
HOUSE BILL No. 1086

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-40-1-2.

Synopsis: Placement of juveniles outside Indiana. Removes a provision stating that the department of child services (department) is responsible for payment of any costs or expenses for housing or services provided to or for the benefit of a child placed by a juvenile court in a home or facility located outside Indiana only if the director of the department or the director's designee recommends or approves the placement. Provides that the department is responsible for these costs and expenses if a juvenile court places a child in a home or facility that is located outside Indiana and: (1) the juvenile court makes written findings based on clear and convincing evidence that: (A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or (B) the location of the home or facility is within a distance not greater than 50 miles from the county of residence of the child; or the placement is recommended or approved by the director of the department or the director's designee; and (2) the placement is less expensive than similar services that can be provided in Indiana.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Family, Children and Human Affairs.

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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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HOUSE BILL No. 1086



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 31-40-1-2, AS AMENDED BY P.L.204-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 2. (a) Except as otherwise provided in this section
4 and subject to:
5 (1) this chapter; and
6 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
7 law relating to the particular program, activity, or service for
8 which payment is made by or through the department;
9 the department shall pay the cost of any child services provided by or
10 through the department for any child or the child's parent, guardian, or
11 custodian.
12 (b) The department shall pay the cost of returning a child under
13 IC 31-37-23.
14 (c) Except as provided under section 2.5 of this chapter, the
15 department is not responsible for payment of any costs of secure
16 detention.
17 (d) The department is not responsible for payment of any costs or



- 1 expenses for child services for a child if:
- 2 (1) the juvenile court has not entered the required findings and
- 3 conclusions in accordance with IC 31-34-5-3, IC 31-34-20-1,
- 4 IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is
- 5 applicable); and
- 6 (2) the department has determined that the child otherwise meets
- 7 the eligibility requirements for assistance under Title IV-E of the
- 8 federal Social Security Act (42 U.S.C. 670 et seq.).
- 9 (e) In all cases under this title, if the juvenile court orders services,
- 10 programs, or placements that:
- 11 (1) are not eligible for federal assistance under either Title IV-B
- 12 of the federal Social Security Act (42 U.S.C. 620 et seq.) or Title
- 13 IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);
- 14 and
- 15 (2) have not been recommended or approved by the department;
- 16 the department is not responsible for payment of the costs of those
- 17 services, programs, or placements.
- 18 (f) The department is not responsible for payment of any costs or
- 19 expenses for housing or services provided to or for the benefit of a
- 20 child placed by a juvenile court in a home or facility located outside
- 21 Indiana, if the placement:
- 22 **(1) is not recommended or approved by the director of the**
- 23 **department or the director's designee; does not comply with the**
- 24 **conditions stated in IC 31-34-20-1(b) or IC 31-37-19-3(b); and**
- 25 **(2) is more expensive than similar services that can be**
- 26 **provided in Indiana.**
- 27 (g) The department is not responsible for payment of any costs or
- 28 expenses of child services for a delinquent child under a dispositional
- 29 decree entered under IC 31-37-19, if the probation officer who
- 30 prepared the predispositional report did not submit to the department
- 31 the information relating to determination of eligibility of the child for
- 32 assistance under Title IV-E of the Social Security Act (42 U.S.C. 670
- 33 et seq.), as required by IC 31-37-17-1(a)(3).
- 34 (h) If:
- 35 (1) the department is not responsible for payment of costs or
- 36 expenses of services, programs, or placements ordered by a court
- 37 for a child or the child's parent, guardian, or custodian, as
- 38 provided in this section; and
- 39 (2) another source of payment for those costs or expenses is not
- 40 specified in this section or other applicable law;
- 41 the county in which the child in need of services case or delinquency
- 42 case was filed is responsible for payment of those costs and expenses.

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1 (i) If a county is responsible for the payment of:
2 (1) any costs or expenses of services for or the placement of a
3 child in need of services; or
4 (2) the costs or expenses of services for or the placement of a
5 delinquent child;
6 the court may order the parents to reimburse the county as set forth in
7 section 3.8 of this chapter.

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