
SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22-2-37.1; IC 10-13-3-27; IC 29-3; IC 31-9-2; IC 31-25-2; IC 31-27; IC 31-28; IC 31-30; IC 31-31-7-3; IC 31-33; IC 31-34; IC 31-35; IC 31-37; IC 31-40-1-2.

Synopsis: Department of child services. Requires the department of child services (department) to conduct a criminal history check of certain individuals before reunification of a child with the child's parent, guardian, or custodian. Provides that an audio recording of a telephone call to the child abuse hotline is confidential and may be released only upon court order. Provides that an audio record of a report of child abuse or neglect that is the subject of a complaint made to a prosecuting attorney shall be released to the prosecuting attorney upon request of the prosecuting attorney. Allows the department to consider the results of a criminal history check in deciding if a child can be reunified with the child's parent, guardian, or custodian. Requires a court to order a guardian to provide financial assistance to support a minor or incapacitated person if the department is going to provide financial assistance to a guardian for the benefit of the minor or incapacitated person. Requires the department to establish a residential placement committee and a permanency roundtable to review certain placements of children. Requires a person filing a petition to terminate parental rights to request a hearing on the petition. Provides that if a hearing regarding a petition to terminate parental rights is not commenced or held within a certain time, the court shall dismiss the petition. Removes requirements that a county pays for certain child placements. Provides that a court may appoint a court appointed special advocate or guardian ad litem only if the person has training appropriate for that role. Changes the number of days for which the department may grant a waiver for the maximum stay for a child if the child caring institution or group home caring for the child
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Effective: Upon passage; July 1, 2012.

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January 5, 2012, read first time and referred to Committee on Judiciary.



is a licensed shelter care facility. Provides that operators of therapeutic foster homes are certified and not licensed. Provides that the department may make certain reports and material available to the state superintendent of public instruction. Provides that the results of an administrative hearing regarding an investigation into child abuse or neglect shall be forwarded to the department of education in certain circumstances. Modifies the definition of "child abuse or neglect", "victim of child abuse or neglect", "child", "related", and "foster family home". Provides that a person may operate a foster family home for a related person without a license. Provides for the creation of regional based fatality review teams. Changes the law regarding: (1) the disclosure of certain reports regarding the fatality or near fatality of a child; (2) the expungement of reports of child abuse and neglect; (3) when a child is a child in need of services (CHINS); and (4) requirements of a motion to dismiss a petition to terminate parental rights. Provides that certain administrative hearings may be stayed pending a decision to prosecute the case. Expands the applicability of a chapter concerning child videotape testimony in CHINS proceedings. Requires a court to hold an initial hearing regarding a child alleged to be a CHINS within 48 hours of the filing of the petition. Provides additional circumstances establishing prima facie evidence that there is a reasonable probability that: (1) the conditions that resulted in the removal of a child from a parent will not be remedied; or (2) the continuation of the parent-child relationship poses a threat to the well being of a child. Repeals older youth foster care and replaces it with a collaborative care program. Repeals a chapter requiring the department to make certain reports to the general assembly. Repeals a circumstance when a child is a CHINS.

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Introduced

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. 286



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 4-22-2-37.1, AS AMENDED BY P.L.229-2011,
- 2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking
- 4 action resulting in any of the following rules:
- 5 (1) An order adopted by the commissioner of the Indiana
- 6 department of transportation under IC 9-20-1-3(d) or
- 7 IC 9-21-4-7(a) and designated by the commissioner as an
- 8 emergency rule.
- 9 (2) An action taken by the director of the department of natural
- 10 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 11 (3) An emergency temporary standard adopted by the
- 12 occupational safety standards commission under
- 13 IC 22-8-1.1-16.1.
- 14 (4) An emergency rule adopted by the solid waste management
- 15 board under IC 13-22-2-3 and classifying a waste as hazardous.



- 1 (5) A rule, other than a rule described in subdivision (6), adopted
 2 by the department of financial institutions under IC 24-4.5-6-107
 3 and declared necessary to meet an emergency.
 4 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
 5 department of financial institutions and declared necessary to
 6 meet an emergency under IC 24-4.5-6-107.
 7 (7) A rule adopted by the Indiana utility regulatory commission to
 8 address an emergency under IC 8-1-2-113.
 9 (8) An emergency rule adopted by the state lottery commission
 10 under IC 4-30-3-9.
 11 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
 12 executive board of the state department of health declares is
 13 necessary to meet an emergency.
 14 (10) An emergency rule adopted by the Indiana finance authority
 15 under IC 8-21-12.
 16 (11) An emergency rule adopted by the insurance commissioner
 17 under IC 27-1-23-7 or IC 27-1-12.1.
 18 (12) An emergency rule adopted by the Indiana horse racing
 19 commission under IC 4-31-3-9.
 20 (13) An emergency rule adopted by the air pollution control
 21 board, the solid waste management board, or the water pollution
 22 control board under IC 13-15-4-10(4) or to comply with a
 23 deadline required by or other date provided by federal law,
 24 provided:
 25 (A) the variance procedures are included in the rules; and
 26 (B) permits or licenses granted during the period the
 27 emergency rule is in effect are reviewed after the emergency
 28 rule expires.
 29 (14) An emergency rule adopted by the Indiana election
 30 commission under IC 3-6-4.1-14.
 31 (15) An emergency rule adopted by the department of natural
 32 resources under IC 14-10-2-5.
 33 (16) An emergency rule adopted by the Indiana gaming
 34 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
 35 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
 36 (17) An emergency rule adopted by the alcohol and tobacco
 37 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
 38 IC 7.1-3-20-24.4.
 39 (18) An emergency rule adopted by the department of financial
 40 institutions under IC 28-15-11.
 41 (19) An emergency rule adopted by the office of the secretary of
 42 family and social services under IC 12-8-1-12.

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- 1 (20) An emergency rule adopted by the office of the children's
 2 health insurance program under IC 12-17.6-2-11.
 3 (21) An emergency rule adopted by the office of Medicaid policy
 4 and planning under IC 12-15-41-15.
 5 (22) An emergency rule adopted by the Indiana state board of
 6 animal health under IC 15-17-10-9.
 7 (23) An emergency rule adopted by the board of directors of the
 8 Indiana education savings authority under IC 21-9-4-7.
 9 (24) An emergency rule adopted by the Indiana board of tax
 10 review under IC 6-1.1-4-34 (repealed).
 11 (25) An emergency rule adopted by the department of local
 12 government finance under IC 6-1.1-4-33 (repealed).
 13 (26) An emergency rule adopted by the boiler and pressure vessel
 14 rules board under IC 22-13-2-8(c).
 15 (27) An emergency rule adopted by the Indiana board of tax
 16 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
 17 adopted by the department of local government finance under
 18 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
 19 (28) An emergency rule adopted by the board of the Indiana
 20 economic development corporation under IC 5-28-5-8.
 21 (29) A rule adopted by the department of financial institutions
 22 under IC 34-55-10-2.5.
 23 (30) A rule adopted by the Indiana finance authority:
 24 (A) under IC 8-15.5-7 approving user fees (as defined in
 25 IC 8-15.5-2-10) provided for in a public-private agreement
 26 under IC 8-15.5;
 27 (B) under IC 8-15-2-17.2(a)(10):
 28 (i) establishing enforcement procedures; and
 29 (ii) making assessments for failure to pay required tolls;
 30 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
 31 establishing procedures for the implementation of the
 32 collection of user fees by electronic or other nonmanual
 33 means; or
 34 (D) to make other changes to existing rules related to a toll
 35 road project to accommodate the provisions of a public-private
 36 agreement under IC 8-15.5.
 37 (31) An emergency rule adopted by the board of the Indiana
 38 health informatics corporation under IC 5-31-5-8.
 39 (32) An emergency rule adopted by the department of child
 40 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
 41 ~~IC 31-27-4-3~~. **IC 31-28-5.8.**
 42 (33) An emergency rule adopted by the Indiana real estate

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- 1 commission under IC 25-34.1-2-5(15).
- 2 (34) A rule adopted by the department of financial institutions
- 3 under IC 24-4.4-1-101 and determined necessary to meet an
- 4 emergency.
- 5 (35) An emergency rule adopted by the state board of pharmacy
- 6 regarding returning unused medication under IC 25-26-23.
- 7 (36) An emergency rule adopted by the department of local
- 8 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 9 (37) An emergency rule adopted by the office of the secretary of
- 10 family and social services or the office of Medicaid policy and
- 11 planning concerning the following:
- 12 (A) Federal Medicaid waiver program provisions.
- 13 (B) Federal programs administered by the office of the
- 14 secretary.
- 15 (b) The following do not apply to rules described in subsection (a):
- 16 (1) Sections 24 through 36 of this chapter.
- 17 (2) IC 13-14-9.
- 18 (c) After a rule described in subsection (a) has been adopted by the
- 19 agency, the agency shall submit the rule to the publisher for the
- 20 assignment of a document control number. The agency shall submit the
- 21 rule in the form required by section 20 of this chapter and with the
- 22 documents required by section 21 of this chapter. The publisher shall
- 23 determine the format of the rule and other documents to be submitted
- 24 under this subsection.
- 25 (d) After the document control number has been assigned, the
- 26 agency shall submit the rule to the publisher for filing. The agency
- 27 shall submit the rule in the form required by section 20 of this chapter
- 28 and with the documents required by section 21 of this chapter. The
- 29 publisher shall determine the format of the rule and other documents
- 30 to be submitted under this subsection.
- 31 (e) Subject to section 39 of this chapter, the publisher shall:
- 32 (1) accept the rule for filing; and
- 33 (2) electronically record the date and time that the rule is
- 34 accepted.
- 35 (f) A rule described in subsection (a) takes effect on the latest of the
- 36 following dates:
- 37 (1) The effective date of the statute delegating authority to the
- 38 agency to adopt the rule.
- 39 (2) The date and time that the rule is accepted for filing under
- 40 subsection (e).
- 41 (3) The effective date stated by the adopting agency in the rule.
- 42 (4) The date of compliance with every requirement established by

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1 law as a prerequisite to the adoption or effectiveness of the rule.
 2 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
 3 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
 4 subsections (j), (k), and (l), a rule adopted under this section expires
 5 not later than ninety (90) days after the rule is accepted for filing under
 6 subsection (e). Except for a rule adopted under subsection (a)(13),
 7 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
 8 another rule under this section, but only for one (1) extension period.
 9 The extension period for a rule adopted under subsection (a)(28) may
 10 not exceed the period for which the original rule was in effect. A rule
 11 adopted under subsection (a)(13) may be extended for two (2)
 12 extension periods. Subject to subsection (j), a rule adopted under
 13 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
 14 number of extension periods. Except for a rule adopted under
 15 subsection (a)(13), for a rule adopted under this section to be effective
 16 after one (1) extension period, the rule must be adopted under:

- 17 (1) sections 24 through 36 of this chapter; or
 18 (2) IC 13-14-9;
 19 as applicable.
 20 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),
 21 (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:
 22 (1) The expiration date stated by the adopting agency in the rule.
 23 (2) The date that the rule is amended or repealed by a later rule
 24 adopted under sections 24 through 36 of this chapter or this
 25 section.
 26 (i) This section may not be used to readopt a rule under IC 4-22-2.5.
 27 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
 28 than January 1, 2006.
 29 (k) A rule described in subsection (a)(28) expires on the expiration
 30 date stated by the board of the Indiana economic development
 31 corporation in the rule.

32 (l) A rule described in subsection (a)(30) expires on the expiration
 33 date stated by the Indiana finance authority in the rule.
 34 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
 35 date the department is next required to issue a rule under the statute
 36 authorizing or requiring the rule.

37 SECTION 2. IC 10-13-3-27, AS AMENDED BY P.L.153-2011,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 27. (a) Except as provided in subsection (b), on
 40 request, a law enforcement agency shall release a limited criminal
 41 history to or allow inspection of a limited criminal history by
 42 noncriminal justice organizations or individuals only if the subject of

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- 1 the request:
- 2 (1) has applied for employment with a noncriminal justice
- 3 organization or individual;
- 4 (2) has:
- 5 (A) applied for a license or is maintaining a license; and
- 6 (B) provided criminal history data as required by law to be
- 7 provided in connection with the license;
- 8 (3) is a candidate for public office or a public official;
- 9 (4) is in the process of being apprehended by a law enforcement
- 10 agency;
- 11 (5) is placed under arrest for the alleged commission of a crime;
- 12 (6) has charged that the subject's rights have been abused
- 13 repeatedly by criminal justice agencies;
- 14 (7) is the subject of a judicial decision or determination with
- 15 respect to the setting of bond, plea bargaining, sentencing, or
- 16 probation;
- 17 (8) has volunteered services that involve contact with, care of, or
- 18 supervision over a child who is being placed, matched, or
- 19 monitored by a social services agency or a nonprofit corporation;
- 20 (9) is currently residing in a location designated by the
- 21 department of child services (established by IC 31-25-1-1) or by
- 22 a juvenile court as the out-of-home placement for a child at the
- 23 time the child will reside in the location;
- 24 (10) has volunteered services at a public school (as defined in
- 25 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
- 26 that involve contact with, care of, or supervision over a student
- 27 enrolled in the school;
- 28 (11) is being investigated for welfare fraud by an investigator of
- 29 the division of family resources or a county office of the division
- 30 of family resources;
- 31 (12) is being sought by the parent locator service of the child
- 32 support bureau of the department of child services;
- 33 (13) is or was required to register as a sex or violent offender
- 34 under IC 11-8-8; or
- 35 (14) has been convicted of any of the following:
- 36 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
- 37 (18) years of age.
- 38 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
- 39 less than eighteen (18) years of age.
- 40 (C) Child molesting (IC 35-42-4-3).
- 41 (D) Child exploitation (IC 35-42-4-4(b)).
- 42 (E) Possession of child pornography (IC 35-42-4-4(c)).

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- 1 (F) Vicarious sexual gratification (IC 35-42-4-5).
 2 (G) Child solicitation (IC 35-42-4-6).
 3 (H) Child seduction (IC 35-42-4-7).
 4 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 5 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 6 (18) years of age.
 7 (K) Attempt under IC 35-41-5-1 to commit an offense listed in
 8 clauses (A) through (J).
 9 (L) Conspiracy under IC 35-41-5-2 to commit an offense listed
 10 in clauses (A) through (J).
 11 (M) An offense in any other jurisdiction in which the elements
 12 of the offense for which the conviction was entered are
 13 substantially similar to the elements of an offense described
 14 under clauses (A) through (J);
 15 **(15) is identified as a possible perpetrator of child abuse or**
 16 **neglect in an assessment conducted by the department of child**
 17 **services under IC 31-33-8; or**
 18 **(16) is:**
 19 **(A) a parent, guardian, or custodian of a child; or**
 20 **(B) an individual who is at least eighteen (18) years of age**
 21 **and resides in the home of the parent, guardian, or**
 22 **custodian;**
 23 **with whom the department of child services or a county**
 24 **probation department has a case plan, dispositional decree, or**
 25 **permanency plan approved under IC 31-34 or IC 31-37 that**
 26 **provides for reunification following an out-of-home**
 27 **placement.**
 28 However, limited criminal history information obtained from the
 29 National Crime Information Center may not be released under this
 30 section except to the extent permitted by the Attorney General of the
 31 United States.
 32 (b) A law enforcement agency shall allow inspection of a limited
 33 criminal history by and release a limited criminal history to the
 34 following noncriminal justice organizations:
 35 (1) Federally chartered or insured banking institutions.
 36 (2) Officials of state and local government for any of the
 37 following purposes:
 38 (A) Employment with a state or local governmental entity.
 39 (B) Licensing.
 40 (3) Segments of the securities industry identified under 15 U.S.C.
 41 78q(f)(2).
 42 (c) Any person who knowingly or intentionally uses limited criminal

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1 history for any purpose not specified under this section commits a
2 Class A misdemeanor.

3 SECTION 3. IC 29-3-8-9, AS ADDED BY P.L.162-2011,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 9. (a) A probate or juvenile court may include in
6 its order creating a guardianship of a minor the following:

7 (1) A requirement that the minor must reside with the guardian
8 until the guardianship is terminated or modified.

9 (2) Any terms and conditions that a parent must meet in order to
10 seek modification or termination of the guardianship.

11 (b) Except as provided in IC 29-3-12, if an order creating a
12 guardianship contains terms and conditions described in subsection
13 (a)(2), the court may modify or terminate the guardianship only if the
14 parent:

15 (1) complies with the terms and conditions; and

16 (2) proves the parent's current fitness to assume all parental
17 obligations by a preponderance of the evidence.

18 (c) If:

19 (1) a petition is filed for modification, resignation, or removal of
20 the guardian or termination of the guardianship before the parent
21 complies with the court ordered terms and conditions described
22 in subsection (a)(2); and

23 (2) the minor:

24 (A) was the subject of a petition alleging the child to be a child
25 in need of services; or

26 (B) is participating in a program of informal adjustment;

27 the court shall refer the petition to the department of child services for
28 the department of child services to determine the placement of the child
29 in accordance with the best interests of the child.

30 (d) A court shall notify the department of child services:

31 (1) if:

32 (A) the court appoints a guardian for a minor who:

33 (i) was the subject of a petition alleging the minor to be a
34 child in need of services; or

35 (ii) is participating in a program of informal adjustment; and

36 (B) a petition to modify or terminate the guardianship of the
37 minor or a petition regarding the death, resignation, or removal
38 of the guardian is filed; and

39 (2) of any hearings related to the petitions described under
40 subdivision (1)(B).

41 (e) If a minor was the subject of a petition alleging the minor to be
42 a child in need of services or is participating in a program of informal

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1 adjustment, the court shall do the following at a hearing regarding a
2 petition filed under this section:

- 3 (1) Consider the position of the department of child services.
4 (2) If requested by the department of child services, allow the
5 department of child services to present evidence regarding:
6 (A) whether the guardianship should be modified or
7 terminated;
8 (B) the fitness of the parent to provide for the care and
9 supervision of the minor at the time of the hearing;
10 (C) the appropriate care and placement of the child; and
11 (D) the best interests of the child.

12 **(f) The department of child services shall notify the court**
13 **creating a guardianship if the department of child services is going**
14 **to provide financial assistance to a guardian for the benefit of the**
15 **minor or incapacitated person, as a component of child services (as**
16 **defined in IC 31-9-2-17.8(1)(E)). The court shall order the guardian**
17 **to provide financial support to the minor or incapacitated person**
18 **to the extent the following resources do not fully support the needs**
19 **of the minor or incapacitated person:**

- 20 (1) **The guardianship property of the minor or incapacitated**
21 **person.**
22 (2) **Child support or other financial assistance received by the**
23 **guardian from the minor's parent or parents.**
24 (3) **Periodic payments the guardian receives from the**
25 **department of child services for support of the minor as set**
26 **forth in the department of child service's rules or the terms of**
27 **the guardianship assistance agreement.**

28 SECTION 4. IC 29-3-12-1, AS AMENDED BY P.L.95-2007,
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 1. (a) Unless the protected person has been
31 adjudicated an incapacitated person **or is a recipient or beneficiary**
32 **of financial assistance provided by the department of child services**
33 **through a guardianship described in IC 31-9-2-17.8(1)(E),** the court
34 shall terminate the guardianship of a minor upon:

- 35 (1) the minor's attaining eighteen (18) years of age; or
36 (2) the minor's death.

37 The court may terminate the guardianship of a minor upon the minor's
38 adoption or marriage.

39 (b) The court shall terminate the guardianship of an incapacitated
40 person upon:

- 41 (1) adjudication by the court that the protected person is no longer
42 an incapacitated person; or

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- 1 (2) the death of the protected person.
- 2 (c) The court may terminate any guardianship if:
- 3 (1) the guardianship property does not exceed the value of three
- 4 thousand five hundred dollars (\$3,500);
- 5 (2) the guardianship property is reduced to three thousand five
- 6 hundred dollars (\$3,500);
- 7 (3) the domicile or physical presence of the protected person is
- 8 changed to another state and a guardian has been appointed for
- 9 the protected person and the protected person's property in that
- 10 state; or
- 11 (4) the guardianship is no longer necessary for any other reason.
- 12 (d) When a guardianship terminates otherwise than by the death of
- 13 the protected person, the powers of the guardian cease, except that the
- 14 guardian may pay the claims and expenses of administration that are
- 15 approved by the court and exercise other powers that are necessary to
- 16 complete the performance of the guardian's trust, including payment
- 17 and delivery of the remaining property for which the guardian is
- 18 responsible to:
- 19 (1) the protected person;
- 20 (2) in the case of an unmarried minor, to a person having care and
- 21 custody of the minor with whom the minor resides;
- 22 (3) a trust approved by the court, including a trust created by the
- 23 guardian, in which:
- 24 (A) the protected person is the sole beneficiary of the trust;
- 25 and
- 26 (B) the terms of the trust satisfy the requirements of Section
- 27 2503(c) of the Internal Revenue Code and the regulations
- 28 under that Section;
- 29 (4) a custodian under the Uniform Transfers to Minors Act
- 30 (IC 30-2-8.5); or
- 31 (5) another responsible person as the court orders.
- 32 (e) When a guardianship terminates by reason of the death of the
- 33 protected person, the powers of the guardian cease, except that the
- 34 guardian may pay the expenses of administration that are approved by
- 35 the court and exercise other powers that are necessary to complete the
- 36 performance of the guardian's trust and may deliver the remaining
- 37 property for which the guardian is responsible to the protected person's
- 38 personal representative or to a person who presents the guardian with
- 39 an affidavit under IC 29-1-8-1 or IC 29-2-1-2. If approved by the court,
- 40 the guardian may pay directly the following:
- 41 (1) Reasonable funeral and burial expenses of the protected
- 42 person.

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- 1 (2) Reasonable expenses of the protected person's last illness.
- 2 (3) The protected person's federal and state taxes.
- 3 (4) Any statutory allowances payable to the protected person's
- 4 surviving spouse or surviving children.
- 5 (5) Any other obligations of the protected person.

6 SECTION 5. IC 31-9-2-13, AS AMENDED BY P.L.133-2008,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16
 9 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of
 10 both parties to the marriage. The term includes the following:

- 11 (1) Children born out of wedlock to the parties.
- 12 (2) Children born or adopted during the marriage of the parties.
- 13 (b) "Child", for purposes of the Uniform Interstate Family Support
- 14 Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.
- 15 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
- 16 (d) Except as otherwise provided in this section, "child", for
- 17 purposes of the juvenile law **and IC 31-27**, means:
 - 18 (1) a person who is less than eighteen (18) years of age;
 - 19 (2) a person:
 - 20 (A) who is eighteen (18), nineteen (19), or twenty (20) years
 - 21 of age; and
 - 22 (B) who either:
 - 23 (i) is charged with a delinquent act committed before the
 - 24 person's eighteenth birthday; or
 - 25 (ii) has been adjudicated a child in need of services before
 - 26 the person's eighteenth birthday; or
 - 27 (3) a person:
 - 28 (A) who is alleged to have committed an act that would have
 - 29 been murder if committed by an adult;
 - 30 (B) who was less than eighteen (18) years of age at the time of
 - 31 the alleged act; and
 - 32 (C) who is less than twenty-one (21) years of age.
 - 33 (e) "Child", for purposes of IC 31-36-3, means a person who is less
 - 34 than eighteen (18) years of age.
 - 35 (f) "Child", for purposes of the Interstate Compact on Juveniles
 - 36 under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
 - 37 (g) "Child", for purposes of IC 31-16-12.5, means an individual to
 - 38 whom child support is owed under:
 - 39 (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
 - 40 or
 - 41 (2) any other child support order that is enforceable under
 - 42 IC 31-16-12.5.

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1 (h) "Child", for purposes of ~~IC 31-27~~ and IC 31-32-5, means an
2 individual who is less than eighteen (18) years of age.

3 (i) "Child", for purposes of the Uniform Child Custody Jurisdiction
4 Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

5 SECTION 6. IC 31-9-2-14, AS AMENDED BY P.L.52-2007,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 14. (a) "Child abuse or neglect", for purposes of
8 IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a
9 child ~~who is alleged to be a child in need of services~~ as described in
10 IC 31-34-1-1 through IC 31-34-1-5, **regardless of whether the child**
11 **needs care, treatment, rehabilitation, or the coercive intervention**
12 **of a court.**

13 (b) For purposes of subsection (a), the term under subsection (a)
14 does not refer to a child who is alleged to be a ~~child in need of services~~
15 ~~if the child is alleged to be a victim of a sexual offense under~~
16 IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves
17 the fondling or touching of the buttocks, genitals, or female breasts,
18 **regardless of whether the child needs care, treatment,**
19 **rehabilitation, or the coercive intervention of a court.**

20 (c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to
21 acts or omissions by a person against a child as described in
22 IC 31-34-1-1 through IC 31-34-1-9, **regardless of whether the child**
23 **needs care, treatment, rehabilitation, or the coercive intervention**
24 **of a court.**

25 SECTION 7. IC 31-9-2-46.7, AS AMENDED BY P.L.143-2008,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 46.7. "Foster care", for purposes of IC 31-25,
28 IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, and
29 ~~IC 31-28-5.7~~, **IC 31-28-5.8**, means living in:

30 (1) a place licensed under IC 31-27 **or a comparable law of**
31 **another state; or**

32 (2) **the home of an adult relative who is not licensed as a foster**
33 **family home.**

34 SECTION 8. IC 31-9-2-46.9, AS AMENDED BY P.L.143-2008,
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 46.9. (a) "Foster family home", for purposes
37 of IC 31-27, means a place where an individual resides and provides
38 care and supervision on a twenty-four (24) hour basis to **a child, as**
39 **defined in section 13(d) of this chapter, who is receiving care and**
40 **supervision under a juvenile court order or for purposes of**
41 **placement.**

42 (†) ~~a child who satisfies the conditions set forth in subsection (b);~~

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1 ~~or~~
 2 (2) an individual
 3 (A) who is at least eighteen (18) but less than twenty-one (21)
 4 years of age;
 5 (B) who was placed in foster care under the order of a court;
 6 and
 7 (C) who satisfies the conditions set forth in subsection (b); or
 8 (3) an individual:
 9 (A) who is at least eighteen (18) but less than twenty-one (21)
 10 years of age;
 11 (B) who is receiving foster care for older youth; and
 12 (C) who is no longer under the care and supervision of the
 13 juvenile court for purposes of placement.
 14 (b) A child or an individual described in subsection (a)(1) or (a)(2):
 15 (1) may not be the:
 16 (A) child;
 17 (B) stepchild;
 18 (C) grandchild;
 19 (D) niece;
 20 (E) nephew; or
 21 (F) sibling;
 22 of the individual providing care and supervision;
 23 (2) must be separated from the child's or individual's:
 24 (A) parent;
 25 (B) stepparent;
 26 (C) guardian;
 27 (D) custodian; or
 28 (E) other relative; and
 29 (3) must be receiving care and supervision under an order of a
 30 juvenile court or for the purposes of placement.
 31 (c) This section may not be construed to require the licensing of an
 32 individual who provides foster care to a relative.
 33 SECTION 9. IC 31-9-2-88.7 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2012]: Sec. 88.7. "**Permanency roundtable**", for purposes of
 36 **IC 31-34-21-5.7 and IC 31-37-20-3**, means an intervention designed
 37 to facilitate the permanency planning process for youth placed
 38 out-of-home by identifying solutions for permanency obstacles.
 39 SECTION 10. IC 31-9-2-106.5, AS ADDED BY P.L.145-2006,
 40 SECTION 212, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2012]: Sec. 106.5. "Related", for purposes of
 42 IC 31-27 and IC 31-28-5.8, means any of the following relationships

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1 to an individual who is less than eighteen (18) years of age by
 2 marriage, blood, or adoption:

- 3 (1) Parent.
- 4 (2) Grandparent.
- 5 (3) Brother.
- 6 (4) Sister.
- 7 (5) Stepparent.
- 8 (6) Stepgrandparent.
- 9 (7) Stepbrother.
- 10 (8) Stepsister.
- 11 (9) First cousin.
- 12 (10) Uncle.
- 13 (11) Aunt.

14 SECTION 11. IC 31-9-2-109.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: **Sec. 109.5. "Residential placement**
 17 **committee", for purposes of IC 31-37-19-1.5 and IC 31-34-15-2,**
 18 **means a process for evaluating the placement of youth in a child**
 19 **caring institution, a private secure facility, or a group home**
 20 **licensed by the department to ensure that the placement is the least**
 21 **restrictive and is in the best interests of the child.**

22 SECTION 12. IC 31-9-2-117.5 IS REPEALED [EFFECTIVE JULY
 23 1, 2012]. ~~Sec. 117.5. "Special needs foster family home", for purposes~~
 24 ~~of IC 31-27, means a foster family home:~~

- 25 ~~(1) that provides care for:~~
 - 26 ~~(A) a child; or~~
 - 27 ~~(B) an individual at least eighteen (18) but less than~~
 28 ~~twenty-one (21) years of age receiving foster care for older~~
 29 ~~youth under IC 31-28-5.7-1;~~
 - 30 ~~who has a mental, physical, or emotional disability and will~~
 31 ~~require additional supervision or assistance in behavior~~
 32 ~~management, activities of daily living, or management of medical~~
 33 ~~problems; and~~
- 34 ~~(2) that meets the additional requirements under IC 31-27-4-3.~~

35 SECTION 13. IC 31-9-2-129.5, AS AMENDED BY P.L.162-2011,
 36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: **Sec. 129.5. "Therapeutic foster family home", for**
 38 **purposes of IC 31-27, means a foster family home:**

- 39 (1) that provides care to:
 - 40 (A) a child; or
 - 41 (B) an individual at least eighteen (18) but less than
 42 **twenty-one (21) twenty (20) years of age receiving foster care**

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1 for ~~older youth collaborative care~~ under ~~IC 31-28-5.7-1;~~
 2 **IC 31-28-5.8-1;**
 3 who has serious emotional disturbances, significant behavioral
 4 health needs and functional impairments, or developmental or
 5 physical disabilities;
 6 (2) in which the child or individual receives treatment in a family
 7 home through an integrated array of services supervised and
 8 supported by qualified program staff from:
 9 (A) the department of child services;
 10 (B) a managed care provider that contracts with the division of
 11 mental health and addiction; or
 12 (C) a licensed child placing agency; and
 13 (3) that meets the additional requirements of IC 31-27-4-2.

14 SECTION 14. IC 31-9-2-133 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 133. (a) "Victim of
 16 child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33,
 17 refers to a child ~~in need of services~~ as described in:

- 18 (1) IC 31-34-1-1 through IC 31-34-1-5;
- 19 (2) IC 31-34-1-10; or
- 20 (3) IC 31-34-1-11;

21 **regardless of whether the child needs care, treatment,**
 22 **rehabilitation, or the coercive intervention of a court.**

23 (b) The term does not include a child who ~~is alleged to be a child in~~
 24 ~~need of services if the child~~ is alleged to be a victim of a sexual offense
 25 under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3
 26 involves the fondling or touching of the buttocks, genitals, or female
 27 breasts.

28 SECTION 15. IC 31-25-2-4.5 IS REPEALED [EFFECTIVE JULY
 29 1, 2012]. Sec. 4.5. ~~One (1) time every year, the department shall submit~~
 30 ~~a report to the legislative council that provides:~~

- 31 ~~(1) data and statistical information regarding the number of~~
 32 ~~individuals receiving foster care who are notified of the~~
 33 ~~twenty-first century scholars program under IC 21-12-6 and~~
 34 ~~IC 21-12-6.5; including the percentage of individuals receiving~~
 35 ~~foster care who are notified; and~~
 36 ~~(2) information regarding how the department notifies individuals~~
 37 ~~in foster care of the twenty-first century scholars program under~~
 38 ~~IC 21-12-6 and IC 21-12-6.5.~~

39 ~~The report made to the legislative council must be in an electronic~~
 40 ~~format under IC 5-14-6.~~

41 SECTION 16. IC 31-25-2-21, AS AMENDED BY P.L.131-2009,
 42 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 21. (a) As used in this section, "transitional
2 services plan" means a plan that provides information concerning the
3 following to an individual described in subsection (b):

- 4 (1) Education.
5 (2) Employment.
6 (3) Housing.
7 (4) Health care.
8 (5) Development of problem solving skills.
9 (6) Available local, state, and federal financial assistance.

10 (b) The department shall implement a program that provides a
11 transitional services plan to the following:

- 12 (1) An individual who has become or will become:
13 (A) eighteen (18) years of age; or
14 (B) emancipated;
15 while receiving foster care.
16 (2) An individual who:
17 (A) is at least eighteen (18) but less than ~~twenty-one (21)~~
18 **twenty (20)** years of age; and
19 (B) is receiving ~~foster care for older youth collaborative care~~
20 **under IC 31-28-5.7. IC 31-28-5.8.**

21 (c) The department shall adopt rules under IC 4-22-2, including
22 emergency rules under IC 4-22-2-37.1, necessary to implement the
23 program described in this section.

24 SECTION 17. IC 31-25-2-23 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2012]: **Sec. 23. (a) The department shall**
27 **establish a permanency roundtable (as defined in IC 31-9-2-88.7).**
28 **The permanency roundtable shall review:**

- 29 (1) **a child's permanency plan under IC 31-34-21-5.7 if the**
30 **child is placed in a child caring institution, group home, or**
31 **private secure facility; and**

32 (2) **a child's permanency plan under IC 31-37-20-3;**
33 **and make recommendations.**

34 (b) **The department shall establish a residential placement**
35 **committee (as defined in IC 31-9-2-109.5). The residential**
36 **placement committee shall, before a case plan is complete, review:**

- 37 (1) **a child's placement in a child caring institution, group**
38 **home, or private secure facility under IC 31-34-15-2; and**
39 (2) **a child's placement in an out-of-home residence or facility**
40 **under IC 31-37-19-1.5;**

41 **and make recommendations.**

42 SECTION 18. IC 31-27-3-10, AS ADDED BY P.L.145-2006,

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1 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The department may
 3 grant a waiver of the ~~sixty (60)~~ **twenty (20)** day maximum stay for a
 4 child if the child caring institution licensed as a shelter care facility
 5 applies for the waiver before the expiration of the ~~sixty (60)~~ **twenty**
 6 **(20)** day period.

7 (b) The child caring institution shall document in the request for a
 8 waiver that the waiver is in the best interest of the child.

9 SECTION 19. IC 31-27-4-1, AS ADDED BY P.L.145-2006,
 10 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) **Except as provided in**
 12 **section 9 of this chapter**, a person may not operate a foster family
 13 home without a license issued under this article.

14 (b) The state or a political subdivision of the state may not operate
 15 a foster family home without a license issued under this article.

16 (c) A person may not operate a foster family home if:

- 17 (1) the number of children maintained on the premises at any one
 18 (1) time is greater than the number authorized by the license; or
 19 (2) the children are maintained in a building or place not
 20 designated by the license.

21 SECTION 20. IC 31-27-4-2 , AS AMENDED BY P.L.162-2011,
 22 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 2. (a) A person may not operate a therapeutic
 24 foster family home without a ~~license~~ **certificate** issued under this
 25 article.

26 (b) The state or a political subdivision of the state may not operate
 27 a therapeutic foster family home without a ~~license~~ **certificate** issued
 28 under this article.

29 (c) The department may issue a ~~license~~ **certificate** only for a
 30 therapeutic foster family home that meets:

- 31 (1) all the ~~licensing~~ **certification** requirements of a foster family
 32 home; and
 33 (2) the additional requirements described in this section.

34 (d) ~~An applicant for a~~ **To receive a** therapeutic foster family home
 35 ~~license~~ **certificate, a person** must do the following:

- 36 (1) Be licensed as a foster parent under this chapter and 465
 37 IAC 2-1-1 et seq.
 38 (2) Participate in preservice training that includes:
 39 (A) preservice training to be licensed as a foster parent under
 40 465 IAC 2-1-1 et seq.; and
 41 (B) additional preservice training in therapeutic foster care.

42 (e) A person who is issued a ~~license~~ **certificate** to operate a

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1 therapeutic foster family home shall, within one (1) year after meeting
 2 the training requirements of subsection (d)(2) and, annually thereafter,
 3 participate in training that includes:

- 4 (1) training as required in order to be licensed as a foster parent
 5 under 465 IAC 2-1-1 et seq.; and
 6 (2) additional training in order to be licensed as a therapeutic
 7 foster parent under this chapter: care.

8 (f) An operator of a therapeutic foster family home may not provide
 9 supervision and care in a therapeutic foster family home to more than
 10 four (4) children at the same time, including the children for whom the
 11 applicant or operator is a parent, stepparent, guardian, custodian, or
 12 other relative, and only two (2) of the children may be foster children.
 13 The department may grant an exception to this subsection whenever the
 14 placement of siblings in the same therapeutic foster family home is
 15 desirable, the foster child has an established, meaningful relationship
 16 with the therapeutic foster parent, or it is otherwise in the foster child's
 17 best interests.

18 (g) An operator of a therapeutic foster family home that has a
 19 therapeutic foster child placed with the therapeutic foster family home
 20 may not accept a placement of a child who is not a therapeutic foster
 21 child unless the child who is not a therapeutic foster child is a sibling
 22 of the therapeutic foster child who is placed with the therapeutic foster
 23 family home or it is in the best interests of the child being placed.

24 (h) A therapeutic foster family home may provide care for an
 25 individual receiving foster care for older youth collaborative care
 26 under ~~IC 31-28-5.7-1~~ **IC 31-28-5.8-1**. if the individual is no longer
 27 under the care and supervision of a juvenile court.

28 ~~(i) An individual who receives foster care for older youth under~~
 29 ~~IC 31-28-5.7-1 in a therapeutic foster family home shall not be~~
 30 ~~considered in determining whether the therapeutic foster family home~~
 31 ~~meets or exceeds the limit set forth in subsection (f):~~

32 ~~(j) (i)~~ (i) The department shall adopt rules under IC 4-22-2, including
 33 emergency rules under IC 4-22-2-37.1, necessary to carry out this
 34 section, including rules governing the number of hours of training
 35 required under subsections (d) and (e).

36 ~~(k) (j)~~ (j) If a therapeutic foster family home does not meet the
 37 requirements under subsection (f) or (g) on July 1, 2011, any foster
 38 child placed in the home prior to July 1, 2011, may remain placed.
 39 However, a new placement of a child may not be made in violation of
 40 this section.

41 SECTION 21. IC 31-27-4-3 IS REPEALED [EFFECTIVE JULY 1,
 42 2012]. Sec. 3: (a) A person may not operate a special needs foster

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1 family home without a license issued under this article.

2 (b) The state or a political subdivision of the state may not operate
3 a special needs foster family home without a license issued under this
4 article.

5 (c) The department may only issue a license for a special needs
6 foster family home that meets:

7 (1) all the licensing requirements of a foster family home; and

8 (2) the additional requirements described in this section.

9 (d) An applicant for a special needs foster family home license must
10 be licensed as a foster parent under 465 IAC 2-1-1 et seq. that includes
11 participating in preservice training.

12 (e) A person who is issued a license to operate a special needs foster
13 family home shall, within one (1) year after meeting the training
14 requirements of subsection (d) and, annually thereafter, participate in
15 training that includes:

16 (1) training as required in order to be licensed as a foster parent
17 under 465 IAC 2-1-1 et seq.; and

18 (2) additional training that includes specialized training to meet
19 the child's or individual's specific needs.

20 (f) An operator of a special needs foster family home may not
21 provide supervision and care as a special needs foster family home if
22 more than:

23 (1) five (5) individuals, each of whom:

24 (A) is less than eighteen (18) years of age; or

25 (B) is at least eighteen (18) years of age and is receiving care
26 and supervision under an order of a juvenile court; or

27 (2) four (4) individuals less than six (6) years of age;

28 including the children or individuals for whom the provider is a parent,
29 stepparent, guardian, custodian, or other relative; receive care and
30 supervision in the home at the same time. Not more than four (4) of the
31 five (5) individuals described in subdivision (1) may be less than six
32 (6) years of age. The department may grant an exception to this section
33 whenever the department determines that the placement of siblings in
34 the same special needs foster home is desirable, the foster child has an
35 established, meaningful relationship with the foster parents, or it is
36 otherwise in the foster child's best interests.

37 (g) An individual who receives foster care for older youth under
38 IC 31-28-5.7-1 in a special needs foster family home shall not be
39 considered in determining whether the special needs foster family
40 home meets or exceeds the limit set forth in subsection (f)(1).

41 (h) The department shall consider the specific needs of each special
42 needs foster child or individual whenever the department determines

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1 the appropriate number of children or individuals to place in the special
 2 needs foster home under subsection (f). The department may require a
 3 special needs foster family home to provide care and supervision to less
 4 than the maximum number of children or individuals allowed under
 5 subsection (f) upon consideration of the specific needs of a special
 6 needs foster child or individual.

7 (i) A special needs foster family home may provide care for an
 8 individual receiving foster care for older youth under IC 31-28-5.7-1
 9 if the individual is no longer under the care and supervision of a
 10 juvenile court.

11 (j) The department shall adopt rules under IC 4-22-2, including
 12 emergency rules under IC 4-22-2-37.1, necessary to carry out this
 13 section, including rules governing the number of hours of training
 14 required under subsection (e).

15 (k) If a special needs foster family home does not meet the
 16 requirements under subsection (f) on July 1, 2011, any foster child
 17 placed in the home prior to July 1, 2011 may remain placed. However,
 18 a new placement of a child may not be made in violation of this section.

19 SECTION 22. IC 31-27-4-8, AS AMENDED BY P.L.162-2011,
 20 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 8. (a) An applicant may not provide supervision
 22 and care as a foster family home if more than:

23 (1) five (5) individuals, each of whom:

24 (A) is less than eighteen (18) years of age; or

25 (B) is at least eighteen (18) years of age and is receiving care
 26 and supervision under an order of a juvenile court; or

27 (2) four (4) individuals less than six (6) years of age;

28 including the children or individuals for whom the provider is a parent,
 29 stepparent, guardian, custodian, or other relative, receive care and
 30 supervision at the facility at the same time.

31 (b) Not more than four (4) of the five (5) individuals in subsection
 32 (a)(1) may be less than six (6) years of age.

33 (c) The department may grant an exception to this section whenever
 34 the department determines that:

35 (1) the placement of siblings in the same foster family home is
 36 desirable;

37 (2) a foster child has an established, meaningful relationship with
 38 the foster parents; or

39 (3) it is otherwise in the foster child's best interests.

40 (d) An individual who receives foster care for older youth under
 41 IC 31-28-5.7-1 in a foster family home shall not be considered in
 42 determining whether the foster family home meets or exceeds the limit

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1 set forth in subsection (a)(1):

2 (e) (d) If a foster family home does not meet the requirements under
3 subsection (a) on July 1, 2011, any foster child placed in the home prior
4 to July 1, 2011, may remain placed. However, a new placement of a
5 child may not be made in violation of this section.

6 SECTION 23. IC 31-27-4-9, AS ADDED BY P.L.145-2006,
7 SECTION 273, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) **A person may operate a
9 foster family home without a license issued under this article if the
10 person is providing care and supervision only for one (1) or more
11 individuals related to the person, as defined in IC 31-9-2-106.5.**

12 (a) (b) An applicant may apply for a foster family home license even
13 if the applicant will be providing care and supervision under an order
14 of a juvenile court to a ~~niece, nephew, sibling, or grandchild~~: **related
15 person.**

16 (b) (c) If an applicant described in subsection (a) otherwise qualifies
17 for a foster family home license, the department may issue a foster
18 family home license to the applicant.

19 SECTION 24. IC 31-27-5-11, AS ADDED BY P.L.145-2006,
20 SECTION 273, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department may
22 grant a waiver of the ~~sixty (60)~~ **twenty (20)** day maximum stay for a
23 child if the group home licensed as a shelter care facility applies for the
24 waiver before the expiration of the ~~sixty (60)~~ **twenty (20)** day period.

25 (b) The group home shall document in the request for a waiver that
26 the waiver is in the best interest of the child.

27 SECTION 25. IC 31-28-5.7 IS REPEALED [EFFECTIVE UPON
28 PASSAGE]. (Older Youth Foster Care).

29 SECTION 26. IC 31-28-5.8 IS ADDED TO THE INDIANA CODE
30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]:

32 **Chapter 5.8. Collaborative Care**

33 **Sec. 1. As used in this chapter, "collaborative care" means any
34 services or payments for services that the department provides
35 under the terms of a collaborative care agreement, while the older
36 youth is residing in:**

- 37 (1) a foster family home licensed under IC 31-27-4 or a
38 comparable law in the state where the home is located;
39 (2) a host home under an agreement with the older youth
40 approved by the department;
41 (3) a child caring institution licensed under IC 31-27-3;
42 (4) a group home licensed under IC 31-27-5; or



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- 1 (5) a supervised independent living arrangement approved by
2 the department.
- 3 **Sec. 2. As used in this chapter, "collaborative care agreement"**
4 **means a voluntary agreement that:**
- 5 (1) is signed by the department and the older youth;
6 (2) is approved by a juvenile court under this chapter;
7 (3) includes provisions required or authorized under the
8 department's rules concerning collaborative care services;
9 and
10 (4) may be amended by agreement between the department
11 and older youth without review or approval by the court.
- 12 **Sec. 3. As used in this chapter, "host home" means:**
- 13 (1) the home of a person related to an older youth that is not
14 licensed under IC 31-27-4 or a comparable law in another
15 state where the home is located;
16 (2) the home of one (1) or more adults who are not related to
17 the older youth.
- 18 **Sec. 4. As used in this chapter, "older youth" means an**
19 **individual who is at least eighteen (18) years of age but less than**
20 **twenty (20) years age.**
- 21 **Sec. 5. (a) An older youth who received foster care under a court**
22 **order during the month before the individual became eighteen (18)**
23 **years of age is eligible to receive collaborative care services at any**
24 **time until the individual becomes twenty (20) years of age.**
- 25 **(b) An older youth may request the department to petition a**
26 **juvenile court for approval of a collaborative care agreement**
27 **under this chapter.**
- 28 **(c) A court shall grant a petition described in subsection (b) if**
29 **the court finds, consistent with applicable rules of the department,**
30 **that the older youth is:**
- 31 (1) employed;
32 (2) attending school of a vocational or educational
33 certification or degree program;
34 (3) participating in a program or activity designed to promote
35 or remove barriers to employment; or
36 (4) incapable of performing any of the activities in
37 subdivisions (1) through (3) due to a medical condition
38 documented by regularly updated information in the older
39 youth's current case plan.
- 40 **(d) A child who:**
- 41 (1) is at least seventeen (17) years and six (6) months of age;
42 (2) is receiving foster care under a court order; and

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1 (3) expects to be eligible for collaborative care under this
2 chapter when the child becomes an older youth;
3 may request the department to start the process of planning for
4 collaborative care under this chapter.

5 Sec. 6. (a) The department shall, jointly with the older youth,
6 develop, implement, and update periodically a case plan that is
7 consistent with requirements set forth in:

8 (1) 45 CFR 1356.21(g);

9 (2) IC 31-34-15-4; and

10 (3) the collaborative care agreement.

11 (b) The case plan must include a transitional services plan, as
12 described in IC 31-25-2-21 and the applicable rules of the
13 department.

14 (c) The case plan shall provide for visitation between the older
15 youth and a department family case manager at least once every
16 thirty (30) days.

17 Sec. 7. (a) A court that approves a collaborative care agreement
18 under this chapter shall conduct periodic reviews during the term
19 of the agreement. The court shall review the agreement and the
20 progress made in complying with the provisions of the agreement
21 and case plan developed under section 6 of this chapter.

22 (b) The court shall conduct each periodic review in a formal
23 court hearing.

24 (c) The department shall provide a notice of a hearing as
25 provided in IC 31-32-1-4, at least seven (7) days before the date of
26 the hearing to the following:

27 (1) The older youth.

28 (2) The foster parent or any other caretaker with whom the
29 youth is living, if applicable.

30 (3) Any caseworker responsible for visitation with the youth.

31 (4) Any person or agency identified in the collaborative care
32 agreement as a provider of services to the older youth.

33 (5) Any person or entity providing independent living services
34 to the older youth developed under IC 31-25-2-7(a)(9) or 465
35 IAC 2-14.

36 (d) A person to whom the department gives notice under
37 subsection (c) is entitled to participate in a periodic review hearing
38 as set forth in IC 31-34-21-4(d).

39 (e) The department may prepare and submit to the court a
40 written progress report for the periodic review hearing. If a
41 written report is prepared, the department shall provide a copy of
42 the report with the notice of the hearing provided under subsection

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1 (c).

2 (f) The court must hold a periodic review hearing:

3 (1) not later than six (6) months after the date the court grants
4 a petition under section 5 of this chapter; and

5 (2) at least once every six (6) months until the collaborative
6 care agreement is terminated.

7 (g) After each periodic review hearing, the court shall enter an
8 order that includes findings and conclusions concerning the
9 progress made in implementing the collaborative care agreement
10 and case plan of the older youth. If a permanency plan has been
11 approved or modified for the youth, the court shall also review the
12 permanency plan.

13 Sec. 8. (a) A court shall close a collaborative care case at the:

14 (1) expiration of the term of the collaborative care agreement;
15 or

16 (2) termination of the collaborative care agreement as set
17 forth in the agreement or by department rules.

18 (b) If the department terminates a collaborative care agreement
19 before the expiration date without the concurrence of the older
20 youth, the court may, upon the request of the older youth:

21 (1) hold a hearing regarding the cause of the termination of
22 the collaborative care agreement; and

23 (2) enter an order containing findings and conclusions
24 regarding whether the department properly terminated the
25 agreement for good cause.

26 Sec. 9. The department shall adopt rules under IC 4-22-2 to
27 implement this chapter.

28 Sec. 10. (a) This section applies to an individual receiving older
29 youth foster care under IC 31-28-5.7 before July 1, 2012.

30 (b) The individual and the department may, by September 1,
31 2012, sign and submit to a court having jurisdiction over the older
32 youth foster care case a new collaborative care agreement if the
33 individual is eligible for collaborative care under this chapter.

34 (c) If the individual and the department do not sign a new
35 collaborative care agreement under this chapter, the following
36 continue to apply to the individual described in subsection (a):

37 (1) IC 31-28-5.7; and

38 (2) any placement agreement or transitional services plan
39 between the individual and department;

40 in effect before July 1, 2012.

41 (d) The department may adopt rules under IC 4-22-2, including
42 emergency rules under IC 4-22-2-37.1, necessary to implement this

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section.

(e) This section expires June 30, 2015.

SECTION 27. IC 31-30-1-1, AS AMENDED BY P.L.137-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A juvenile court has exclusive original jurisdiction, except as provided in sections 9, 10, 12, and 13 of this chapter, in the following:

- (1) Proceedings in which a child, including a child of divorced parents, is alleged to be a delinquent child under IC 31-37.
- (2) Proceedings in which a child, including a child of divorced parents, is alleged to be a child in need of services under IC 31-34.
- (3) Proceedings concerning the paternity of a child under IC 31-14.
- (4) Proceedings under the interstate compact on juveniles under IC 31-37-23.
- (5) Proceedings governing the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child under IC 31-34-16 or IC 31-37-15.
- (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and IC 31-37-6 governing the detention of a child before a petition has been filed.
- (7) Proceedings to issue a protective order under IC 31-32-13.
- (8) Proceedings in which a child less than sixteen (16) years of age is alleged to have committed an act that would be a misdemeanor traffic offense if committed by an adult.
- (9) Proceedings in which a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult.
- (10) Guardianship of the person proceedings for a child:
 - (A) who has been adjudicated as a child in need of services;
 - (B) for whom a juvenile court has approved a permanency plan under IC 31-34-21-7 that provides for the appointment of a guardian of the person; and
 - (C) who is the subject of a pending child in need of services proceeding under IC 31-34.
- (11) Proceedings concerning involuntary drug and alcohol treatment under IC 31-32-16.
- (12) Proceedings under the interstate compact for juveniles under IC 11-13-4.5-1.5.
- (13) Proceedings under IC 31-28-5.8.**
- ~~(13)~~ **(14)** Other proceedings specified by law.

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1 SECTION 28. IC 31-30-2-1, AS AMENDED BY P.L.234-2007,
 2 SECTION 167, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in
 4 subsections (b) and (c), the juvenile court's jurisdiction over a
 5 delinquent child or a child in need of services and over the child's
 6 parent, guardian, or custodian continues until:

7 (1) the child becomes twenty-one (21) years of age, unless the
 8 court discharges the child and the child's parent, guardian, or
 9 custodian at an earlier time; or

10 (2) guardianship of the child is awarded to the department of
 11 correction.

12 (b) The juvenile court may, on its own motion, after guardianship of
 13 a child is awarded to the department of correction, reinstate the court's
 14 jurisdiction for the purpose of ordering the child's parent, guardian, or
 15 custodian to participate in programs operated by or through the
 16 department of correction.

17 (c) The juvenile court's jurisdiction over a parent or guardian of the
 18 estate of a child under this section continues until the parent or
 19 guardian of the estate has satisfied the financial obligation of the parent
 20 or guardian of the estate that is imposed under IC 31-40 (or
 21 IC 31-6-4-18 before its repeal).

22 (d) **Except as provided in subsection (g)**, the jurisdiction of the
 23 juvenile court over a proceeding described in IC 31-30-1-1(10) for a
 24 guardianship of the person continues until the earlier of the date that:

25 (1) the juvenile court terminates the guardianship of the person;

26 or

27 (2) the child becomes:

28 (A) nineteen (19) years of age, if a child who is at least
 29 eighteen (18) years of age is a full-time student in a secondary
 30 school or the equivalent level of vocational or career and
 31 technical education; or

32 (B) eighteen (18) years of age, if clause (A) does not apply.

33 If the guardianship of the person continues after the child becomes the
 34 age specified in subdivision (2), the juvenile court shall transfer the
 35 guardianship of the person proceedings to a court having probate
 36 jurisdiction in the county in which the guardian of the person resides.
 37 If the juvenile court has both juvenile and probate jurisdiction, the
 38 juvenile court may transfer the guardianship of the person proceedings
 39 to the probate docket of the court.

40 (e) The jurisdiction of the juvenile court to enter, modify, or enforce
 41 a support order under IC 31-40-1-5 continues during the time that the
 42 court retains jurisdiction over a guardianship of the person proceeding

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described in IC 31-30-1-1(10).

(f) At any time, a juvenile court may, with the consent of a probate court, transfer to the probate court guardianship of the person proceedings and any related support order initiated in the juvenile court.

(g) A juvenile court may retain jurisdiction over an older youth who is less than twenty (20) years of age and is a recipient or beneficiary of:

(1) adoption assistance or kinship guardianship assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 673), as amended; or

(2) other financial assistance provided to or for the benefit of a child who was previously adjudicated as a child in need of services or delinquent child, including a legal guardianship established to implement a permanency plan under IC 31-34-21-7.5(c)(1)(E) if IC 29-3-8-9 applies and the assistance is approved under a rule or published policy of the department.

SECTION 29. IC 31-30-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The department of correction may petition the court to reinstate the court's jurisdiction over the child and the child's parent, guardian, or custodian to modify the court's decree under IC 31-34-23 or IC 31-37-22 (or IC 31-6-7-16 before its repeal) or order the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

(b) The department may petition a court to reinstate the court's jurisdiction over an older youth for purposes of IC 31-28-5.8, including an older youth who previously was a child in need of services who is eligible for collaborative care under IC 31-28-5.8.

SECTION 30. IC 31-31-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3. A juvenile court may appoint a person to serve as a guardian ad litem or court appointed special advocate services only if the person has training appropriate for their role including the prevention, identification and treatment of child abuse and neglect as set forth in 42 U.S.C. 5106.**

SECTION 31. IC 31-33-18-2, AS AMENDED BY P.L.182-2009(ss), SECTION 380, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall

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

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- 1 to the records is necessary in the conduct of the grand jury's
- 2 official business.
- 3 (11) An appropriate state or local official responsible for child
- 4 protection services or legislation carrying out the official's official
- 5 functions.
- 6 (12) A foster care review board established by a juvenile court
- 7 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
- 8 court's determination that access to the records is necessary to
- 9 enable the foster care review board to carry out the board's
- 10 purpose under IC 31-34-21.
- 11 (13) The community child protection team appointed under
- 12 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 13 enable the team to carry out the team's purpose under IC 31-33-3.
- 14 (14) A person about whom a report has been made, with
- 15 protection for the identity of:
 - 16 (A) any person reporting known or suspected child abuse or
 - 17 neglect; and
 - 18 (B) any other person if the person or agency making the
 - 19 information available finds that disclosure of the information
 - 20 would be likely to endanger the life or safety of the person.
- 21 (15) An employee of the department, a caseworker, or a juvenile
- 22 probation officer conducting a criminal history check under
- 23 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
- 24 appropriateness of an out-of-home placement for a:
 - 25 (A) child at imminent risk of placement;
 - 26 (B) child in need of services; or
 - 27 (C) delinquent child.
- 28 The results of a criminal history check conducted under this
- 29 subdivision must be disclosed to a court determining the
- 30 placement of a child described in clauses (A) through (C).
- 31 (16) A local child fatality review team established under
- 32 IC 31-33-24-6.
- 33 (17) The statewide child fatality review committee established by
- 34 IC 31-33-25-6.
- 35 (18) The department.
- 36 (19) The division of family resources, if the investigation report:
 - 37 (A) is classified as substantiated; and
 - 38 (B) concerns:
 - 39 (i) an applicant for a license to operate;
 - 40 (ii) a person licensed to operate;
 - 41 (iii) an employee of; or
 - 42 (iv) a volunteer providing services at;

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1 a child care center licensed under IC 12-17.2-4 or a child care
 2 home licensed under IC 12-17.2-5.
 3 (20) A citizen review panel established under IC 31-25-2-20.4.
 4 (21) The department of child services ombudsman established by
 5 IC 4-13-19-3.
 6 **(22) The state superintendent of public instruction with**
 7 **protection for the identity of:**
 8 **(A) any person reporting known or suspected child abuse**
 9 **or neglect; and**
 10 **(B) any other person if the person or agency making the**
 11 **information available finds that disclosure of the**
 12 **information would be likely to endanger the life or safety**
 13 **of the person.**
 14 SECTION 32. IC 31-33-18-5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: **Sec. 5. (a) An audio recording of a**
 17 **telephone call to the child abuse hotline is confidential and may be**
 18 **released only upon court order.**
 19 **(b) An audio recording of a report of child abuse or neglect that**
 20 **is subject of a complaint made to a prosecuting attorney under**
 21 **IC 31-33-22-3 shall be released without a court order to the**
 22 **prosecuting attorney upon written request of the prosecuting**
 23 **attorney.**
 24 SECTION 33. IC 31-33-23 IS REPEALED [EFFECTIVE JULY 1,
 25 2012]. (Report to the General Assembly).
 26 SECTION 34. IC 31-33-24-1, AS ADDED BY P.L.145-2006,
 27 SECTION 287, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "child"
 29 means an individual less than ~~sixteen (16)~~ **eighteen (18)** years of age.
 30 SECTION 35. IC 31-33-24-3, AS ADDED BY P.L.145-2006,
 31 SECTION 287, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "local
 33 child fatality review team" refers to a ~~county~~ or regional child fatality
 34 review team established under this chapter.
 35 SECTION 36. IC 31-33-24-5.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2012]: **Sec. 5.5. (a) The department shall**
 38 **establish geographic regions for purposes of this chapter.**
 39 **(b) The regions under subsection (a) may consist of one (1) or**
 40 **more counties.**
 41 **(c) If the department has established regions of county or**
 42 **counties to carry out other duties of the department, the regions**

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1 that the department establishes under subsection (a) must be the
2 same regions the department has established to carry out the
3 department's other duties.

4 SECTION 37. IC 31-33-24-6, AS ADDED BY P.L.145-2006,
5 SECTION 287, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) ~~A county may~~ **The**
7 **department shall** establish a ~~county local~~ child fatality review team ~~to~~
8 **in each region. The local child fatality review team shall** review the
9 death of a child that is: **occurred in the region and is:**

- 10 (1) sudden;
- 11 (2) unexpected; ~~or~~
- 12 (3) unexplained;
- 13 **(4) assessed by the department for alleged abuse or neglect**
- 14 **that resulted in the fatality; or**
- 15 **(5) determined by a coroner in the region served by the local**
- 16 **child fatality review team to be the result of a homicide,**
- 17 **suicide, or accident.**

18 (b) The legislative body of a county (as defined in IC 36-1-2-9) must
19 determine by majority vote whether the county will establish a local
20 child fatality review team.

21 (c) If a county elects not to establish a county child fatality review
22 team, the county may join with one (1) or more other counties that have
23 not established a county child fatality review team and form a regional
24 child fatality review team.

25 (d) To establish a regional child fatality review team as described in
26 subsection (c), the legislative body of each county comprising the
27 region must cast a majority of votes in favor of establishing a regional
28 child fatality review team.

29 (b) **In conducting a child fatality review under subsection (a),**
30 **the local child fatality review team shall review every record**
31 **concerning the deceased child that is held by:**

- 32 (1) the department; or
- 33 (2) the local child fatality review team.

34 (c) **Subject to IC 34-30-15, if the local child fatality review team**
35 **requests records from a hospital, physician, coroner, law**
36 **enforcement officer, or mental health professional regarding a**
37 **death that the local child fatality review team is investigating, the**
38 **hospital, physician, coroner, law enforcement officer, or mental**
39 **health professional shall provide the requested records to the local**
40 **child fatality review team.**

41 SECTION 38. IC 31-33-24-7, AS AMENDED BY P.L.225-2007,
42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]: Sec. 7. A child fatality review consists of ~~determining:~~
 (1) ~~whether similar future deaths could be prevented; and~~
 (2) ~~agencies or resources that should be involved to adequately~~
~~prevent future deaths of children.~~

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

(c) ~~If a local child fatality review team requests records from a~~
~~hospital, physician, coroner, or mental health professional regarding a~~
~~death that the local a child fatality review team is investigating; the~~
~~hospital, physician, coroner, or mental health professional shall provide~~
~~the requested records, subject to IC 34-30-15, to the child fatality~~
~~review team. **reviewing and discussing the individual circumstances**~~
~~**leading to or involved with the near fatality or the fatality.**~~

SECTION 39. IC 31-33-24-9, AS AMENDED BY P.L.225-2007,
 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2012]: Sec. 9. (a) A local child fatality review team consists
 of the following members:

(1) A coroner or deputy coroner from the area served by the local
 child fatality review team.

(2) A representative from:

~~(A) the health and hospital corporation of Marion County as~~
~~set forth in IC 16-22-8;~~

~~(B) (A) a local health department established under~~
~~IC 16-20-2; or~~

~~(C) (B) a multiple county health department established under~~
~~IC 16-20-3;~~

~~from the area served by the local child fatality review team.~~

(3) A **pediatrician or family practice** physician residing or
 practicing medicine in the area served by the local child fatality
 review team.

(4) A representative of law enforcement from the area served by
 the local child fatality review team.

(5) A representative from an emergency medical services provider
 doing business in the area served by the local child fatality review
 team.

(6) A ~~director or manager of a local or regional office~~ **regional**
~~manager~~ of the department from the area served by the local
 child fatality review team **or the regional manager's designee.**

(7) A representative of the prosecuting attorney from the area
 served by the local child fatality review team.

(8) A pathologist with forensic experience who is licensed to

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1 practice medicine in Indiana and who, if feasible, is certified by
2 the American Board of Pathology in forensic pathology.

3 (9) A representative from a fire department or volunteer fire
4 department (as defined in IC 36-8-12-2) from the area served by
5 the local child fatality review team.

6 **(10) A department attorney from the region served by the
7 local child fatality review team.**

8 **(11) A mental health provider providing services in the region
9 served by the local child fatality review team.**

10 **(12) A representative from a school district in the region
11 served by the local child fatality review team.**

12 ~~(b) If a local child fatality review team is established in one (1)
13 county, the legislative body that voted to establish the local child
14 fatality review team under section 6 of this chapter shall:~~

15 ~~(1) adopt an ordinance for the appointment and reappointment of
16 members of the local child fatality review team; and~~

17 ~~(2) appoint members to the local child fatality review team under
18 the ordinance adopted.~~

19 ~~(e) If a local child fatality review team is established in a region, the
20 county legislative bodies that voted to establish the local child fatality
21 review team under section 6 of this chapter shall:~~

22 ~~(1) each adopt substantially similar ordinances for the
23 appointment and reappointment of members of the local child
24 fatality review team; and~~

25 ~~(2) appoint members to the local child fatality review team under
26 the ordinances adopted.~~

27 **(b) Each local office in the region shall submit to the department
28 at least one (1) name of an individual for each member described
29 in subsection (a)(1) through (a)(12) for the department's
30 consideration.**

31 **(c) The director or the director's designee shall appoint
32 individuals from the list or lists provided under subsection (b) to
33 serve as members on the local child fatality review team.**

34 SECTION 40. IC 31-33-24-10, AS ADDED BY P.L.145-2006,
35 SECTION 287, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** A local child fatality review
37 team may have additional members from the following categories:

38 (1) A representative of a hospital located in the county or region
39 served by the local child fatality review team.

40 (2) ~~A mental health provider providing services in the county or
41 region served by the local child fatality review team.~~

42 ~~(3) (2) A representative from a juvenile or probate court in the~~

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- 1 county or region served by the local child fatality review team.
- 2 ~~(4)~~ (3) Other representatives requested to serve by the members
- 3 of the local child fatality review team.
- 4 **(4) A representative from the department of natural resources**
- 5 **who lives or works in the region served by the local child**
- 6 **fatality review team.**
- 7 **(5) A representative from Prevent Child Abuse Indiana (an**
- 8 **organization for the prevention of child abuse) who lives or**
- 9 **works in the region served by the local child fatality review**
- 10 **team.**
- 11 **(6) One (1) of the following:**
- 12 **(A) A court appointed special advocate who provides court**
- 13 **appointed special advocate services in the region served by**
- 14 **the local child fatality review team.**
- 15 **(B) A guardian ad litem who provides guardian ad litem**
- 16 **services in the region served by the local child fatality**
- 17 **review team.**
- 18 **(b) The director or the director's designee shall appoint an**
- 19 **additional member of a local child fatality review team in the same**
- 20 **manner that the director or the director's designee appoints a**
- 21 **member under section 9 of this chapter.**
- 22 SECTION 41. IC 31-33-24-11, AS ADDED BY P.L.145-2006,
- 23 SECTION 287, IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) ~~Any member of a local child~~
- 25 ~~fatality review team may serve as chairperson. The chairperson shall be~~
- 26 ~~elected by the members of the local child fatality review team at the~~
- 27 ~~first meeting of the local child fatality review team. The regional~~
- 28 ~~manager for the region served by a local child fatality review team~~
- 29 ~~is the chairperson of the local child fatality review team.~~
- 30 (b) The local child fatality review team shall meet at the call of the
- 31 chairperson.
- 32 (c) The local child fatality review team chairperson shall determine
- 33 the agenda for each meeting.
- 34 SECTION 42. IC 31-33-24-15, AS AMENDED BY P.L.225-2007,
- 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2012]: Sec. 15. (a) The department shall collect and document
- 37 information surrounding the deaths of children reviewed by local child
- 38 fatality review teams. The department shall develop a data collection
- 39 form that includes:
- 40 (1) identifying and nonidentifying information;
- 41 (2) information regarding the circumstances surrounding a death;
- 42 (3) factors contributing to a death; and

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1 (4) findings and recommendations **that include the following**
 2 **information:**

3 (A) **Whether similar future deaths could be prevented.**

4 (B) **A list of:**

5 (i) **agencies and entities that should be involved; and**

6 (ii) **any other resources that should be used;**

7 **to adequately prevent future child deaths in the region.**

8 (C) **A regional strategy that should be implemented to**
 9 **prevent future child deaths.**

10 (b) The data collection form developed under this section must ~~also~~
 11 be provided to **the following:**

12 (1) The appropriate community child protection team.

13 (2) ~~as appropriate:~~

14 (A) ~~the health and hospital corporation of Marion County as~~
 15 ~~set forth in IC 16-22-8;~~

16 (B) ~~the local health department established under IC 16-20-2;~~

17 ~~or~~

18 (C) ~~the multiple county health department established under~~
 19 ~~IC 16-20-3; and~~

20 (3) ~~the appropriate coroner and the pathologist who performed the~~
 21 ~~autopsy on the child.~~

22 (2) **The chairperson of the statewide child fatality review**
 23 **committee.**

24 (3) **The chairperson of a local child fatality review team.**

25 (c) **Each local child fatality review team shall, using the form**
 26 **established under this section, report to the department the**
 27 **findings for each fatality that the local child fatality review team**
 28 **reviews.**

29 SECTION 43. IC 31-33-25-6, AS AMENDED BY
 30 P.L.182-2009(ss), SECTION 381, IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The statewide
 32 child fatality review committee is established to review a child's death
 33 that is:

34 (1) sudden;

35 (2) unexpected; or

36 (3) unexplained;

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

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



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- 1 (c) A request submitted under subsection (b) must set forth:
 2 (1) the name of the child;
 3 (2) the age of the child;
 4 (3) the county where the child died;
 5 (4) whether a local child fatality review team reviewed the death;
 6 and
 7 (5) the cause of death of the deceased child.

8 SECTION 44. IC 31-33-25-7, AS AMENDED BY P.L.225-2007,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 7. (a) A child fatality review conducted by the
 11 statewide child fatality review committee under this chapter must
 12 consist of: ~~determining~~:

- 13 (1) **determining** whether similar future deaths could be
 14 prevented; and
 15 (2) **identifying**:
 16 (A) agencies ~~or resources~~ **and entities** that should be involved;
 17 **and**
 18 (B) **any other resources that should be used**;
 19 to adequately prevent future deaths of children.

20 (b) In conducting the child fatality review under subsection (a), the
 21 statewide child fatality review committee shall review every record
 22 concerning the deceased child that is held by:

- 23 (1) the department; ~~of child services~~; or
 24 (2) a local child fatality review team.

25 (c) **Subject to IC 34-30-15**, if the statewide child fatality review
 26 committee requests records from a hospital, physician, coroner, **law**
 27 **enforcement officer**, or mental health professional regarding a death
 28 that the statewide child fatality review committee is investigating, the
 29 hospital, physician, coroner, **law enforcement officer**, or mental health
 30 professional shall provide the requested records ~~subject to IC 34-30-15~~;
 31 to the statewide child fatality review committee.

32 SECTION 45. IC 31-33-26-9, AS AMENDED BY P.L.162-2011,
 33 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 9. (a) Except as provided in sections 11 and 12 of
 35 this chapter, the department shall conduct an administrative hearing
 36 upon a request made under section 8 of this chapter.

37 (b) At the administrative hearing, the department must prove by a
 38 preponderance of credible evidence that the perpetrator is responsible
 39 for the child's abuse or neglect.

40 (c) During an administrative hearing under this section, the
 41 administrative hearing officer shall consider hearsay evidence to be
 42 competent evidence and may not exclude hearsay based on the



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1 technical rules of evidence. If not objected to, the hearsay evidence
 2 may form the basis for an order. However, if the evidence is properly
 3 objected to and does not fall within a recognized exception to the
 4 hearsay rule, the resulting order may not be based solely upon the
 5 hearsay evidence.

6 (d) If the department fails to carry the burden of proof under
 7 subsection (b), the department shall amend or expunge the report as
 8 ordered by the administrative hearing officer within the period
 9 provided under section 15 of this chapter.

10 (e) The department shall maintain the confidentiality of an abuse or
 11 a neglect report during the administrative process.

12 (f) The administrative hearing shall be closed.

13 (g) The administrative files shall be closed and not disclosed to the
 14 public.

15 **(h) The department shall provide a copy of a decision resulting**
 16 **from an administrative hearing under this section to the**
 17 **department of education if:**

18 **(1) the alleged perpetrator is licensed by the department of**
 19 **education; or**

20 **(2) the incident happened on school property or at a school**
 21 **function.**

22 SECTION 46. IC 31-33-26-11, AS ADDED BY P.L.138-2007,
 23 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 11. (a) If a court having jurisdiction over a child
 25 in need of services case under IC 31-34 has determined or is
 26 anticipated to determine whether:

27 (1) a report of suspected child abuse or neglect is properly
 28 substantiated;

29 (2) child abuse or neglect occurred; or

30 (3) any person was a perpetrator of child abuse or neglect;

31 the determination of the court is binding.

32 (b) The administrative hearing under this chapter shall be stayed
 33 pending an anticipated action by the court.

34 (c) A person named as a perpetrator in a report of suspected child
 35 abuse or neglect is not entitled to an administrative hearing under this
 36 chapter if a court has determined that:

37 (1) the alleged child abuse or neglect did not occur; or

38 (2) the person was not a perpetrator of the alleged child abuse or
 39 neglect.

40 **(d) The administrative hearing under this chapter shall be**
 41 **stayed pending the conclusion of any program of informal**
 42 **adjustment entered into by the perpetrator of the alleged child**

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1 **abuse or neglect.**

2 SECTION 47. IC 31-33-26-15, AS AMENDED BY P.L.131-2009,
3 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 15. (a) The department shall expunge a
5 substantiated report contained within the index as follows:

6 (†) not later than ten (10) working days after any of the following
7 occurs:

8 (A) (1) A court having jurisdiction over a child in need of services
9 proceeding determines that child abuse or neglect has not
10 occurred.

11 (B) (2) An administrative hearing officer under this chapter finds
12 that the child abuse or neglect report is unsubstantiated.

13 (C) (3) A court having juvenile jurisdiction enters an order for
14 expungement of the report under ~~IC 31-33-7-6.5~~. **IC 31-33-27-4.**

15 (2) Not later than twenty (20) years after a court determines that
16 a child is a child in need of services based upon the report.

17 (b) The department shall amend a substantiated report contained in
18 the index by deleting the name of an alleged perpetrator if:

19 (1) a court having jurisdiction over a child in need of services
20 proceeding; or

21 (2) an administrative hearing officer under this chapter;

22 finds that the person was not a perpetrator of the child abuse or neglect
23 that occurred.

24 (c) If subsection (a) does not apply, the department shall expunge
25 the substantiated report not later than the date on which any child who
26 is named in the report as a victim of child abuse or neglect becomes
27 twenty-four (24) years of age.

28 (d) The department shall expunge an unsubstantiated report
29 contained in the index not later than six (6) months after the date the
30 report was entered into the index.

31 (c) **If the department determines that the probative value of the**
32 **information does not justify its retention in the index for an**
33 **additional time, the department may, upon request of an interested**
34 **person, expunge a substantiated report contained in the index. The**
35 **agreement between the department and the person submitting the**
36 **request may include a date by which the report will be expunged.**

37 SECTION 48. IC 31-33-7-6.5 IS REPEALED [EFFECTIVE JULY
38 1, 2012]. Sec. 6.5: Child abuse or neglect information may be expunged
39 under ~~IC 31-39-8~~ if the probative value of the information is so
40 doubtful as to outweigh its validity. Child abuse or neglect information
41 shall be expunged if it is determined to be unsubstantiated after:

42 (†) an assessment by the department of a report of a child who

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1 may be a victim of child abuse or neglect; or
2 (2) a court proceeding;
3 SECTION 49. IC 31-33-27 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]:

6 **Chapter 27. Expungement of Child Abuse or Neglect Reports**

7 **Sec. 1. As used in this chapter, "expunge" or "expungement"**
8 **means:**

9 (1) the removal or deletion of all information maintained by
10 the department, concerning a report, assessment, or
11 determination under this article relating to an incident or
12 condition of child abuse or neglect; and

13 (2) the destruction or delivery of the information to a person
14 to whom the information pertains.

15 **Sec. 2. As used in this chapter, "information" includes all files**
16 **and records created or maintained by the department. The term**
17 **includes the original and copies of documents, correspondence,**
18 **messages, photographs, videotapes, audio recordings, audiovisual**
19 **recordings, and any other material contained in paper or digital**
20 **form or in other media.**

21 **Sec. 3. (a) The department shall expunge child abuse or neglect**
22 **information not later than twenty-four (24) years after the date of**
23 **birth of the youngest child named in the department's assessment**
24 **report as an alleged victim of child abuse or neglect, if:**

25 (1) the department approved the assessment as
26 unsubstantiated; or

27 (2) the court in a child in need of services case entered a final
28 judgment based on a finding that child abuse or neglect did
29 not occur.

30 **(b) The department may, upon the request of an interested**
31 **person, expunge information relating to an unsubstantiated**
32 **assessment of child abuse or neglect at any time, if the department**
33 **determines that the probative value of the information does not**
34 **justify its retention in the records of the department.**

35 **(c) This subsection applies to information that is not expunged**
36 **under subsection (a) or (b). The department may retain**
37 **information relating to an unsubstantiated assessment of child**
38 **abuse or neglect in electronic or paper records, digital form, or**
39 **other media, that is accessible only by department employees with**
40 **access rights established by the department through policy or rule.**

41 **(d) Information that is retained in the records of the department**
42 **under subsection (c) may be used by the department to facilitate its**

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1 assessment of a subsequent report concerning the same child or
2 family.

3 (e) The department may not rely solely on information available
4 under subsection (c) to support substantiation of a later report, if
5 information obtained in the assessment of the later report is
6 otherwise insufficient to support a substantiated determination.

7 (f) The department shall adopt a written policy, and may adopt
8 rules under IC 4-22-2, regarding access to information retained
9 under subsection (c).

10 Sec. 4. (a) The department shall expunge child abuse or neglect
11 information relating to a substantiated report not later than the
12 time specified for expungement of the report from the child
13 protection index under IC 31-33-26-15.

14 (b) If the department determines that the probative value of the
15 information does not justify its retention in the index for an
16 additional time, the department may, upon request of an interested
17 person, expunge information concerning a substantiated
18 assessment of child abuse or neglect. The agreement between the
19 department and the person submitting the request may include a
20 date when the report will be expunged.

21 (c) The department shall amend information relating to a
22 substantiated report by deleting the name of an alleged perpetrator
23 if:

24 (1) a court having jurisdiction over a child in need of services
25 proceeding; or

26 (2) an administrative hearing officer under IC 31-33-26-9;
27 finds that the person was not a perpetrator of the child abuse or
28 neglect that occurred.

29 Sec. 5. (a) This section applies to information relating to
30 substantiated reports in any records of the department.

31 (b) An individual identified as a perpetrator of child abuse or
32 neglect in a substantiated report may file a petition with a court
33 exercising juvenile jurisdiction in the county in which the
34 individual resides, requesting that the court order the department
35 to expunge the substantiated report and related information.

36 (c) The petitioner shall:

37 (1) name the department as respondent in the petition; and

38 (2) serve the department with a copy of the petition and a
39 summons.

40 (d) The court shall hold a hearing on the petition and any
41 response filed by the department, unless a hearing is waived by
42 agreement of the parties.

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1 (e) In considering whether to grant a petition filed under this
2 section, the court may review:

3 (1) the factors listed in IC 31-39-8-3 in relation to the
4 petitioner, if the substantiated report was the subject of a
5 juvenile court case; and

6 (2) any facts relating to the petitioner's current status,
7 activities, employment, contacts with children, or other
8 circumstances relevant to consideration of whether the
9 petition should be granted.

10 (f) The court may grant the petition if the court finds, by clear
11 and convincing evidence, that:

12 (1) there is little likelihood that the petitioner will be a future
13 perpetrator of child abuse or neglect; and

14 (2) the information has insufficient current probative value to
15 justify its retention in records of the department for future
16 reference.

17 Sec. 6. If the department expunges child abuse or neglect
18 information under this chapter:

19 (1) at the request of a perpetrator named in an assessment
20 report;

21 (2) at or after the time for expungement specified in section
22 4(a) of this chapter; or

23 (3) under a court order under section 5 of this chapter;
24 IC 31-39-8-7 applies to any civil action brought against the
25 department or any other agency, entity, or individual, if the
26 content of the expunged information may be relevant to any issue
27 in the civil action.

28 SECTION 50. IC 31-34-1-6 IS REPEALED [EFFECTIVE JULY 1,
29 2012]. Sec. 6: A child is a child in need of services if before the child
30 becomes eighteen (18) years of age:

31 (1) the child substantially endangers the child's own health or the
32 health of another individual; and

33 (2) the child needs care, treatment, or rehabilitation that:
34 (A) the child is not receiving; and
35 (B) is unlikely to be provided or accepted without the coercive
36 intervention of the court.

37 SECTION 51. IC 31-34-4-7, AS ADDED BY P.L.146-2008,
38 SECTION 579, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) This section applies to
40 services and programs provided to or on behalf of a child alleged to be
41 a child in need of services at any time before:

42 (1) entry of a dispositional decree under IC 31-34-20; or

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- 1 (2) approval of a program of informal adjustment under
2 IC 31-34-8.
- 3 (b) Before a juvenile court orders or approves a service, a program,
4 or an out-of-home placement for a child that has not been
5 recommended by the department, the court shall submit the proposed
6 service, program, or placement to the department for consideration.
7 The department shall, within three (3) business days after receipt of the
8 court's proposal, submit to the court a report stating whether the
9 department approves or disapproves the proposed service, program, or
10 placement.
- 11 (c) If the department approves the service, program, or placement
12 recommended by the juvenile court, the court may enter an appropriate
13 order to implement the approved proposal. If the department does not
14 approve a service, program, or placement proposed by the juvenile
15 court, the department may recommend an alternative service, program,
16 or placement for the child.
- 17 (d) The juvenile court shall accept the recommendations of the
18 department regarding any predispositional services, programs, or
19 placement for the child, unless the juvenile court finds a
20 recommendation is:
- 21 (1) unreasonable, based on the facts and circumstances of the
22 case; or
23 (2) contrary to the welfare and best interests of the child.
- 24 (e) If the juvenile court does not accept the recommendations of the
25 department in the report submitted under subsection (b), the court may
26 enter an order that:
- 27 (1) requires the department to provide a specified service,
28 program, or placement until entry of a dispositional decree or
29 until the order is otherwise modified or terminated; and
30 (2) specifically states the reasons why the juvenile court is not
31 accepting the recommendations of the department, including the
32 court's findings under subsection (d).
- 33 (f) If the juvenile court enters its findings and order under
34 subsection (e), the department may appeal the juvenile court's order
35 under any available procedure provided by the Indiana Rules of Trial
36 Procedure or the Indiana Rules of Appellate Procedure to allow any
37 disputes arising under this section to be decided in an expeditious
38 manner.
- 39 (g) If the department prevails on appeal, the department shall pay
40 the following costs and expenses incurred by or on behalf of the child
41 before the date of the final decision:

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- 1 (1) Any programs or services implemented during the appeal
- 2 initiated under subsection (f), other than the cost of an
- 3 out-of-home placement ordered by the juvenile court.
- 4 (2) Any out-of-home placement ordered by the juvenile court and
- 5 implemented after entry of the court order of placement, if the
- 6 juvenile court order includes written findings that the placement
- 7 is an emergency required to protect the health and welfare of the
- 8 child.

9 If the court has not made written findings that the placement is an
 10 emergency, the county in which the juvenile court is located is
 11 responsible for payment of all costs of the placement, including the
 12 cost of services and programs provided by the home or facility where
 13 the child was placed. **department shall file a notice with the Indiana**
 14 **judicial center.**

15 SECTION 52. IC 31-34-10-2, AS AMENDED BY P.L.131-2009,
 16 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 2. (a) The juvenile court shall hold an initial
 18 hearing on each petition **within forty-eight (48) hours after the filing**
 19 **of the petition.**

20 (b) The juvenile court shall set a time for the initial hearing. A
 21 summons shall be issued for the following:

- 22 (1) The child.
- 23 (2) The child's parent, guardian, custodian, guardian ad litem, or
- 24 court appointed special advocate.
- 25 (3) Any other person necessary for the proceedings.

26 (c) A copy of the petition must accompany each summons. The
 27 clerk shall issue the summons under Rule 4 of the Indiana Rules of
 28 Trial Procedure.

29 (d) If the initial hearing is not scheduled and held within the
 30 specified time as described in this section, the child shall be released
 31 to the child's parent, guardian, or custodian.

32 (e) The court may schedule an additional initial hearing on the child
 33 in need of services petition if necessary to comply with the procedures
 34 and requirements of this chapter with respect to any person to whom a
 35 summons has been issued under this section.

36 (f) An additional initial hearing on the child in need of services
 37 petition shall be held not more than thirty (30) calendar days after the
 38 date of the first initial hearing on the child in need of services petition,
 39 unless the court has:

- 40 (1) granted an extension of time for extraordinary circumstances;
- 41 and
- 42 (2) stated the extraordinary circumstance in a written court order.

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1 (g) The department shall provide notice of the date, time, place, and
 2 purpose of the initial hearing and any additional initial hearing
 3 scheduled under this section to each foster parent or other caretaker
 4 with whom the child has been temporarily placed under IC 31-34-2.5,
 5 IC 31-34-4, or IC 31-34-5. The court shall:

6 (1) provide a:

7 (A) person for whom a summons is required to be issued under
 8 subsection (b); and

9 (B) person who is required to be notified under this
 10 subsection;

11 an opportunity to be heard; and

12 (2) allow a person described in subdivision (1) to make
 13 recommendations to the court;

14 at the initial hearing.

15 (h) A petition alleging that a child is a child in need of services shall
 16 be filed before a detention hearing concerning the child is held.

17 (i) If a detention hearing is held under IC 31-34-5, the initial hearing
 18 on the child in need of services petition shall be held at the same time
 19 as the detention hearing.

20 (j) The court may schedule an additional initial hearing on a child
 21 in need of services petition if necessary to comply with the procedures
 22 and requirements of this chapter with respect to any person to whom a
 23 summons has been issued under this section.

24 (k) An additional initial hearing under subsection (j) shall be held
 25 not more than thirty (30) calendar days after the date of the first initial
 26 hearing on the child in need of services petition unless the court:

27 (1) grants an extension of time for extraordinary circumstances;
 28 and

29 (2) states the extraordinary circumstance in a written court order.

30 SECTION 53. IC 31-34-10-3, AS AMENDED BY P.L.234-2005,
 31 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 3. Before complying with the other
 33 requirements of this chapter, the juvenile court shall first determine
 34 whether the following conditions make it appropriate to appoint a
 35 guardian ad litem or a court appointed special advocate, or both, for the
 36 child:

37 (1) If the child is alleged to be a child in need of services:

38 ~~(A)~~ under IC 31-34-1-6;

39 ~~(B)~~ (A) under IC 31-34-1-10 or IC 31-34-1-11;

40 ~~(C)~~ (B) due to the inability, refusal, or neglect of the child's
 41 parent, guardian, or custodian to supply the child with the
 42 necessary medical care; or

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- 1 ~~(D)~~ (C) because the location of both of the child's parents is
 2 unknown;
 3 the court shall appoint a guardian ad litem or court appointed
 4 special advocate, or both, for the child.
 5 (2) If the child is alleged to be a child in need of services under:
 6 (A) IC 31-34-1-1;
 7 (B) IC 31-34-1-2;
 8 (C) IC 31-34-1-3;
 9 (D) IC 31-34-1-4;
 10 (E) IC 31-34-1-5;
 11 (F) IC 31-34-1-7; or
 12 (G) IC 31-34-1-8;
 13 the court shall appoint a guardian ad litem, court appointed
 14 special advocate, or both, for the child.
 15 (3) If the parent, guardian, or custodian of a child denies the
 16 allegations of a petition under section 6 of this chapter, the court
 17 shall appoint a guardian ad litem, court appointed special
 18 advocate, or both, for the child.
 19 SECTION 54. IC 31-34-10-6 IS REPEALED [EFFECTIVE JULY
 20 1, 2012]. ~~Sec. 6: Except if a petition is filed under IC 31-34-1-6, the~~
 21 ~~juvenile court shall determine whether the parent, guardian, or~~
 22 ~~custodian admits or denies the allegations of the petition. A failure to~~
 23 ~~respond constitutes a denial.~~
 24 SECTION 55. IC 31-34-10-7 IS REPEALED [EFFECTIVE JULY
 25 1, 2012]. ~~Sec. 7: If a petition alleges that the child is a child in need of~~
 26 ~~services under IC 31-34-1-6, the juvenile court shall determine whether~~
 27 ~~the child admits or denies the allegations. A failure to respond~~
 28 ~~constitutes a denial.~~
 29 SECTION 56. IC 31-34-11-1, AS AMENDED BY P.L.138-2007,
 30 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), unless
 32 the allegations of a petition have been admitted, the juvenile court shall
 33 complete a factfinding hearing not more than sixty (60) days after a
 34 petition alleging that a child is a child in need of services is filed in
 35 accordance with IC 31-34-9.
 36 (b) The juvenile court may extend the time to complete a factfinding
 37 hearing, as described in subsection (a), for an additional sixty (60) days
 38 if all parties in the action consent to the additional time.
 39 (c) If the factfinding hearing is not held immediately after the initial
 40 hearing as provided under IC 31-34-10-9, the department shall provide
 41 notice of any factfinding hearing to each foster parent or other
 42 caretaker with whom the child has been placed for temporary care. The

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1 court shall provide a person who is required to be notified under this
2 subsection an opportunity to be heard at the factfinding hearing.

3 **(d) If the factfinding hearing is not held within the time set forth**
4 **in subsection (a) or (b), upon a motion with the court, the court**
5 **shall dismiss the case without prejudice.**

6 SECTION 57. IC 31-34-12-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A rebuttable
8 presumption is raised that the child is a child in need of services
9 because of an act or omission of the child's parent, guardian, or
10 custodian if the state introduces competent evidence of probative value
11 that:

- 12 (1) the child has been injured;
13 (2) at the time the child was injured, the parent, guardian, or
14 custodian:
15 (A) had the care, custody, or control of the child; or
16 (B) had legal responsibility for the care, custody, or control of
17 the child; ~~and~~
18 (3) the injury would not ordinarily be sustained except for the act
19 or omission of a parent, guardian, or custodian; **and**
20 **(4) there is a reasonable probability that the injury was not**
21 **accidental.**

22 SECTION 58. IC 31-34-13-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
24 to:

- 25 **(1) an action initiated to determine if a child is a child in need of**
26 **services under:**
27 ~~(A)~~ **(A) IC 31-34-1-1 through ~~IC 31-34-1-6~~; IC 31-34-1-5;**
28 ~~(B)~~ **(B) IC 31-34-1-10; or**
29 ~~(C)~~ **(C) IC 31-34-1-11; and**
30 **(2) an administrative hearing conducted under IC 31-33-26-9**
31 **or IC 31-27-4-23.**

32 SECTION 59. IC 31-34-14-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
34 to an action to determine whether a child is a child in need of services
35 under:

- 36 (1) IC 31-34-1-1 through ~~IC 31-34-1-6~~; **IC 31-34-1-5;**
37 (2) IC 31-34-1-10; or
38 (3) IC 31-34-1-11.

39 SECTION 60. IC 31-34-19-1, AS AMENDED BY P.L.146-2006,
40 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 1. **(a)** The juvenile court shall complete a
42 dispositional hearing not more than thirty (30) days after the date the

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1 court finds that a child is a child in need of services to consider the
2 following:

3 (1) Alternatives for the care, treatment, rehabilitation, or
4 placement of the child.

5 (2) The necessity, nature, and extent of the participation by a
6 parent, a guardian, or a custodian in the program of care,
7 treatment, or rehabilitation for the child.

8 (3) The financial responsibility of the parent or guardian of the
9 estate for services provided for the parent or guardian or the child.

10 **(b) If the dispositional hearing is not completed in the time set**
11 **forth in subsection (a), upon a filing of a motion with the court, the**
12 **court shall dismiss the case without prejudice.**

13 SECTION 61. IC 31-34-19-6.1, AS ADDED BY P.L.146-2008,
14 SECTION 601, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2012]: Sec. 6.1. (a) Before entering its
16 dispositional decree, the juvenile court shall do the following:

17 (1) Consider the recommendations for the needs of the child for
18 care, treatment, rehabilitation, or placement made by the
19 department in the department's predispositional report.

20 (2) Consider the recommendations for the needs of the child for
21 care, treatment, rehabilitation, or placement made by the parent,
22 guardian or custodian, guardian ad litem or court appointed
23 special advocate, foster parent, other caretaker of the child, or
24 other party to the proceeding.

25 (3) If the juvenile court determines that the best interests of the
26 child require consideration of other dispositional options, submit
27 the juvenile court's own recommendations for care, treatment,
28 rehabilitation, or placement of the child.

29 (b) If the juvenile court accepts the recommendations in the
30 department's predispositional report, the juvenile court shall enter its
31 dispositional decree with its findings and conclusions under section 10
32 of this chapter.

33 (c) If during or after conclusion of the dispositional hearing, the
34 juvenile court does not accept the recommendations of the department
35 as set out under subsection (a) in the predispositional report and states
36 that the juvenile court wants the department to consider the
37 recommendations made under subsection (a)(2) or (a)(3), the
38 dispositional hearing shall be continued for not more than seven (7)
39 business days after service of notice of the juvenile court's
40 determination. The department shall consider the recommendations
41 that the juvenile court requested the department to consider and submit
42 to the juvenile court a supplemental predispositional report stating the

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1 department's final recommendations and reasons for accepting or
 2 rejecting the recommendations that were not included in the
 3 department's original predispositional report. If the juvenile court
 4 accepts the recommendations in the department's supplemental report,
 5 the juvenile court may adopt the recommendations as its findings and
 6 enter its dispositional decree.

7 (d) The juvenile court shall accept each final recommendation of the
 8 department contained in a supplemental predispositional report
 9 submitted under subsection (c), unless the juvenile court finds that a
 10 recommendation is:

11 (1) unreasonable, based on the facts and circumstances of the
 12 case; or

13 (2) contrary to the welfare and best interests of the child.

14 (e) If the juvenile court does not accept one (1) or more of the
 15 department's final recommendations contained in the department's
 16 supplemental predispositional report, the juvenile court shall:

17 (1) enter its dispositional decree with its written findings and
 18 conclusions under sections 6 and 10 of this chapter; and

19 (2) specifically state why the juvenile court is not accepting the
 20 final recommendations of the department.

21 (f) If the juvenile court enters its findings and decree under
 22 subsections (d) and (e), the department may appeal the juvenile court's
 23 decree under any available procedure provided by the Indiana Rules of
 24 Trial Procedure or the Indiana Rules of Appellate Procedure to allow
 25 any disputes arising under this section to be decided in an expeditious
 26 manner.

27 (g) If the department prevails on appeal, the department shall pay
 28 the following costs and expenses incurred by or on behalf of the child
 29 before the date of the final decision:

30 (1) Any programs or services implemented during the appeal
 31 initiated under subsection (f), other than the cost of an
 32 out-of-home placement ordered by the juvenile court.

33 (2) Any out-of-home placement ordered by the juvenile court and
 34 implemented after entry of the dispositional decree or
 35 modification order, if the court has made written findings that the
 36 placement is an emergency required to protect the health and
 37 welfare of the child.

38 If the court has not made written findings that the placement is an
 39 emergency, the county in which the juvenile court is located is
 40 responsible for payment of all costs of the placement, including the
 41 cost of services and programs provided by the home or facility where

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1 ~~the child was placed.~~ **department shall file a notice with the Indiana**
 2 **judicial center.**

3 SECTION 62. IC 31-34-21-5.5, AS AMENDED BY P.L.145-2006,
 4 SECTION 319, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2012]: Sec. 5.5. (a) In determining the extent
 6 to which reasonable efforts to reunify or preserve a family are
 7 appropriate under this chapter, the child's health and safety are of
 8 paramount concern.

9 (b) Except as provided in section 5.6 of this chapter, the department
 10 shall make reasonable efforts to preserve and reunify families as
 11 follows:

12 (1) If a child has not been removed from the child's home, to
 13 prevent or eliminate the need for removing the child from the
 14 child's home.

15 (2) If a child has been removed from the child's home, to make it
 16 possible for the child to return safely to the child's home as soon
 17 as possible.

18 **(c) The department may, before reunification of the child with**
 19 **a parent, guardian, or custodian, conduct a criminal history check**
 20 **(as defined in IC 31-9-2-22.5) of:**

21 **(1) the child's:**

22 **(A) parent;**

23 **(B) guardian; or**

24 **(C) custodian; or**

25 **(2) a household member of the:**

26 **(A) parent;**

27 **(B) guardian; or**

28 **(C) custodian.**

29 **(d) The department may use the results of a criminal history**
 30 **check conducted under subsection (c) to decide whether it is safe**
 31 **for the child to return home.**

32 SECTION 63. IC 31-34-21-5.7, AS AMENDED BY P.L.145-2006,
 33 SECTION 320, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 5.7. (a) This section applies at any
 35 phase of a child in need of services proceeding whenever a court enters
 36 a finding that reasonable efforts to reunify or preserve a child's family
 37 are not required under section 5.6 of this chapter.

38 (b) The department shall do the following:

39 (1) Complete a permanency plan for the child that complies with
 40 the requirements of section 7.5 of this chapter.

41 (2) Seek court approval of the permanency plan under section 7
 42 of this chapter.

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1 **(3) Refer a case to the permanency roundtable if the**
2 **department places a child in a child caring institution, group**
3 **home, or private secure facility.**

4 (c) Notwithstanding any otherwise applicable requirements under
5 IC 31-34, whenever the department seeks approval of a permanency
6 plan for the child under subsection (b), the following reports, orders,
7 and hearings are not required:

8 (1) A predispositional report to consider participation of a child's
9 parent, guardian, or custodian in any program of care, treatment,
10 or rehabilitation of the child.

11 (2) A dispositional decree under IC 31-34-19-6 and findings and
12 conclusions under IC 31-34-19-10 that concern:

13 (A) participation of the child's parent, guardian, or custodian
14 in a program for future care or treatment of the child; or

15 (B) reasonable efforts to prevent the child's removal from the
16 child's home or to reunite the child with the child's parent,
17 guardian, or custodian.

18 SECTION 64. IC 31-35-2-4, AS AMENDED BY P.L.21-2010,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]: Sec. 4. (a) A petition to terminate the parent-child
21 relationship involving a delinquent child or a child in need of services
22 may be signed and filed with the juvenile or probate court by any of the
23 following:

- 24 (1) The attorney for the department.
- 25 (2) The child's court appointed special advocate.
- 26 (3) The child's guardian ad litem.

27 (b) The petition must meet the following requirements:

28 (1) The petition must be entitled "In the Matter of the Termination
29 of the Parent-Child Relationship of _____, a child, and
30 _____, the child's parent (or parents)".

31 (2) The petition must allege:

32 (A) that one (1) of the following is true:

33 (i) The child has been removed from the parent for at least
34 six (6) months under a dispositional decree.

35 (ii) A court has entered a finding under IC 31-34-21-5.6 that
36 reasonable efforts for family preservation or reunification
37 are not required, including a description of the court's
38 finding, the date of the finding, and the manner in which the
39 finding was made.

40 (iii) The child has been removed from the parent and has
41 been under the supervision of a county office of family and
42 children or probation department for at least fifteen (15)

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1 months of the most recent twenty-two (22) months,
 2 beginning with the date the child is removed from the home
 3 as a result of the child being alleged to be a child in need of
 4 services or a delinquent child;
 5 (B) that one (1) of the following is true:
 6 (i) There is a reasonable probability that the conditions that
 7 resulted in the child's removal or the reasons for placement
 8 outside the home of the parents will not be remedied.
 9 (ii) There is a reasonable probability that the continuation of
 10 the parent-child relationship poses a threat to the well-being
 11 of the child.
 12 (iii) The child has, on two (2) separate occasions, been
 13 adjudicated a child in need of services;
 14 (C) that termination is in the best interests of the child; and
 15 (D) that there is a satisfactory plan for the care and treatment
 16 of the child.
 17 (3) **If the department intends to file a motion to dismiss under**
 18 **section 4.5 of this chapter**, the petition must indicate whether at
 19 least one (1) of the factors listed in section 4.5(d)(1) through
 20 4.5(d)(3) of this chapter applies and specify each factor that
 21 would apply as the basis for filing a motion to dismiss the
 22 petition.
 23 SECTION 65. IC 31-35-2-4.5, AS AMENDED BY P.L.131-2009,
 24 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 4.5. (a) This section applies if:
 26 (1) a court has made a finding under IC 31-34-21-5.6 that
 27 reasonable efforts for family preservation or reunification with
 28 respect to a child in need of services are not required; or
 29 (2) a child in need of services or a delinquent child:
 30 (A) has been placed in:
 31 (i) a foster family home, child caring institution, or group
 32 home licensed under IC 31-27; or
 33 (ii) the home of a person related (as defined in
 34 IC 31-9-2-106.5) to the child;
 35 as directed by a court in a child in need of services proceeding
 36 under IC 31-34 or a delinquency action under IC 31-37; and
 37 (B) has been removed from a parent and has been under the
 38 supervision of the department or county probation department
 39 for not less than fifteen (15) months of the most recent
 40 twenty-two (22) months, beginning with the date the child is
 41 removed from the home as a result of the child being alleged
 42 to be a child in need of services or a delinquent child.

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- 1 (b) A person described in section 4(a) of this chapter shall:
 2 (1) file a petition to terminate the parent-child relationship under
 3 section 4 of this chapter; and
 4 (2) request that the petition be set for hearing.
 5 (c) If a petition under subsection (b) is filed by the child's court
 6 appointed special advocate or guardian ad litem, the department shall
 7 be joined as a party to the petition.
 8 (d) ~~A party shall~~ **person described in section 4(a) of this chapter**
 9 **may** file a motion to dismiss the petition to terminate the parent-child
 10 relationship if any of the following circumstances apply:
 11 (1) That the current case plan prepared by or under the
 12 supervision of the department or the probation department under
 13 IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4 has documented
 14 a compelling reason, based on facts and circumstances stated in
 15 the petition or motion, for concluding that filing, or proceeding to
 16 a final determination of, a petition to terminate the parent-child
 17 relationship is not in the best interests of the child. A compelling
 18 reason may include the fact that the child is being cared for by a
 19 custodian who is a parent, stepparent, grandparent, or responsible
 20 adult who is the child's sibling, aunt, or uncle or a person related
 21 (as defined in IC 31-9-2-106.5) to the child who is caring for the
 22 child as a legal guardian.
 23 (2) That:
 24 (A) IC 31-34-21-5.6 is not applicable to the child;
 25 (B) the department or the probation department has not
 26 provided family services to the child, parent, or family of the
 27 child in accordance with a currently effective case plan
 28 prepared under IC 31-34-15 or IC 31-37-19-1.5 or a
 29 permanency plan or dispositional decree approved under
 30 IC 31-34 or IC 31-37, for the purpose of permitting and
 31 facilitating safe return of the child to the child's home; and
 32 (C) the period for completion of the program of family
 33 services, as specified in the current case plan, permanency
 34 plan, or decree, has not expired.
 35 (3) That:
 36 (A) IC 31-34-21-5.6 is not applicable to the child;
 37 (B) the department has not provided family services to the
 38 child, parent, or family of the child, in accordance with
 39 applicable provisions of a currently effective case plan
 40 prepared under IC 31-34-15 or IC 31-37-19-1.5, or a
 41 permanency plan or dispositional decree approved under
 42 IC 31-34 or IC 31-37; and

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1 (C) the services that the department has not provided are
 2 substantial and material in relation to implementation of a plan
 3 to permit safe return of the child to the child's home.

4 The motion to dismiss shall specify which of the allegations described
 5 in subdivisions (1) through (3) apply to the motion. If the court finds
 6 that any of the allegations described in subdivisions (1) through (3) are
 7 true, as established by a preponderance of the evidence, the court shall
 8 dismiss the petition to terminate the parent-child relationship.

9 SECTION 66. IC 31-35-2-6, AS AMENDED BY P.L.146-2006,
 10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 6. **(a)** Except when a hearing is required after June
 12 30, 1999, under section 4.5 of this chapter, the person filing the petition
 13 **may shall** request the court to set the petition for a hearing. Whenever
 14 a hearing is requested under this chapter, the court shall:

- 15 (1) commence a hearing on the petition not more than ninety (90)
 16 days after a petition is filed under this chapter; and
 17 (2) complete a hearing on the petition not more than one hundred
 18 eighty (180) days after a petition is filed under this chapter.

19 **(b) If a hearing is not held within the time set forth in subsection**
 20 **(a), upon filing a motion with the court by a party, the court shall**
 21 **dismiss the petition to terminate the parent-child relationship**
 22 **without prejudice.**

23 SECTION 67. IC 31-35-3-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The person filing
 25 the petition **may shall** request that the court set the petition for a
 26 hearing.

27 (b) Whenever a hearing on the petition is requested under this
 28 chapter, the court shall commence the hearing not more than ninety
 29 (90) days after a petition is filed under this chapter.

30 **(c) If a hearing is not held within the time set forth in subsection**
 31 **(b), upon filing a motion with the court by a party, the court shall**
 32 **dismiss the petition without prejudice.**

33 SECTION 68. IC 31-35-3-8 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. **(a)** A showing that
 35 an individual has been convicted of an offense described in section 4(1)
 36 of this chapter is prima facie evidence that there is a reasonable
 37 probability that:

- 38 (1) the conditions that resulted in the removal of the child from
 39 the parent under a court order will not be remedied; or
 40 (2) continuation of the parent-child relationship poses a threat to
 41 the well-being of the child.

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1 (b) A showing that a court has found under IC 31-34-21-5.6 that
2 the reasonable efforts to reunify a child with the child's parent,
3 guardian, or custodian are not required or the reasonable efforts
4 to preserve a child's family are not required is prima facie evidence
5 that there is a reasonable probability that:

- 6 (1) the conditions that resulted in the removal of the child
7 from the parent under a court order will not be remedied; or
8 (2) continuation of the parent-child relationship poses a threat
9 to the well-being of the child.

10 SECTION 69. IC 31-37-5-8, AS AMENDED BY P.L.131-2009,
11 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]: Sec. 8. (a) This section applies to services and
13 programs provided to or on behalf of a child alleged to be a delinquent
14 child at any time before:

- 15 (1) entry of a dispositional decree under IC 31-37-19; or
16 (2) approval of a program of informal adjustment under
17 IC 31-37-9.

18 (b) Except as provided in subsection (c), before a juvenile court
19 orders or approves a service, a program, or an out-of-home placement
20 for a child:

- 21 (1) that is recommended by a probation officer or proposed by the
22 juvenile court;
23 (2) for which the costs would be payable by the department under
24 IC 31-40-1-2; and
25 (3) that has not been approved by the department;

26 the juvenile court shall submit the proposed service, program, or
27 placement to the department for consideration. The department shall,
28 not later than three (3) business days after receipt of the
29 recommendation or proposal, submit to the court a report stating
30 whether the department approves or disapproves the proposed service,
31 program, or placement.

32 (c) If the juvenile court makes written findings and concludes that
33 an emergency exists requiring an immediate out-of-home placement to
34 protect the health and welfare of the child, the juvenile court may order
35 or authorize implementation of the placement without first complying
36 with the procedure specified in this section. After entry of an order
37 under this subsection, the juvenile court shall submit a copy of the
38 order to the department for consideration under this section of possible
39 modification or alternatives to the placement and any related services
40 or programs included in the order.

41 (d) If the department approves the service, program, or placement
42 recommended by the probation officer or juvenile court, the juvenile

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1 court may enter an appropriate order to implement the approved
 2 proposal. If the department does not approve a service, program, or
 3 placement recommended by the probation officer or proposed by the
 4 juvenile court, the department may recommend an alternative service,
 5 program, or placement for the child.

6 (e) The juvenile court shall accept the recommendations of the
 7 department regarding any predispositional services, programs, or
 8 placement for the child unless the juvenile court finds a
 9 recommendation is:

- 10 (1) unreasonable, based on the facts and circumstances of the
 11 case; or
- 12 (2) contrary to the welfare and best interests of the child.

13 (f) If the juvenile court does not accept the recommendations of the
 14 department in the report submitted under subsection (b), the court:

- 15 (1) may enter an order that:
 - 16 (A) requires the department to provide a specified service,
 17 program, or placement, until entry of a dispositional decree or
 18 until the order is otherwise modified or terminated; and
 - 19 (B) specifically states the reasons why the juvenile court is not
 20 accepting the recommendations of the department, including
 21 the juvenile court's findings under subsection (e); and
- 22 (2) must incorporate all documents referenced in the report
 23 submitted to the probation officer or to the court by the
 24 department into the order so that the documents are part of the
 25 record for any appeal the department may pursue under
 26 subsection (g).

27 (g) If the juvenile court enters its findings and order under
 28 subsections (e) and (f), the department may appeal the juvenile court's
 29 order under any available procedure provided by the Indiana Rules of
 30 Trial Procedure or the Indiana Rules of Appellate Procedure to allow
 31 any disputes arising under this section to be decided in an expeditious
 32 manner.

33 (h) If the department prevails on an appeal initiated under
 34 subsection (g), the department shall pay the following costs and
 35 expenses incurred by or on behalf of the child before the date of the
 36 final decision:

- 37 (1) Any programs or services implemented during the appeal,
 38 other than the cost of an out-of-home placement ordered by the
 39 juvenile court.
- 40 (2) Any out-of-home placement ordered by the juvenile court and
 41 implemented after entry of the court order of placement, if the

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1 court has made written findings that the placement is an
 2 emergency required to protect the health and welfare of the child.
 3 If the court has not made written findings that the placement is an
 4 emergency, the county in which the juvenile court is located is
 5 responsible for payment of all costs of the placement, including the
 6 cost of services and programs provided by the home or facility where
 7 the child was placed. **department shall file a notice with the Indiana
 8 judicial center.**

9 SECTION 70. IC 31-37-17-4, AS AMENDED BY P.L.146-2008,
 10 SECTION 642, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) If consistent with the safety
 12 and best interest of the child and the community, the probation officer
 13 preparing the report shall recommend care, treatment, rehabilitation, or
 14 placement that:

15 (1) is:

16 (A) in the least restrictive (most family like) and most
 17 appropriate setting available; and

18 (B) close to the parents' home, consistent with the best interest
 19 and special needs of the child;

20 (2) least interferes with family autonomy;

21 (3) is least disruptive of family life;

22 (4) imposes the least restraint on the freedom of the child and the
 23 child's parent, guardian, or custodian; and

24 (5) provides a reasonable opportunity for participation by the
 25 child's parent, guardian, or custodian.

26 (b) If the report recommends a placement or services for which the
 27 department will be responsible for payment under IC 31-40-1, the
 28 report must include a risk assessment and needs assessment for the
 29 child. The probation officer shall submit to the department a copy of
 30 the report and the financial report prepared by the probation officer.

31 (c) If the report does not include the:

32 (1) risk assessment and needs assessment required in subsection

33 (b); or

34 (2) information required to be provided under section 1(a)(3) of
 35 this chapter;

36 the department is ~~not responsible to pay for programs, services, or~~
 37 ~~placement for or on behalf of the child.~~ **shall file a notice with the**
 38 **Indiana judicial center.**

39 SECTION 71. IC 31-37-18-9, AS AMENDED BY P.L.131-2009,
 40 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 9. (a) The juvenile court shall accompany the
 42 court's dispositional decree with written findings and conclusions upon

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1 the record concerning approval, modification, or rejection of the
 2 dispositional recommendations submitted in the predispositional
 3 report, including the following specific findings:

4 (1) The needs of the child for care, treatment, rehabilitation, or
 5 placement.

6 (2) The need for participation by the parent, guardian, or
 7 custodian in the plan of care for the child.

8 (3) Efforts made, if the child is removed from the child's parent,
 9 guardian, or custodian, to:

10 (A) prevent the child's removal from; or

11 (B) reunite the child with;

12 the child's parent, guardian, or custodian.

13 (4) Family services that were offered and provided to:

14 (A) the child; or

15 (B) the child's parent, guardian, or custodian.

16 (5) The court's reasons for the disposition.

17 (b) If the department does not concur with the probation officer's
 18 recommendations in the predispositional report and the juvenile court
 19 does not follow the department's alternative recommendations, the
 20 juvenile court shall:

21 (1) accompany the court's dispositional decree with written
 22 findings that the department's recommendations contained in the
 23 predispositional report are:

24 (A) unreasonable based on the facts and circumstances of the
 25 case; or

26 (B) contrary to the welfare and best interests of the child; and

27 (2) incorporate all documents referenced in the report submitted
 28 to the probation officer or to the court by the department into the
 29 order so that the documents are part of the record for any appeal
 30 the department may pursue under subsection (d).

31 (c) The juvenile court may incorporate a finding or conclusion from
 32 a predispositional report as a written finding or conclusion upon the
 33 record in the court's dispositional decree.

34 (d) If the juvenile court enters findings and a decree under
 35 subsection (b), the department may appeal the juvenile court's decree
 36 under any available procedure provided by the Indiana Rules of Trial
 37 Procedure or Indiana Rules of Appellate Procedure to allow any
 38 disputes arising under this section to be decided in an expeditious
 39 manner.

40 (e) If the department prevails on appeal, the department shall pay
 41 the following costs and expenses incurred by or on behalf of the child
 42 before the date of the final decision:

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- 1 (1) any programs or services implemented during the appeal
 2 initiated under subsection (d), other than the cost of an
 3 out-of-home placement ordered by the juvenile court; and
 4 (2) any out-of-home placement ordered by the juvenile court and
 5 implemented after entry of the dispositional decree or
 6 modification order, if the juvenile court has made written findings
 7 that the placement is an emergency required to protect the health
 8 and welfare of the child.

9 If the court has not made written findings that the placement is an
 10 emergency, the county in which the juvenile court is located is
 11 responsible for payment of all costs of the placement, including the
 12 cost of services and programs provided by the home or facility where
 13 the child was placed. **department shall file a notice with the Indiana
 14 judicial center.**

15 SECTION 72. IC 31-37-20-3, AS AMENDED BY P.L.146-2008,
 16 SECTION 656, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The court shall hold a formal
 18 hearing on the question of continued jurisdiction:

- 19 (1) every eighteen (18) months after:
 20 (A) the date of the original dispositional decree; or
 21 (B) a delinquent child was removed from the child's parent,
 22 guardian, or custodian;
 23 whichever comes first; or
 24 (2) more often if ordered by the juvenile court.

25 (b) The state must show that jurisdiction should continue by proving
 26 that the objectives of the dispositional decree have not been
 27 accomplished and that a continuation of the decree with or without
 28 modifications has a probability of success.

29 (c) If the state does not sustain the state's burden for continued
 30 jurisdiction, the court may:

- 31 (1) authorize a petition for termination of the parent-child
 32 relationship; or
 33 (2) discharge the child or the child's parent, guardian, or
 34 custodian.

35 (d) A jurisdictional review of the dispositional decree, including a
 36 review of the child's permanency plan, if required under
 37 IC 31-37-19-1.5, shall be held at least once every twelve (12) months.

38 **(e) The department shall refer a child's permanency plan to a
 39 permanency roundtable before a jurisdiction review under
 40 subsection (d). The permanency roundtable may make
 41 recommendations regarding a permanency plan, and the**

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1 **recommendations must be included in a report under section 2 of**
 2 **this chapter.**

3 SECTION 73. IC 31-37-20-4, AS AMENDED BY P.L.146-2008,
 4 SECTION 657, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2012]: Sec. 4. Before a hearing under section
 6 2 or 3 of this chapter, the probation department shall prepare a report
 7 in accordance with IC 31-37-21 on the progress made in implementing
 8 the dispositional decree. **A report under this section will also include**
 9 **recommendations from the permanency roundtable under section**
 10 **3 of this chapter.**

11 SECTION 74. IC 31-40-1-2, AS AMENDED BY P.L.204-2011,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 2. (a) Except as otherwise provided in this section
 14 and subject to:

15 (1) this chapter; and

16 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
 17 law relating to the particular program, activity, or service for
 18 which payment is made by or through the department;

19 the department shall pay the cost of any child services provided by or
 20 through the department for any child or the child's parent, guardian, or
 21 custodian.

22 (b) The department shall pay the cost of returning a child under
 23 IC 31-37-23 or IC 11-13-4.5-1.5.

24 (c) Except as provided under section 2.5 of this chapter, the
 25 department is not responsible for payment of any costs of secure
 26 detention.

27 (d) The department is not responsible for payment of any costs or
 28 expenses for child services for a child if:

29 (1) the juvenile court has not entered the required findings and
 30 conclusions in accordance with IC 31-34-5-3, IC 31-34-20-1,
 31 IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is
 32 applicable); and

33 (2) the department has determined that the child otherwise meets
 34 the eligibility requirements for assistance under Title IV-E of the
 35 federal Social Security Act (42 U.S.C. 670 et seq.);

36 (e) In all cases under this title, if the juvenile court orders services;
 37 programs; or placements that:

38 (1) are not eligible for federal assistance under either Title IV-B
 39 of the federal Social Security Act (42 U.S.C. 620 et seq.) or Title
 40 IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);
 41 and

42 (2) have not been recommended or approved by the department;

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1 the department is not responsible for payment of the costs of those
2 services, programs, or placements.

3 **(d) The department is not responsible for the payment of any**
4 **costs or expenses for child services for a child placed in a child**
5 **caring institution, a group home, or a private secure facility if the**
6 **entity does not have an executed contract with the department,**
7 **unless the child services are recommended or approved by the**
8 **director or designee of the director.**

9 (f) (e) The department is not responsible for payment of any costs
10 or expenses for housing or services provided to or for the benefit of a
11 child placed by a juvenile court in a home or facility located outside
12 Indiana, if the placement is not recommended or approved by the
13 director of the department or the director's designee.

14 (g) The department is not responsible for payment of any costs or
15 expenses of child services for a delinquent child under a dispositional
16 decree entered under IC 31-37-19; if the probation officer who
17 prepared the predispositional report did not submit to the department
18 the information relating to determination of eligibility of the child for
19 assistance under Title IV-E of the Social Security Act (42 U.S.C. 670
20 et seq.); as required by IC 31-37-17-1(a)(3):

21 (h) If:

22 (1) the department is not responsible for payment of costs or
23 expenses of services, programs, or placements ordered by a court
24 for a child or the child's parent, guardian, or custodian; as
25 provided in this section; and

26 (2) another source of payment for those costs or expenses is not
27 specified in this section or other applicable law;

28 the county in which the child in need of services case or delinquency
29 case was filed is responsible for payment of those costs and expenses:

30 (i) (f) If a county is responsible for the payment of:

31 (1) any costs or expenses of services for or the placement of a
32 child in need of services; or

33 (2) the costs or expenses of services for or the placement of a
34 delinquent child;

35 the court may order the parents to reimburse the county as set forth in
36 section 3.8 of this chapter.

37 **SECTION 75. An emergency is declared for this act.**

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