

## SENATE BILL No. 270

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-35; IC 4-13-19-4.

**Synopsis:** DCS evaluation committee and ombudsman. Establishes the department of child services (DCS) evaluation committee to evaluate and make recommendations concerning the department of child services. Provides that the office of the DCS ombudsman shall employ at least three full time employees to assist the ombudsman.

**Effective:** July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Judiciary.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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**SENATE BILL No. 270**



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]:
- 4 **Chapter 35. Department of Child Services Evaluation**
- 5 **Committee**
- 6 **Sec. 1. As used in this chapter, "committee" refers to the**
- 7 **department of child services evaluation committee established by**
- 8 **section 3 of this chapter.**
- 9 **Sec. 2. As used in this chapter, "department" refers to the**
- 10 **department of child services.**
- 11 **Sec. 3. The department of child services evaluation committee**
- 12 **is established.**
- 13 **Sec. 4. The committee consists of fourteen (14) members**
- 14 **appointed as follows:**
- 15 **(1) Four (4) members of the senate, not more than two (2) of**
- 16 **whom may be affiliated with the same political party,**
- 17 **appointed by the president pro tempore of the senate.**



- 1           **(2) Four (4) members of the house of representatives, not**  
 2           **more than two (2) of whom may be affiliated with the same**  
 3           **political party, appointed by the speaker of the house of**  
 4           **representatives.**
- 5           **(3) The department of child services ombudsman.**
- 6           **(4) Two (2) judges having juvenile court jurisdiction. One (1)**  
 7           **judge shall be appointed by the chief justice of the supreme**  
 8           **court and one (1) judge shall be appointed by the governor.**
- 9           **(5) Two (2) individuals who are employed by organizations**  
 10           **that advocate for children. One (1) individual shall be**  
 11           **appointed by the speaker of the house of representatives and**  
 12           **one (1) individual shall be appointed by the president pro**  
 13           **tempore of the senate.**
- 14           **(6) An individual who is or has been a foster parent,**  
 15           **appointed by the governor.**
- 16           **Sec. 5. The chairman of the legislative council shall appoint a**  
 17           **legislative member of the committee to serve as chair of the**  
 18           **committee. Whenever there is a new chairman of the legislative**  
 19           **council, the new chairman may remove the chair of the committee**  
 20           **and appoint another chair.**
- 21           **Sec. 6. The committee shall submit a final report of the results**  
 22           **of its study to the legislative council before November 1, 2013. The**  
 23           **report must be in an electronic format under IC 5-14-6.**
- 24           **Sec. 7. (a) The committee is established to evaluate the**  
 25           **department. If, based on the committee's evaluation under this**  
 26           **subsection, the committee determines that changes are necessary**  
 27           **or appropriate, the committee shall make recommendations to the**  
 28           **general assembly for the modification of laws regarding the**  
 29           **department.**
- 30           **(b) The committee shall do the following:**
- 31           **(1) Conduct a study of the laws relating to:**
- 32           **(A) department procedures;**  
 33           **(B) funding of the department;**  
 34           **(C) funding for the placement of children;**  
 35           **(D) department personnel issues;**  
 36           **(E) children in need of services;**  
 37           **(F) child support;**  
 38           **(G) procedures concerning the determination of**  
 39           **placements of children inside and outside Indiana;**  
 40           **(H) homeless children;**  
 41           **(I) the youth service bureau;**  
 42           **(J) child welfare programs;**

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- 1           **(K) family preservation services;**  
 2           **(L) the regulation of residential child care;**  
 3           **(M) termination of parent-child relationships;**  
 4           **(N) missing children; and**  
 5           **(O) the department of child services ombudsman.**  
 6           **(2) Study federal requirements or incentives for states to pass**  
 7           **certain laws or establish specific programs.**  
 8           **(3) Determine the long range needs of the department and**  
 9           **recommend policy priorities.**  
 10           **(4) Identify critical problems in the department and**  
 11           **recommend strategies to solve the problems.**  
 12           **(5) Propose plans, programs, and legislation for improving the**  
 13           **effectiveness of the department.**

14           **(c) The committee may study other topics assigned by the**  
 15           **legislative council or as directed by the committee chair.**

16           SECTION 2. IC 4-13-19-4, AS ADDED BY P.L.182-2009(ss),  
 17           SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18           JULY 1, 2012]: Sec. 4. (a) The governor shall appoint the ombudsman.  
 19           The ombudsman serves at the pleasure of the governor. An individual  
 20           may not be appointed as ombudsman if the individual has been  
 21           employed by the department of child services at any time during the  
 22           preceding twelve (12) months. The governor shall appoint a successor  
 23           ombudsman not later than thirty (30) days after a vacancy occurs in the  
 24           position of the ombudsman.

25           (b) The office of the department of child services ombudsman:

26           **(1) shall employ at least three (3) full-time employees to assist**  
 27           **the ombudsman with receiving, investigating, and attempting**  
 28           **to resolve complaints described in section 5 of this chapter;**  
 29           **and**

30           **(2) may employ technical experts and other employees to carry**  
 31           **out the purposes of this chapter.**

32           **(c) ~~However,~~ The office of the department of child services**  
 33           **ombudsman may not hire an individual to serve as an ombudsman if**  
 34           **the individual has been employed by the department of child services**  
 35           **during the preceding twelve (12) months.**

36           **~~(e)~~ (d) The ombudsman and any other person employed or**  
 37           **authorized by the ombudsman:**

38           **(1) are subject to the same criminal history and background**  
 39           **checks, to be performed by the department of child services, that**  
 40           **are required for department of child services family case**  
 41           **managers; and**

42           **(2) are subject to the same disqualification for employment**

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1 criteria as department of child services family case managers.

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