

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate 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 **(c) 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 March, June, September, and
25 December concerning the department's expenditures for the
26 preceding three (3) months.**

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

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

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

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

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

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

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

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

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

1 (8) any other department matters recommended by the
2 committee.

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

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

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

13 **(j) This section expires July 1, 2014.**

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

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

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

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

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

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

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

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

1 Page 57, between lines 34 and 35, begin a new paragraph and insert:
 2 "SECTION 91. IC 31-25-2.5 IS ADDED TO THE INDIANA CODE
 3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]:

5 **Chapter 2.5. Investigations**

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

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

10 Page 75, between lines 34 and 35, begin a new line block indented
 11 and insert:

12 **"(22) Attempt under IC 35-41-5-1 to commit an offense under**
 13 **subdivisions 1 through 21.**

14 **(23) Conspiracy under IC 35-41-5-2 to commit an offense**
 15 **under subdivisions 1 through 21.**

16 **(b) The department shall deny a license to an applicant if the**
 17 **applicant is a sex or violent offender (as defined in IC 11-8-8-5) or**
 18 **a sexually violent predator (as defined in IC 35-38-1-7.5)."**

19 Page 75, line 35, strike "(b)" and insert "(c)".

20 Page 75, line 40, strike "(c)" and insert "(d)".

21 Page 75, line 42, strike "(d)" and insert "(e)".

22 Page 76, line 3, strike "(c)." and insert "(d)."

23 Page 76, line 6, reset in roman "(f)".

24 Page 76, line 6, delete "(e)".

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

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

27 Page 118, between lines 33 and 34, begin a new paragraph and
 28 insert:

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

34 **(1) resides;**

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

36 **(3) has been involved in an incident that the department has**
 37 **investigated;**

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

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

45 **(1) Persons authorized by this article.**

46 **(2) A legally mandated public or private child protective agency**

- 1 investigating a report of child abuse or neglect or treating a child
2 or family that is the subject of a report or record.
- 3 (3) A police or other law enforcement agency ~~prosecuting~~
4 ~~attorney~~, or coroner in the case of the death of a child who is
5 investigating a report of a child who may be a victim of child
6 abuse or neglect.
- 7 (4) A physician who has before the physician a child whom the
8 physician reasonably suspects may be a victim of child abuse or
9 neglect.
- 10 (5) An individual legally authorized to place a child in protective
11 custody if:
- 12 (A) the individual has before the individual a child whom the
13 individual reasonably suspects may be a victim of abuse or
14 neglect; and
- 15 (B) the individual requires the information in the report or
16 record to determine whether to place the child in protective
17 custody.
- 18 (6) An agency having the legal responsibility or authorization to
19 care for, treat, or supervise a child who is the subject of a report
20 or record or a parent, guardian, custodian, or other person who is
21 responsible for the child's welfare.
- 22 (7) An individual named in the report or record who is alleged to
23 be abused or neglected or, if the individual named in the report is
24 a child or is otherwise incompetent, the individual's guardian ad
25 litem or the individual's court appointed special advocate, or both.
- 26 (8) Each parent, guardian, custodian, or other person responsible
27 for the welfare of a child named in a report or record and an
28 attorney of the person described under this subdivision, with
29 protection for the identity of reporters and other appropriate
30 individuals.
- 31 (9) A court, for redaction of the record in accordance with section
32 1.5 of this chapter, or upon the court's finding that access to the
33 records may be necessary for determination of an issue before the
34 court. However, except for disclosure of a redacted record in
35 accordance with section 1.5 of this chapter, access is limited to in
36 camera inspection unless the court determines that public
37 disclosure of the information contained in the records is necessary
38 for the resolution of an issue then pending before the court.
- 39 (10) A grand jury upon the grand jury's determination that access
40 to the records is necessary in the conduct of the grand jury's
41 official business.
- 42 (11) An appropriate state or local official responsible for child
43 protection services or legislation carrying out the official's official
44 functions.
- 45 (12) A foster care review board established by a juvenile court
46 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the

1 court's determination that access to the records is necessary to
2 enable the foster care review board to carry out the board's
3 purpose under IC 31-34-21.

4 (13) The community child protection team appointed under
5 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
6 enable the team to carry out the team's purpose under IC 31-33-3.

7 (14) A person about whom a report has been made, with
8 protection for the identity of:

9 (A) any person reporting known or suspected child abuse or
10 neglect; and

11 (B) any other person if the person or agency making the
12 information available finds that disclosure of the information
13 would be likely to endanger the life or safety of the person.

14 (15) An employee of the department, a caseworker, or a juvenile
15 probation officer conducting a criminal history check under
16 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
17 appropriateness of an out-of-home placement for a:

18 (A) child at imminent risk of placement;

19 (B) child in need of services; or

20 (C) delinquent child.

21 The results of a criminal history check conducted under this
22 subdivision must be disclosed to a court determining the
23 placement of a child described in clauses (A) through (C).

24 (16) A local child fatality review team established under
25 IC 31-33-24-6.

26 (17) The statewide child fatality review committee established by
27 IC 31-33-25-6.

28 (18) The department.

29 (19) The division of family resources, if the investigation report:

30 (A) is classified as substantiated; and

31 (B) concerns:

32 (i) an applicant for a license to operate;

33 (ii) a person licensed to operate;

34 (iii) an employee of; or

35 (iv) a volunteer providing services at;

36 a child care center licensed under IC 12-17.2-4 or a child care
37 home licensed under IC 12-17.2-5.

38 (20) A citizen review panel established under IC 31-25-2-20.4.

39 (21) The department of child services ombudsman established by
40 IC 4-13-19-3."

41 Page 119, between lines 9 and 10, begin a new paragraph and insert:

42 "SECTION 158. IC 31-33-24-7, AS AMENDED BY P.L.225-2007,
43 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

44 UPON PASSAGE]: Sec. 7. (a) A child fatality review consists of
45 determining:

46 (1) whether similar future deaths could be prevented; and

- 1 (2) agencies or resources that should be involved to adequately
- 2 prevent future deaths of children;
- 3 **(3) whether any party or state agency may have violated any**
- 4 **law; and**
- 5 **(4) whether a potential criminal act should be referred to the**
- 6 **prosecuting attorney.**

7 (b) In conducting the child fatality review under subsection (a), the
 8 local child fatality review team shall review every record concerning
 9 the deceased child that is held by the department.

10 (c) If a local child fatality review team requests records from a
 11 hospital, physician, coroner, or mental health professional regarding a
 12 death that the local child fatality review team is investigating, the
 13 hospital, physician, coroner, or mental health professional shall provide
 14 the requested records, subject to IC 34-30-15, to the child fatality
 15 review team.

16 **(d) If a local child fatality review team determines that an**
 17 **individual person may have committed a criminal act, the local**
 18 **child fatality review team shall inform the prosecuting attorney of**
 19 **the possible criminal act and shall forward to the prosecuting**
 20 **attorney all documents concerning the possible criminal act that**
 21 **the local child fatality review team possesses.**

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

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

- 31 (1) sudden;
- 32 (2) unexpected; **or**
- 33 (3) unexplained; **or**
- 34 **(4) assessed by the department for alleged abuse or neglect**
- 35 **that resulted in the fatality;**

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

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

- 42 (c) A request submitted under subsection (b) must set forth:
- 43 (1) the name of the child;
- 44 (2) the age of the child;
- 45 (3) the county where the child died;
- 46 (4) whether a local child fatality review team reviewed the death;

1 and
 2 (5) the cause of death of the deceased child.
 3 **(d) In conducting a child fatality review, the statewide child**
 4 **fatality review committee shall determine whether:**
 5 **(1) any party or state agency may have violated any law; and**
 6 **(2) a potential criminal act should be referred to the**
 7 **prosecuting attorney.**
 8 **If the statewide child fatality review committee determines that an**
 9 **individual person may have committed a criminal act, the**
 10 **statewide child fatality review committee shall inform the**
 11 **prosecuting attorney of the county where the incident occurred of**
 12 **the possible criminal act and shall forward to the prosecuting**
 13 **attorney all documents concerning the possible criminal act that**
 14 **the statewide child fatality review committee possesses."**

15 Page 119, between lines 40 and 41, begin a new paragraph and
 16 insert:

17 "SECTION 157. IC 31-33-27 IS ADDED TO THE INDIANA
 18 CODE AS A **CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]:

20 **Chapter 27. Retention of Records**

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

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

28 **Chapter 28. Grand Jury**

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

- 32 **(1) investigations and determinations made by the department**
- 33 **concerning a child:**
 - 34 **(A) who is a child in need of services; or**
 - 35 **(B) whom the department investigated as a potential child**
 - 36 **in need of services; or**
- 37 **(2) potential crimes that involved a child:**
 - 38 **(A) who is a child in need of services;**
 - 39 **(B) whom the department investigated as a potential child**
 - 40 **in need of services; or**
 - 41 **(C) who satisfies both clauses (A) and (B).**

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

45 **Sec. 3. (a) If a member of the grand jury has reason to believe**
 46 **that the department failed to properly investigate a child in need**
 47 **of services or failed to properly request a juvenile court to**

1 authorize the filing of a petition that a child is a child in need of
2 services under IC 31-34-9-1, the juror may report this information
3 to fellow jurors, who may then investigate the department's
4 decision.

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

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

14 (b) If at least five (5) grand jurors determine that the
15 department failed to investigate whether a child is a child in need
16 of services or if the department failed to properly request a
17 juvenile court to authorize the filing of a petition that a child is a
18 child in need of services, the department shall reopen the
19 investigation and the prosecutor shall request the juvenile court to
20 authorize the filing of a petition that a child is a child in need of
21 services. A determination under this section must be:

22 (1) signed by the prosecuting attorney or a deputy prosecuting
23 attorney; and

24 (2) signed by the foreman of the grand jury or five (5)
25 members of the grand jury.

26 Sec. 5. If a grand jury determines that a crime occurred as
27 described in section 3(b) of this chapter, the indictment procedures
28 set forth in IC 35-34-2 apply."

29 Page 122, between lines 26 and 27, begin a new paragraph and
30 insert:

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

department:

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

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

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

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

SECTION 184. IC 31-37-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The department may not decrease rates paid to a home or facility under this chapter without approval of the general assembly.**

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

Page 143, after line 20, begin a new paragraph and insert:

"SECTION 190. [EFFECTIVE UPON PASSAGE] **(a) The department of child services shall prepare a report concerning the following:**

(1) A listing by category, the number of placements for children, including:

- (A) foster family homes;**
- (B) group homes; and**
- (C) other homes or facilities in which the department places children;**

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.

(2) A listing by category, the amount of money that the department of child services has spent on:

- (A) foster family homes;**
- (B) group homes; and**
- (C) other homes or facilities in which the department places children;**

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.

SECTION 191. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to ESB 287 as printed February 24, 2012.)

Representative Summers