 18, between lines 2 and 3, begin a new paragraph and insert:

15 "SECTION 30. IC 31-9-2-20.7 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. "Committee", for the  
18 purposes of IC 31-25-2-24, has the meaning set forth in  
19 IC 31-25-2-24(a).**

20 SECTION 31. IC 31-25-2-23 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) Beginning June 10,  
23 2012, the department shall submit a report to the legislative council  
24 not later than the tenth day of each month concerning the  
25 department's expenditures for the preceding month.**

26 **(b) The report described in subsection (a) must be in an  
27 electronic format under IC 5-14-6.**

28 SECTION 32. IC 31-25-2-24 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) As used in this section,  
31 "committee" means the audit advisory committee established  
32 under subsection (b).**

33 **(b) The audit advisory committee is established.**

34 **(c) The committee consists of the following members:**

35 **(1) A representative of the Children's Coalition of Indiana  
36 appointed by the minority leader of the house of  
37 representatives.**

38 **(2) A representative of the Indiana Coalition for Human  
39 Services appointed by the speaker of the house of  
40 representatives.**

41 **(3) A representative of IARCCA— An Association of Children  
42 and Family Services appointed by the president pro tempore  
43 of the senate.**

44 **(4) A representative of Mental Health America of Indiana  
45 appointed by the minority leader of the senate.**

46 **(5) A representative of the Arc of Indiana appointed by the**

- 1 chairperson of the legislative council.
- 2 (6) A representative of the Indiana Prosecuting Attorneys  
3 Council appointed by the director of the Indiana Prosecuting  
4 Attorneys Council or the director's designee.
- 5 (7) A representative of the Indiana Judges Association  
6 appointed by the director of the Indiana Judges Association  
7 or the director's designee.
- 8 (8) One (1) member of the house of representatives appointed  
9 by the speaker of the house of representatives.
- 10 (9) One (1) member of the house of representatives appointed  
11 by the minority leader of the house of representatives.
- 12 (10) One (1) member of the senate appointed by the president  
13 pro tempore of the senate.
- 14 (11) One (1) member of the senate appointed by the minority  
15 leader of the senate.
- 16 (d) A member of the committee listed in subsection (c)(1)  
17 through (c)(7) is not entitled to:
- 18 (1) the minimum salary per diem provided by  
19 IC 4-10-11-2.1(b); or
- 20 (2) reimbursement from state funds for traveling expenses  
21 and other expenses actually incurred in connection with the  
22 member's duties.
- 23 (e) Each member of the committee who is a member of the  
24 general assembly is entitled to receive the same per diem, mileage,  
25 and travel allowances paid to legislative members of interim study  
26 committees established by the legislative council.
- 27 (f) The committee shall select a member of the committee to  
28 serve as chairperson. The committee shall meet at the call of the  
29 chairperson of the committee. A vacancy on the committee shall be  
30 filled by the original appointing authority. The affirmative votes of  
31 a majority of the members appointed to the committee are  
32 required for the committee to take action on any measure,  
33 including the report described in subsection (g).
- 34 (g) The committee shall, not later than May 1, 2013, submit a  
35 report to the legislative council recommending the names of  
36 private entities to perform an audit of the department concerning:
- 37 (1) caseworker turnover rates;
- 38 (2) the effectiveness of the department's investigation of  
39 alleged child abuse and neglect reports;
- 40 (3) the department's oversight of caseworkers;
- 41 (4) the effectiveness and quality control of the child abuse  
42 hotline;
- 43 (5) the training, education levels, and supervision of the  
44 employees who receive reports on the child abuse hotline;
- 45 (6) caseload levels;
- 46 (7) caseworker training; and
- 47 (8) any other department matters recommended by the

1 committee.

2 The report described in this subsection must be in an electronic  
3 format under IC 5-14-6.

4 (h) The legislative council shall contract with one (1) of the  
5 private entities recommended by the committee under subsection  
6 (g) to audit the department. The legislative council shall pay the  
7 expenses of an audit conducted under this section.

8 (i) The private entity with which the legislative council contracts  
9 under subsection (h) shall provide a report concerning the audit  
10 described under subsection (g) to the legislative council not later  
11 than November 1, 2013.

12 (j) This section expires July 1, 2014.

13 SECTION 33. IC 31-25-2-25 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An appropriation to  
16 the department:

17 (1) is to fund the responsibilities of the department specified  
18 in section 7 of this chapter;

19 (2) does not revert at the end of any state fiscal year but  
20 remains available for the purposes of the appropriation in  
21 subsequent state fiscal years, notwithstanding IC 4-13-2-19 or  
22 any other law; and

23 (3) is not subject to transfer to any other fund or to transfer,  
24 assignment, or reassignment for any other use or purpose by:

25 (A) the state board of finance notwithstanding IC 4-9.1-1-7,  
26 IC 4-13-2-23, or any other law; or

27 (B) the budget agency notwithstanding IC 4-12-1-12 or any  
28 other law.

29 However, the budget agency may, upon request from the  
30 department, assign or reassign an appropriation to the department  
31 from one (1) purpose of the department to another purpose of the  
32 department to meet the most critical needs of children and families  
33 in Indiana.

34 (b) This subsection applies notwithstanding IC 4-13-2-18 or any  
35 other law. The department shall expend amounts appropriated to  
36 the department for the purposes of the department in the state  
37 fiscal year for which the appropriation is made or encumber the  
38 appropriated amounts within that state fiscal year for expenditure  
39 within a reasonable period following the end of that state fiscal  
40 year. The department may not withhold or reduce a request for an  
41 allotment of an amount appropriated to the department in order  
42 to revert or fail to expend an appropriation to the department. To  
43 the extent that an appropriation has not been previously allotted,  
44 the budget agency shall allot an amount appropriated to the  
45 department for the purposes of the department upon request by  
46 the department."

47 Page 57, between lines 34 and 35, begin a new paragraph and insert:

1 "SECTION 91. IC 31-25-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:

4 **Chapter 2.5. Investigations**

5 **Sec. 1. All investigations required for the department shall be**  
6 **referred to the state police department.**

7 **Sec. 2. The state police department shall perform all**  
8 **investigations necessary for the department."**

9 Page 115, line 16, strike "section" and insert "sections".

10 Page 115, line 16, after "1.5" insert "and 1.8".

11 Page 118, between lines 33 and 34, begin a new paragraph and  
12 insert:

13 "SECTION 155. IC 31-33-18-1.8 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. A prosecuting attorney**  
16 **is entitled to an unredacted copy of any department record**  
17 **concerning a child who:**

18 **(1) resides;**

19 **(2) has resided; or**

20 **(3) has been involved in an incident that the department has**  
21 **investigated;**

22 **in the prosecuting attorney's county.**

23 SECTION 156. IC 31-33-18-2, AS AMENDED BY  
24 P.L.182-2009(ss), SECTION 380, IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The reports and  
26 other material described in section 1(a) of this chapter and the  
27 unredacted reports and other material described in section 1(b) of this  
28 chapter shall be made available only to the following:

29 (1) Persons authorized by this article.

30 (2) A legally mandated public or private child protective agency  
31 investigating a report of child abuse or neglect or treating a child  
32 or family that is the subject of a report or record.

33 (3) A police or other law enforcement agency ~~prosecuting~~  
34 ~~attorney~~; or coroner in the case of the death of a child who is  
35 investigating a report of a child who may be a victim of child  
36 abuse or neglect.

37 (4) A physician who has before the physician a child whom the  
38 physician reasonably suspects may be a victim of child abuse or  
39 neglect.

40 (5) An individual legally authorized to place a child in protective  
41 custody if:

42 (A) the individual has before the individual a child whom the  
43 individual reasonably suspects may be a victim of abuse or  
44 neglect; and

45 (B) the individual requires the information in the report or  
46 record to determine whether to place the child in protective

- 1 custody.
- 2 (6) An agency having the legal responsibility or authorization to
- 3 care for, treat, or supervise a child who is the subject of a report
- 4 or record or a parent, guardian, custodian, or other person who is
- 5 responsible for the child's welfare.
- 6 (7) An individual named in the report or record who is alleged to
- 7 be abused or neglected or, if the individual named in the report is
- 8 a child or is otherwise incompetent, the individual's guardian ad
- 9 litem or the individual's court appointed special advocate, or both.
- 10 (8) Each parent, guardian, custodian, or other person responsible
- 11 for the welfare of a child named in a report or record and an
- 12 attorney of the person described under this subdivision, with
- 13 protection for the identity of reporters and other appropriate
- 14 individuals.
- 15 (9) A court, for redaction of the record in accordance with section
- 16 1.5 of this chapter, or upon the court's finding that access to the
- 17 records may be necessary for determination of an issue before the
- 18 court. However, except for disclosure of a redacted record in
- 19 accordance with section 1.5 of this chapter, access is limited to in
- 20 camera inspection unless the court determines that public
- 21 disclosure of the information contained in the records is necessary
- 22 for the resolution of an issue then pending before the court.
- 23 (10) A grand jury upon the grand jury's determination that access
- 24 to the records is necessary in the conduct of the grand jury's
- 25 official business.
- 26 (11) An appropriate state or local official responsible for child
- 27 protection services or legislation carrying out the official's official
- 28 functions.
- 29 (12) A foster care review board established by a juvenile court
- 30 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
- 31 court's determination that access to the records is necessary to
- 32 enable the foster care review board to carry out the board's
- 33 purpose under IC 31-34-21.
- 34 (13) The community child protection team appointed under
- 35 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 36 enable the team to carry out the team's purpose under IC 31-33-3.
- 37 (14) A person about whom a report has been made, with
- 38 protection for the identity of:
- 39 (A) any person reporting known or suspected child abuse or
- 40 neglect; and
- 41 (B) any other person if the person or agency making the
- 42 information available finds that disclosure of the information
- 43 would be likely to endanger the life or safety of the person.
- 44 (15) An employee of the department, a caseworker, or a juvenile
- 45 probation officer conducting a criminal history check under
- 46 IC 31-26-5, IC 31-34, or IC 31-37 to determine the

- 1           appropriateness of an out-of-home placement for a:
- 2           (A) child at imminent risk of placement;
- 3           (B) child in need of services; or
- 4           (C) delinquent child.
- 5           The results of a criminal history check conducted under this
- 6           subdivision must be disclosed to a court determining the
- 7           placement of a child described in clauses (A) through (C).
- 8           (16) A local child fatality review team established under
- 9           IC 31-33-24-6.
- 10          (17) The statewide child fatality review committee established by
- 11          IC 31-33-25-6.
- 12          (18) The department.
- 13          (19) The division of family resources, if the investigation report:
- 14           (A) is classified as substantiated; and
- 15           (B) concerns:
  - 16           (i) an applicant for a license to operate;
  - 17           (ii) a person licensed to operate;
  - 18           (iii) an employee of; or
  - 19           (iv) a volunteer providing services at;
- 20          a child care center licensed under IC 12-17.2-4 or a child care
- 21          home licensed under IC 12-17.2-5.
- 22          (20) A citizen review panel established under IC 31-25-2-20.4.
- 23          (21) The department of child services ombudsman established by
- 24          IC 4-13-19-3."
- 25          Page 119, between lines 9 and 10, begin a new paragraph and insert:
- 26          "SECTION 158. IC 31-33-24-7, AS AMENDED BY P.L.225-2007,
- 27          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28          UPON PASSAGE]: Sec. 7. (a) A child fatality review consists of
- 29          determining:
  - 30           (1) whether similar future deaths could be prevented; ~~and~~
  - 31           (2) agencies or resources that should be involved to adequately
  - 32           prevent future deaths of children;
  - 33           **(3) whether any party or state agency may have violated any**
  - 34           **law; and**
  - 35           **(4) whether a potential criminal act should be referred to the**
  - 36           **prosecuting attorney.**
- 37          (b) In conducting the child fatality review under subsection (a), the
- 38          local child fatality review team shall review every record concerning
- 39          the deceased child that is held by the department.
- 40          (c) If a local child fatality review team requests records from a
- 41          hospital, physician, coroner, or mental health professional regarding a
- 42          death that the local child fatality review team is investigating, the
- 43          hospital, physician, coroner, or mental health professional shall provide
- 44          the requested records, subject to IC 34-30-15, to the child fatality
- 45          review team.
- 46          **(d) If a local child fatality review team determines that an**

1 **individual person may have committed a criminal act, the local**  
 2 **child fatality review team shall inform the prosecuting attorney of**  
 3 **the possible criminal act and shall forward to the prosecuting**  
 4 **attorney all documents concerning the possible criminal act that**  
 5 **the local child fatality review team possesses.**

6 SECTION 159. IC 31-33-24-16 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 16. The department shall**  
 9 **reimburse a county for all expenses incurred under this chapter.**

10 SECTION 160. IC 31-33-25-6, AS AMENDED BY  
 11 P.L.182-2009(ss), SECTION 381, IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The  
 13 statewide child fatality review committee is established to review a  
 14 child's death that is:

- 15 (1) sudden;
- 16 (2) unexpected; or
- 17 (3) unexplained;

18 if the county where the child died does not have a local child fatality  
 19 review team or if the local child fatality review team requests a review  
 20 of the child's death by the statewide committee.

21 (b) The statewide child fatality review committee may also review  
 22 the death of a child upon request by an individual or the department of  
 23 child services ombudsman established by IC 4-13-19-3.

24 (c) A request submitted under subsection (b) must set forth:

- 25 (1) the name of the child;
- 26 (2) the age of the child;
- 27 (3) the county where the child died;
- 28 (4) whether a local child fatality review team reviewed the death;
- 29 and
- 30 (5) the cause of death of the deceased child.

31 **(d) In conducting a child fatality review, the statewide child**  
 32 **fatality review committee shall determine whether:**

- 33 **(1) any party or state agency may have violated any law; and**
- 34 **(2) a potential criminal act should be referred to the**  
 35 **prosecuting attorney.**

36 **If the statewide child fatality review committee determines that an**  
 37 **individual person may have committed a criminal act, the**  
 38 **statewide child fatality review committee shall inform the**  
 39 **prosecuting attorney of the county where the incident occurred of**  
 40 **the possible criminal act and shall forward to the prosecuting**  
 41 **attorney all documents concerning the possible criminal act that**  
 42 **the statewide child fatality review committee possesses."**

43 Page 119, between lines 40 and 41, begin a new paragraph and  
 44 insert:

45 "SECTION 157. IC 31-33-27 IS ADDED TO THE INDIANA  
 46 CODE AS A **CHAPTER** TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]:

**Chapter 27. Retention of Records**

**Sec. 1. The department shall retain information relating to an unsubstantiated assessment of child abuse or neglect for at least five (5) years after the completion of the assessment under this article.**

SECTION 163. IC 31-33-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 28. Grand Jury**

**Sec. 1. (a) A court may call a grand jury under IC 35-34-2 into session, at the request of a prosecuting attorney, to hear and examine evidence concerning:**

**(1) investigations and determinations made by the department concerning a child:**

**(A) who is a child in need of services; or**

**(B) whom the department investigated as a potential child in need of services; or**

**(2) potential crimes that involved a child:**

**(A) who is a child in need of services;**

**(B) whom the department investigated as a potential child in need of services; or**

**(C) who satisfies both clauses (A) and (B).**

**Sec. 2. Except as set forth in this chapter, the court shall use the procedures set forth under IC 35-34-2 for a grand jury under this chapter.**

**Sec. 3. (a) If a member of the grand jury has reason to believe that the department failed to properly investigate a child in need of services or failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services under IC 31-34-9-1, the juror may report this information to fellow jurors who may then investigate the department's decision.**

**(b) If a member of the grand jury has reason to believe that a crime occurred in the investigation of a child in need of services or involving a child who is the subject of a child in need of services investigation, the juror may report this information to fellow jurors who may then investigate the department's decision.**

**Sec. 4. (a) A grand jury may deliberate whether the department failed to properly investigate a potential child in need of services or failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services.**

**(b) If at least five (5) grand jurors determine that the department failed to investigate whether a child is a child in need of services or if the department failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services, the department shall reopen the**

1 investigation and the prosecutor shall request the juvenile court to  
2 authorize the filing of a petition that a child is a child in need of  
3 services. A determination under this section must be:

- 4 (1) signed by the prosecuting attorney or a deputy prosecuting  
5 attorney; and
- 6 (2) signed by the foreman of the grand jury or five (5)  
7 members of the grand jury.

8 **Sec. 5. If a grand jury determines that a crime occurred as**  
9 **described in section 3(b), the indictment procedures set forth in**  
10 **IC 35-34-2 apply."**

11 Page 122, between lines 26 and 27, begin a new paragraph and  
12 insert:

13 "SECTION 166. IC 31-34-4-8 IS ADDED TO THE INDIANA  
14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
15 **[EFFECTIVE UPON PASSAGE]: Sec. 8. By December 31, 2012, the**  
16 **department shall ensure that in every county in Indiana homes or**  
17 **facilities exist that can accept emergency placements of children**  
18 **under this chapter.**

19 SECTION 167. IC 31-34-4-9 IS ADDED TO THE INDIANA  
20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
21 **[EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The department may not**  
22 **decrease rates paid to a home or facility under this chapter without**  
23 **approval of the general assembly.**

24 **(b) The department shall ensure that there is adequate funding**  
25 **for homes and facilities under this chapter.**

26 SECTION 166. IC 31-34-9-1, AS AMENDED BY P.L.146-2008,  
27 SECTION 588, IS AMENDED TO READ AS FOLLOWS  
28 **[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The attorney for the**  
29 **department:**

- 30 (1) may request the juvenile court to authorize the filing of a  
31 petition alleging that a child is a child in need of services; and
- 32 (2) shall represent the interests of the state at this proceeding and  
33 at all subsequent proceedings on the petition.

34 **(b) A prosecuting attorney may request the juvenile court to**  
35 **authorize the filing of a petition alleging that a child is a child in**  
36 **need of services under IC 31-34-1."**

37 Page 135, between lines 18 and 19, begin a new paragraph and  
38 insert:

39 "SECTION 183. IC 31-37-5-9 IS ADDED TO THE INDIANA  
40 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
41 **[EFFECTIVE UPON PASSAGE]: Sec. 9. By December 31, 2012, the**  
42 **department shall ensure that in every county in Indiana homes or**  
43 **facilities exist that can accept emergency placements of children**  
44 **under this chapter.**

45 SECTION 184. IC 31-37-5-10 IS ADDED TO THE INDIANA  
46 CODE AS A **NEW SECTION TO READ AS FOLLOWS**

1 [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) The department may**  
 2 **not decrease rates paid to a home or facility under this chapter**  
 3 **without approval of the general assembly.**  
 4 **(b) The department shall ensure that there is adequate funding**  
 5 **for homes and facilities under this chapter."**  
 6 Page 143, after line 20, begin a new paragraph and insert:  
 7 "SECTION 190. [EFFECTIVE UPON PASSAGE] **(a) The**  
 8 **department of child services shall prepare a report concerning the**  
 9 **following:**  
 10 **(1) A listing by category, the number of placements for**  
 11 **children, including:**  
 12 **(A) foster family homes;**  
 13 **(B) group homes; and**  
 14 **(C) other homes or facilities in which the department**  
 15 **places children;**  
 16 **in each county for the calendar years 2007, 2008, 2009, 2010,**  
 17 **and 2011.**  
 18 **(2) A listing by category, the amount of money that the**  
 19 **department of child services has spent on:**  
 20 **(A) foster family homes;**  
 21 **(B) group homes; and**  
 22 **(C) other homes or facilities in which the department**  
 23 **places children;**  
 24 **in each county for the calendar years 2007, 2008, 2009, 2010,**  
 25 **and 2011.**  
 26 SECTION 191. **An emergency is declared for this act."**  
 27 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 287 as printed February 24, 2012.)

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Representative Summers