



January 13, 2012

## SENATE BILL No. 286

DIGEST OF SB 286 (Updated January 11, 2012 12:54 pm - DI 107)

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

**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 protected person if the department is going to provide financial assistance to a guardian for the benefit of the protected 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  
(Continued next page)

C  
o  
p  
y

**Effective:** Upon passage; July 1, 2012.

---

---

**Lawson C, Lanane**

---

---

January 5, 2012, read first time and referred to Committee on Judiciary.  
January 12, 2012, amended, reported favorably — Do Pass.

---

---

SB 286—LS 6876/DI 107+



Digest Continued

or group home caring for the child 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.

C  
o  
p  
y



January 13, 2012

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.

C  
O  
P  
Y

## 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.

SB 286—LS 6876/DI 107+



- 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.

C  
O  
P  
Y

- 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

C  
O  
P  
Y

- 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

C  
O  
P  
Y



- 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

C  
O  
P  
Y

- 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)).

C  
o  
p  
y



- 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

C  
O  
P  
Y

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

C  
O  
P  
Y



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 or the proposed guardian  
13 shall notify the court creating a guardianship if the department of  
14 child services has approved financial assistance to a guardian for  
15 the benefit of the protected person, as a component of child  
16 services (as defined in IC 31-9-2-17.8(1)(E)). If the guardian will be  
17 provided assistance as a component of child services, the court  
18 shall order the guardian to provide financial support to the  
19 protected person to the extent the following resources do not fully  
20 support the needs of the protected person:**

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

C  
o  
p  
y



- 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.

COPY



- 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.

COPY



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);

C  
o  
p  
y



- 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 UPON PASSAGE]: Sec. 106.5. "Related", for purposes  
 42 of IC 31-27 and IC 31-28-5.8, means any of the following

COPY



1 relationships to an individual who is less than eighteen (18) years of  
2 age by 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 in the  
21 least restrictive, most family like, and most appropriate setting  
22 available and close to the parent's home, consistent with the best  
23 interests and special needs of the child.**

24 SECTION 12. IC 31-9-2-117.5 IS REPEALED [EFFECTIVE JULY  
25 1, 2012]. **Sec. 117.5: "Special needs foster family home", for purposes  
26 of IC 31-27, means a foster family home:**

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

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

- 41 (1) that provides care to:
  - 42 (A) a child; or

C  
o  
p  
y



1 (B) an individual at least eighteen (18) but less than  
2 ~~twenty-one (21)~~ **twenty (20)** years of age receiving ~~foster care~~  
3 ~~for older youth collaborative care~~ under ~~IC 31-28-5.7-1;~~  
4 **IC 31-28-5.8-1;**

5 who has serious emotional disturbances, significant behavioral  
6 health needs and functional impairments, or developmental or  
7 physical disabilities;

8 (2) in which the child or individual receives treatment in a family  
9 home through an integrated array of services supervised and  
10 supported by qualified program staff from:

- 11 (A) the department of child services;
- 12 (B) a managed care provider that contracts with the division of  
13 mental health and addiction; or
- 14 (C) a licensed child placing agency; and

15 (3) that meets the additional requirements of IC 31-27-4-2.

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

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

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

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

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

33 (1) ~~data and statistical information regarding the number of~~  
34 ~~individuals receiving foster care who are notified of the~~  
35 ~~twenty-first century scholars program under IC 21-12-6 and~~  
36 ~~IC 21-12-6.5, including the percentage of individuals receiving~~  
37 ~~foster care who are notified; and~~

38 (2) ~~information regarding how the department notifies individuals~~  
39 ~~in foster care of the twenty-first century scholars program under~~  
40 ~~IC 21-12-6 and IC 21-12-6.5.~~

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

C  
o  
p  
y



1 SECTION 16. IC 31-25-2-21, AS AMENDED BY P.L.131-2009,  
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 21. (a) As used in this section, "transitional  
 4 services plan" means a plan that provides information concerning the  
 5 following to an individual described in subsection (b):

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

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

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

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

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

- 31 (1) **a child's permanency plan under IC 31-34-21-5.7 if the**  
 32 **child is placed in a child caring institution, group home, or**  
 33 **private secure facility; and**  
 34 (2) **a child's permanency plan under IC 31-37-20-3 if the child**  
 35 **is placed in a child caring institution, group home, or private**  
 36 **secure facility;**

37 **and make recommendations to the court.**

38 (b) **The department shall establish a residential placement**  
 39 **committee (as defined in IC 31-9-2-109.5). The residential**  
 40 **placement committee shall, before a case plan is approved by the**  
 41 **local office or court, review:**

- 42 (1) **a child's placement in a child caring institution, group**



C  
O  
P  
Y

1 **home, or private secure facility under IC 31-34-15-2; and**  
2 **(2) a child's placement in a child caring institution, group**  
3 **home, or private secure facility under IC 31-37-19-1.5;**  
4 **and make recommendations to the court.**

5 SECTION 18. IC 31-27-3-10, AS ADDED BY P.L.145-2006,  
6 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The department may  
8 grant a waiver of the ~~sixty (60)~~ **twenty (20)** day maximum stay for a  
9 child if the child caring institution licensed as a shelter care facility  
10 applies for the waiver before the expiration of the ~~sixty (60)~~ **twenty**  
11 **(20)** day period.

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

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

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

- 21 (c) A person may not operate a foster family home if:  
22 (1) the number of children maintained on the premises at any one  
23 (1) time is greater than the number authorized by the license; or  
24 (2) the children are maintained in a building or place not  
25 designated by the license.

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

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

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

- 36 (1) all the ~~licensing certification~~ requirements of a foster family  
37 home; and  
38 (2) the additional requirements described in this section.

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

- 41 (1) Be licensed as a foster parent under this chapter and 465  
42 IAC 2-1-1 et seq.

C  
o  
p  
y



- 1 (2) Participate in preservice training that includes:
- 2 (A) preservice training to be licensed as a foster parent under
- 3 465 IAC 2-1-1 et seq.; and
- 4 (B) additional preservice training in therapeutic foster care.
- 5 (e) A person who is issued a ~~license~~ **certificate** to operate a
- 6 therapeutic foster family home shall, within one (1) year after meeting
- 7 the training requirements of subsection (d)(2) and, annually thereafter,
- 8 participate in training that includes:
- 9 (1) training as required in order to be licensed as a foster parent
- 10 under 465 IAC 2-1-1 et seq.; and
- 11 (2) additional training in ~~order to be licensed as a~~ therapeutic
- 12 foster ~~parent under this chapter.~~ **care.**
- 13 (f) An operator of a therapeutic foster family home may not provide
- 14 supervision and care in a therapeutic foster family home to more than
- 15 four (4) children at the same time, including the children for whom the
- 16 applicant or operator is a parent, stepparent, guardian, custodian, or
- 17 other relative, and only two (2) of the children may be foster children.
- 18 The department may grant an exception to this subsection whenever the
- 19 placement of siblings in the same therapeutic foster family home is
- 20 desirable, the foster child has an established, meaningful relationship
- 21 with the therapeutic foster parent, or it is otherwise in the foster child's
- 22 best interests.
- 23 (g) An operator of a therapeutic foster family home that has a
- 24 therapeutic foster child placed with the therapeutic foster family home
- 25 may not accept a placement of a child who is not a therapeutic foster
- 26 child unless the child who is not a therapeutic foster child is a sibling
- 27 of the therapeutic foster child who is placed with the therapeutic foster
- 28 family home or it is in the best interests of the child being placed.
- 29 (h) A therapeutic foster family home may provide care for an
- 30 individual receiving ~~foster care for older youth~~ **collaborative care**
- 31 under ~~IC 31-28-5.7-1~~ **IC 31-28-5.8-1.** ~~if the individual is no longer~~
- 32 ~~under the care and supervision of a juvenile court.~~
- 33 (i) ~~An individual who receives foster care for older youth under~~
- 34 ~~IC 31-28-5.7-1 in a therapeutic foster family home shall not be~~
- 35 ~~considered in determining whether the therapeutic foster family home~~
- 36 ~~meets or exceeds the limit set forth in subsection (f).~~
- 37 (j) (i) The department shall adopt rules under IC 4-22-2, including
- 38 emergency rules under IC 4-22-2-37.1, necessary to carry out this
- 39 section, including rules governing the number of hours of training
- 40 required under subsections (d) and (e).
- 41 (k) (j) If a therapeutic foster family home does not meet the
- 42 requirements under subsection (f) or (g) on July 1, 2011, any foster

COPY



1 child placed in the home prior to July 1, 2011, may remain placed.  
 2 However, a new placement of a child may not be made in violation of  
 3 this section.

4 SECTION 21. IC 31-27-4-3 IS REPEALED [EFFECTIVE JULY 1,  
 5 2012]. Sec. 3: (a) A person may not operate a special needs foster  
 6 family home without a license issued under this article:

7 (b) The state or a political subdivision of the state may not operate  
 8 a special needs foster family home without a license issued under this  
 9 article:

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

- 12 (1) all the licensing requirements of a foster family home; and
- 13 (2) the additional requirements described in this section:

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

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

- 21 (1) training as required in order to be licensed as a foster parent  
 22 under 465 IAC 2-1-1 et seq.; and
- 23 (2) additional training that includes specialized training to meet  
 24 the child's or individual's specific needs:

25 (f) An operator of a special needs foster family home may not  
 26 provide supervision and care as a special needs foster family home if  
 27 more than:

- 28 (1) five (5) individuals; each of whom:  
 29 (A) is less than eighteen (18) years of age; or  
 30 (B) is at least eighteen (18) years of age and is receiving care  
 31 and supervision under an order of a juvenile court; or  
 32 (2) four (4) individuals less than six (6) years of age;

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

42 (g) An individual who receives foster care for older youth under



C  
O  
P  
Y

1 IC 31-28-5.7-1 in a special needs foster family home shall not be  
 2 considered in determining whether the special needs foster family  
 3 home meets or exceeds the limit set forth in subsection (f)(1):

4 (h) The department shall consider the specific needs of each special  
 5 needs foster child or individual whenever the department determines  
 6 the appropriate number of children or individuals to place in the special  
 7 needs foster home under subsection (f). The department may require a  
 8 special needs foster family home to provide care and supervision to less  
 9 than the maximum number of children or individuals allowed under  
 10 subsection (f) upon consideration of the specific needs of a special  
 11 needs foster child or individual.

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

16 (j) The department shall adopt rules under IC 4-22-2, including  
 17 emergency rules under IC 4-22-2-37.1, necessary to carry out this  
 18 section, including rules governing the number of hours of training  
 19 required under subsection (e):

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

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

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

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

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

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

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

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

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

40 (1) the placement of siblings in the same foster family home is  
 41 desirable;

42 (2) a foster child has an established, meaningful relationship with

C  
O  
P  
Y



1 the foster parents; or  
 2 (3) it is otherwise in the foster child's best interests.  
 3 ~~(d)~~ An individual who receives foster care for older youth under  
 4 IC 31-28-5.7-1 in a foster family home shall not be considered in  
 5 determining whether the foster family home meets or exceeds the limit  
 6 set forth in subsection (a)(1).  
 7 ~~(e)~~ (d) If a foster family home does not meet the requirements under  
 8 subsection (a) on July 1, 2011, any foster child placed in the home prior  
 9 to July 1, 2011, may remain placed. However, a new placement of a  
 10 child may not be made in violation of this section.  
 11 SECTION 23. IC 31-27-4-9, AS ADDED BY P.L.145-2006,  
 12 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) A person may operate a**  
 14 **foster family home without a license issued under this article if the**  
 15 **person is providing care and supervision only for one (1) or more**  
 16 **individuals related to the person, as defined in IC 31-9-2-106.5.**  
 17 (a) (b) An applicant may apply for a foster family home license even  
 18 if the applicant will be providing care and supervision under an order  
 19 of a juvenile court to a niece, nephew, sibling, or grandchild: **related**  
 20 **person.**  
 21 ~~(b)~~ (c) If an applicant described in subsection (a) otherwise qualifies  
 22 for a foster family home license, the department may issue a foster  
 23 family home license to the applicant.  
 24 SECTION 24. IC 31-27-5-11, AS ADDED BY P.L.145-2006,  
 25 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department may  
 27 grant a waiver of the ~~sixty (60)~~ **twenty (20)** day maximum stay for a  
 28 child if the group home licensed as a shelter care facility applies for the  
 29 waiver before the expiration of the ~~sixty (60)~~ **twenty (20)** day period.  
 30 (b) The group home shall document in the request for a waiver that  
 31 the waiver is in the best interest of the child.  
 32 SECTION 25. IC 31-28-5.7 IS REPEALED [EFFECTIVE UPON  
 33 PASSAGE]. (Older Youth Foster Care).  
 34 SECTION 26. IC 31-28-5.8 IS ADDED TO THE INDIANA CODE  
 35 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]:  
 37 **Chapter 5.8. Collaborative Care**  
 38 **Sec. 1. As used in this chapter, "collaborative care" means any**  
 39 **services or payments for services that the department provides**  
 40 **under the terms of a collaborative care agreement, while the older**  
 41 **youth is residing in:**  
 42 (1) a foster family home licensed under IC 31-27-4 or a

COPY



- 1 comparable law in the state where the home is located;  
 2 (2) a host home under an agreement with the older youth  
 3 approved by the department;  
 4 (3) a child caring institution licensed under IC 31-27-3;  
 5 (4) a group home licensed under IC 31-27-5; or  
 6 (5) a supervised independent living arrangement approved by  
 7 the department.

8 **Sec. 2. As used in this chapter, "collaborative care agreement"**  
 9 **means a voluntary agreement that:**

- 10 (1) is signed by the department and the older youth;  
 11 (2) is approved by a juvenile court under this chapter;  
 12 (3) includes provisions required or authorized under the  
 13 department's rules concerning collaborative care services;  
 14 and  
 15 (4) may be amended by agreement between the department  
 16 and older youth without review or approval by the court.

17 **Sec. 3. As used in this chapter, "host home" means:**

- 18 (1) the home of a person related to an older youth that is not  
 19 licensed under IC 31-27-4 or a comparable law in another  
 20 state where the home is located; or  
 21 (2) the home of one (1) or more adults who are not related to  
 22 the older youth.

23 **Sec. 4. As used in this chapter, "older youth" means an**  
 24 **individual who is at least eighteen (18) years of age but less than**  
 25 **twenty (20) years age.**

26 **Sec. 5. (a) An older youth who received foster care under a court**  
 27 **order during the month before the individual became eighteen (18)**  
 28 **years of age is eligible to receive collaborative care services at any**  
 29 **time until the individual becomes twenty (20) years of age.**

30 **(b) An older youth may request the department to petition a**  
 31 **juvenile court for approval of a collaborative care agreement**  
 32 **under this chapter.**

33 **(c) A court shall grant a petition described in subsection (b) if**  
 34 **the court finds, consistent with applicable rules of the department,**  
 35 **that the older youth is:**

- 36 (1) employed;  
 37 (2) attending school or a vocational or educational  
 38 certification or degree program;  
 39 (3) participating in a program or activity designed to promote  
 40 or remove barriers to employment; or  
 41 (4) incapable of performing any of the activities in  
 42 subdivisions (1) through (3) due to a medical condition



C  
O  
P  
Y

1           documented by regularly updated information in the older  
2           youth's current case plan.

3           (d) A child who:

- 4           (1) is at least seventeen (17) years and six (6) months of age;  
5           (2) is receiving foster care under a court order; and  
6           (3) expects to be eligible for collaborative care under this  
7           chapter when the child becomes an older youth;

8           may request the department to start the process of planning for  
9           collaborative care under this chapter.

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

- 13          (1) 45 CFR 1356.21(g);  
14          (2) IC 31-34-15-4; and  
15          (3) the collaborative care agreement.

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

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

22          Sec. 7. (a) A court that approves a collaborative care agreement  
23          under this chapter shall conduct periodic reviews during the term  
24          of the agreement. The court shall review the agreement and the  
25          progress made in complying with the provisions of the agreement  
26          and case plan developed under section 6 of this chapter.

27          (b) The court shall conduct each periodic review in a formal  
28          court hearing.

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

- 32          (1) The older youth.  
33          (2) The foster parent or any other caretaker with whom the  
34          youth is living, if applicable.  
35          (3) Any caseworker responsible for visitation with the youth.  
36          (4) Any person or agency identified in the collaborative care  
37          agreement as a provider of services to the older youth.  
38          (5) Any person or entity providing independent living services  
39          to the older youth developed under IC 31-25-2-7(a)(9) or 465  
40          IAC 2-14.

41          (d) A person to whom the department gives notice under  
42          subsection (c) is entitled to participate in a periodic review hearing

C  
O  
P  
Y



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

as set forth in IC 31-34-21-4(d).

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

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

- (1) not later than six (6) months after the date the court grants a petition under section 5 of this chapter; and
- (2) at least once every six (6) months until the collaborative care agreement is terminated.

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

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

- (1) expiration of the term of the collaborative care agreement; or
- (2) termination of the collaborative care agreement as set forth in the agreement or by department rules.

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

- (1) hold a hearing regarding the cause of the termination of the collaborative care agreement; and
- (2) enter an order containing findings and conclusions regarding whether the department properly terminated the agreement for good cause.

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

**Sec. 10. (a)** This section applies to an individual receiving older youth foster care under IC 31-28-5.7 before the effective date of this chapter.

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

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

C  
O  
P  
Y



1           **(1) IC 31-28-5.7 and rules of the department adopted under**  
 2           **IC 31-28-5.7-2; and**  
 3           **(2) any placement agreement or transitional services plan**  
 4           **between the individual and department;**  
 5           **in effect before the effective date of this chapter.**

6           **(d) The department may adopt rules under IC 4-22-2, including**  
 7           **emergency rules under IC 4-22-2-37.1, necessary to implement this**  
 8           **section.**

9           **(e) This section expires June 30, 2015.**

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

- 15           (1) Proceedings in which a child, including a child of divorced  
 16           parents, is alleged to be a delinquent child under IC 31-37.
- 17           (2) Proceedings in which a child, including a child of divorced  
 18           parents, is alleged to be a child in need of services under  
 19           IC 31-34.
- 20           (3) Proceedings concerning the paternity of a child under  
 21           IC 31-14.
- 22           (4) Proceedings under the interstate compact on juveniles under  
 23           IC 31-37-23.
- 24           (5) Proceedings governing the participation of a parent, guardian,  
 25           or custodian in a program of care, treatment, or rehabilitation for  
 26           a child under IC 31-34-16 or IC 31-37-15.
- 27           (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and  
 28           IC 31-37-6 governing the detention of a child before a petition has  
 29           been filed.
- 30           (7) Proceedings to issue a protective order under IC 31-32-13.
- 31           (8) Proceedings in which a child less than sixteen (16) years of  
 32           age is alleged to have committed an act that would be a  
 33           misdemeanor traffic offense if committed by an adult.
- 34           (9) Proceedings in which a child is alleged to have committed an  
 35           act that would be an offense under IC 9-30-5 if committed by an  
 36           adult.
- 37           (10) Guardianship of the person proceedings for a child:
  - 38               (A) who has been adjudicated as a child in need of services;
  - 39               (B) for whom a juvenile court has approved a permanency  
 40               plan under IC 31-34-21-7 that provides for the appointment of  
 41               a guardian of the person; and
  - 42               (C) who is the subject of a pending child in need of services

C  
o  
p  
y



1 proceeding under IC 31-34.  
 2 (11) Proceedings concerning involuntary drug and alcohol  
 3 treatment under IC 31-32-16.  
 4 (12) Proceedings under the interstate compact for juveniles under  
 5 IC 11-13-4.5-1.5.  
 6 **(13) Proceedings under IC 31-28-5.8.**  
 7 ~~(13)~~ **(14)** Other proceedings specified by law.  
 8 SECTION 28. IC 31-30-2-1, AS AMENDED BY P.L.234-2007,  
 9 SECTION 167, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in  
 11 subsections (b) and (c), the juvenile court's jurisdiction over a  
 12 delinquent child or a child in need of services and over the child's  
 13 parent, guardian, or custodian continues until:  
 14 (1) the child becomes twenty-one (21) years of age, unless the  
 15 court discharges the child and the child's parent, guardian, or  
 16 custodian at an earlier time; or  
 17 (2) guardianship of the child is awarded to the department of  
 18 correction.  
 19 (b) The juvenile court may, on its own motion, after guardianship of  
 20 a child is awarded to the department of correction, reinstate the court's  
 21 jurisdiction for the purpose of ordering the child's parent, guardian, or  
 22 custodian to participate in programs operated by or through the  
 23 department of correction.  
 24 (c) The juvenile court's jurisdiction over a parent or guardian of the  
 25 estate of a child under this section continues until the parent or  
 26 guardian of the estate has satisfied the financial obligation of the parent  
 27 or guardian of the estate that is imposed under IC 31-40 (or  
 28 IC 31-6-4-18 before its repeal).  
 29 (d) **Except as provided in subsection (g)**, the jurisdiction of the  
 30 juvenile court over a proceeding described in IC 31-30-1-1(10) for a  
 31 guardianship of the person continues until the earlier of the date that:  
 32 (1) the juvenile court terminates the guardianship of the person;  
 33 or  
 34 (2) the child becomes:  
 35 (A) nineteen (19) years of age, if a child who is at least  
 36 eighteen (18) years of age is a full-time student in a secondary  
 37 school or the equivalent level of vocational or career and  
 38 technical education; or  
 39 (B) eighteen (18) years of age, if clause (A) does not apply.  
 40 If the guardianship of the person continues after the child becomes the  
 41 age specified in subdivision (2), the juvenile court shall transfer the  
 42 guardianship of the person proceedings to a court having probate

COPY



1 jurisdiction in the county in which the guardian of the person resides.  
2 If the juvenile court has both juvenile and probate jurisdiction, the  
3 juvenile court may transfer the guardianship of the person proceedings  
4 to the probate docket of the court.

5 (e) The jurisdiction of the juvenile court to enter, modify, or enforce  
6 a support order under IC 31-40-1-5 continues during the time that the  
7 court retains jurisdiction over a guardianship of the person proceeding  
8 described in IC 31-30-1-1(10).

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

13 **(g) A juvenile court may retain jurisdiction over an older youth,**  
14 **as defined in IC 31-28-5.8-4, who is a recipient or beneficiary of:**

- 15 **(1) kinship guardianship assistance under Title IV-E of the**
- 16 **federal Social Security Act (42 U.S.C. 673), as amended; or**
- 17 **(2) other financial assistance provided to or for the benefit of**
- 18 **a child who:**

19 **(A) was previously adjudicated as a child in need of**  
20 **services or delinquent child;**

21 **(B) is a protected person under a legal guardianship if**  
22 **IC 29-3-8-9(f) applies; and**

23 **(C) is approved for assistance under a rule or published**  
24 **policy of the department.**

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

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

37 SECTION 30. IC 31-31-7-3 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2012]: Sec. 3. **A juvenile court may appoint a person to serve as**  
40 **a guardian ad litem or court appointed special advocate services**  
41 **only if the person has completed training appropriate for their role**  
42 **including training in:**

C  
o  
p  
y



1           **(1) the prevention, identification and treatment of child abuse**  
2           **and neglect; and**  
3           **(2) early childhood, child, and adolescent development;**  
4           **set forth in 42 U.S.C. 5106.**  
5           SECTION 31. IC 31-33-18-2, AS AMENDED BY  
6           P.L.182-2009(ss), SECTION 380, IS AMENDED TO READ AS  
7           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The reports and other  
8           material described in section 1(a) of this chapter and the unredacted  
9           reports and other material described in section 1(b) of this chapter shall  
10          be made available only to the following:  
11          (1) Persons authorized by this article.  
12          (2) A legally mandated public or private child protective agency  
13          investigating a report of child abuse or neglect or treating a child  
14          or family that is the subject of a report or record.  
15          (3) A police or other law enforcement agency, prosecuting  
16          attorney, or coroner in the case of the death of a child who is  
17          investigating a report of a child who may be a victim of child  
18          abuse or neglect.  
19          (4) A physician who has before the physician a child whom the  
20          physician reasonably suspects may be a victim of child abuse or  
21          neglect.  
22          (5) An individual legally authorized to place a child in protective  
23          custody if:  
24                  (A) the individual has before the individual a child whom the  
25                  individual reasonably suspects may be a victim of abuse or  
26                  neglect; and  
27                  (B) the individual requires the information in the report or  
28                  record to determine whether to place the child in protective  
29                  custody.  
30          (6) An agency having the legal responsibility or authorization to  
31          care for, treat, or supervise a child who is the subject of a report  
32          or record or a parent, guardian, custodian, or other person who is  
33          responsible for the child's welfare.  
34          (7) An individual named in the report or record who is alleged to  
35          be abused or neglected or, if the individual named in the report is  
36          a child or is otherwise incompetent, the individual's guardian ad  
37          litem or the individual's court appointed special advocate, or both.  
38          (8) Each parent, guardian, custodian, or other person responsible  
39          for the welfare of a child named in a report or record and an  
40          attorney of the person described under this subdivision, with  
41          protection for the identity of reporters and other appropriate  
42          individuals.

COPY



- 1 (9) A court, for redaction of the record in accordance with section
- 2 1.5 of this chapter, or upon the court's finding that access to the
- 3 records may be necessary for determination of an issue before the
- 4 court. However, except for disclosure of a redacted record in
- 5 accordance with section 1.5 of this chapter, access is limited to in
- 6 camera inspection unless the court determines that public
- 7 disclosure of the information contained in the records is necessary
- 8 for the resolution of an issue then pending before the court.
- 9 (10) A grand jury upon the grand jury's determination that access
- 10 to the records is necessary in the conduct of the grand jury's
- 11 official business.
- 12 (11) An appropriate state or local official responsible for child
- 13 protection services or legislation carrying out the official's official
- 14 functions.
- 15 (12) A foster care review board established by a juvenile court
- 16 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
- 17 court's determination that access to the records is necessary to
- 18 enable the foster care review board to carry out the board's
- 19 purpose under IC 31-34-21.
- 20 (13) The community child protection team appointed under
- 21 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 22 enable the team to carry out the team's purpose under IC 31-33-3.
- 23 (14) A person about whom a report has been made, with
- 24 protection for the identity of:
  - 25 (A) any person reporting known or suspected child abuse or
  - 26 neglect; and
  - 27 (B) any other person if the person or agency making the
  - 28 information available finds that disclosure of the information
  - 29 would be likely to endanger the life or safety of the person.
- 30 (15) An employee of the department, a caseworker, or a juvenile
- 31 probation officer conducting a criminal history check under
- 32 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
- 33 appropriateness of an out-of-home placement for a:
  - 34 (A) child at imminent risk of placement;
  - 35 (B) child in need of services; or
  - 36 (C) delinquent child.
- 37 The results of a criminal history check conducted under this
- 38 subdivision must be disclosed to a court determining the
- 39 placement of a child described in clauses (A) through (C).
- 40 (16) A local child fatality review team established under
- 41 IC 31-33-24-6.
- 42 (17) The statewide child fatality review committee established by

COPY



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

COPY



1 fatality review team established under this chapter.

2 SECTION 36. IC 31-33-24-5.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2012]: **Sec. 5.5. (a) The department shall**  
5 **establish geographic regions for purposes of this chapter.**

6 **(b) The regions under subsection (a) may consist of one (1) or**  
7 **more counties.**

8 **(c) If the department has established regions of county or**  
9 **counties to carry out other duties of the department, the regions**  
10 **that the department establishes under subsection (a) must be the**  
11 **same regions the department has established to carry out the**  
12 **department's other duties.**

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

19 (1) sudden;

20 (2) unexpected; or

21 (3) unexplained;

22 **(4) assessed by the department for alleged abuse or neglect**  
23 **that resulted in the fatality; or**

24 **(5) determined by a coroner in the region served by the local**  
25 **child fatality review team to be the result of a homicide,**  
26 **suicide, or accident.**

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

30 **(c) If a county elects not to establish a county child fatality review**  
31 **team, the county may join with one (1) or more other counties that have**  
32 **not established a county child fatality review team and form a regional**  
33 **child fatality review team.**

34 **(d) To establish a regional child fatality review team as described in**  
35 **subsection (c), the legislative body of each county comprising the**  
36 **region must cast a majority of votes in favor of establishing a regional**  
37 **child fatality review team.**

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

41 (1) the department; or

42 (2) the local child fatality review team.



C  
o  
p  
y

1 (c) Subject to IC 34-30-15, if the local child fatality review team  
 2 requests records from a hospital, physician, coroner, law  
 3 enforcement officer, or mental health professional regarding a  
 4 death that the local child fatality review team is investigating, the  
 5 hospital, physician, coroner, law enforcement officer, or mental  
 6 health professional shall provide the requested records to the local  
 7 child fatality review team.

8 SECTION 38. IC 31-33-24-7, AS AMENDED BY P.L.225-2007,  
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 7. A child fatality review consists of ~~determining:~~

- 11 (1) ~~whether similar future deaths could be prevented; and~~  
 12 (2) ~~agencies or resources that should be involved to adequately~~  
 13 ~~prevent future deaths of children.~~

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

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

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

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

30 (2) A representative from:

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

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

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

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

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

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



C  
O  
P  
Y

- 1 (5) A representative from an emergency medical services provider  
 2 doing business in the area served by the local child fatality review  
 3 team.
- 4 (6) A ~~director or manager of a local or regional office~~ **regional**  
 5 **manager** of the department from the area served by the local  
 6 child fatality review team **or the regional manager's designee.**
- 7 (7) A representative of the prosecuting attorney from the area  
 8 served by the local child fatality review team.
- 9 (8) A pathologist with forensic experience who is licensed to  
 10 practice medicine in Indiana and who, if feasible, is certified by  
 11 the American Board of Pathology in forensic pathology.
- 12 (9) A representative from a fire department or volunteer fire  
 13 department (as defined in IC 36-8-12-2) from the area served by  
 14 the local child fatality review team.
- 15 **(10) A department attorney from the region served by the**  
 16 **local child fatality review team.**
- 17 **(11) A mental health provider providing services in the region**  
 18 **served by the local child fatality review team.**
- 19 **(12) A representative from a school district in the region**  
 20 **served by the local child fatality review team.**
- 21 (b) If a local child fatality review team is established in one (1)  
 22 county, the legislative body that voted to establish the local child  
 23 fatality review team under section 6 of this chapter shall:
- 24 (1) adopt an ordinance for the appointment and reappointment of  
 25 members of the local child fatality review team; and
- 26 (2) appoint members to the local child fatality review team under  
 27 the ordinance adopted.
- 28 (c) If a local child fatality review team is established in a region, the  
 29 county legislative bodies that voted to establish the local child fatality  
 30 review team under section 6 of this chapter shall:
- 31 (1) each adopt substantially similar ordinances for the  
 32 appointment and reappointment of members of the local child  
 33 fatality review team; and
- 34 (2) appoint members to the local child fatality review team under  
 35 the ordinances adopted.
- 36 **(b) Each local office in the region shall submit to the department**  
 37 **at least one (1) name of an individual for each member described**  
 38 **in subsection (a)(1) through (a)(12) for the department's**  
 39 **consideration.**
- 40 (c) The director or the director's designee shall appoint  
 41 individuals from the list or lists provided under subsection (b) to  
 42 serve as members on the local child fatality review team.



C  
o  
p  
y

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

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

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

9 ~~(3) (2)~~ A representative from a juvenile or probate court in the  
 10 county or region served by the local child fatality review team.

11 ~~(4) (3)~~ Other representatives requested to serve by the members  
 12 of the local child fatality review team.

13 **(4) A representative from the department of natural resources**  
 14 **who lives or works in the region served by the local child**  
 15 **fatality review team.**

16 **(5) A representative from Prevent Child Abuse Indiana (an**  
 17 **organization for the prevention of child abuse) who lives or**  
 18 **works in the region served by the local child fatality review**  
 19 **team.**

20 **(6) One (1) of the following:**

21 **(A) A court appointed special advocate who provides court**  
 22 **appointed special advocate services in the region served by**  
 23 **the local child fatality review team.**

24 **(B) A guardian ad litem who provides guardian ad litem**  
 25 **services in the region served by the local child fatality**  
 26 **review team.**

27 **(b) The director or the director's designee shall appoint an**  
 28 **additional member of a local child fatality review team in the same**  
 29 **manner that the director or the director's designee appoints a**  
 30 **member under section 9 of this chapter.**

31 SECTION 41. IC 31-33-24-11, AS ADDED BY P.L.145-2006,  
 32 SECTION 287, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) ~~Any member of a local child~~  
 34 ~~fatality review team may serve as chairperson. The chairperson shall be~~  
 35 ~~elected by the members of the local child fatality review team at the~~  
 36 ~~first meeting of the local child fatality review team. **The regional**~~  
 37 ~~**manager for the region served by a local child fatality review team**~~  
 38 ~~**is the chairperson of the local child fatality review team.**~~

39 (b) The local child fatality review team shall meet at the call of the  
 40 chairperson.

41 (c) The local child fatality review team chairperson shall determine  
 42 the agenda for each meeting.



C  
O  
P  
Y

1 SECTION 42. IC 31-33-24-15, AS AMENDED BY P.L.225-2007,  
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 15. (a) The department shall collect and document  
 4 information surrounding the deaths of children reviewed by local child  
 5 fatality review teams. The department shall develop a data collection  
 6 form that includes:

- 7 (1) identifying and nonidentifying information;  
 8 (2) information regarding the circumstances surrounding a death;  
 9 (3) factors contributing to a death; and  
 10 (4) findings and recommendations **that include the following**  
 11 **information:**

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

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

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

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

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

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

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

21 (1) The appropriate community child protection team.

22 (2) as appropriate:

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

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

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

29 ~~(3) the appropriate coroner and the pathologist who performed the~~  
 30 ~~autopsy on the child.~~

31 **(2) The chairperson of the statewide child fatality review**  
 32 **committee.**

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

34 **(c) Each local child fatality review team shall, using the form**  
 35 **established under this section, report to the department the**  
 36 **findings for each fatality that the local child fatality review team**  
 37 **reviews.**

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



C  
O  
P  
Y

1 (1) sudden;  
 2 (2) unexpected; or  
 3 (3) unexplained;  
 4 if the county where the child died does not have a local child fatality  
 5 review team or if the local child fatality review team requests a review  
 6 of the child's death by the statewide committee.

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

10 (c) A request submitted under subsection (b) must set forth:  
 11 (1) the name of the child;  
 12 (2) the age of the child;  
 13 (3) the county where the child died;  
 14 (4) whether a local child fatality review team reviewed the death;  
 15 and  
 16 (5) the cause of death of the deceased child.

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

22 (1) **determining** whether similar future deaths could be  
 23 prevented; and  
 24 (2) **identifying:**  
 25 (A) ~~agencies or resources and entities~~ that should be involved;  
 26 **and**  
 27 (B) **any other resources that should be used;**  
 28 to adequately prevent future deaths of children.

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

32 (1) the department; ~~of child services;~~ or  
 33 (2) a local child fatality review team.

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

41 SECTION 45. IC 31-33-26-9, AS AMENDED BY P.L.162-2011,  
 42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
O  
P  
Y



1 JULY 1, 2012]: Sec. 9. (a) Except as provided in sections 11 and 12 of  
 2 this chapter, the department shall conduct an administrative hearing  
 3 upon a request made under section 8 of this chapter.

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

7 (c) During an administrative hearing under this section, the  
 8 administrative hearing officer shall consider hearsay evidence to be  
 9 competent evidence and may not exclude hearsay based on the  
 10 technical rules of evidence. If not objected to, the hearsay evidence  
 11 may form the basis for an order. However, if the evidence is properly  
 12 objected to and does not fall within a recognized exception to the  
 13 hearsay rule, the resulting order may not be based solely upon the  
 14 hearsay evidence.

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

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

21 (f) The administrative hearing shall be closed.

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

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

27 **(1) the alleged perpetrator is licensed by the department of**  
 28 **education; or**

29 **(2) the incident happened on school property or at a school**  
 30 **function.**

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

36 (1) a report of suspected child abuse or neglect is properly  
 37 substantiated;

38 (2) child abuse or neglect occurred; or

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

40 the determination of the court is binding.

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



C  
O  
P  
Y

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

- 4 (1) the alleged child abuse or neglect did not occur; or  
5 (2) the person was not a perpetrator of the alleged child abuse or  
6 neglect.

7 **(d) The administrative hearing under this chapter shall be**  
8 **stayed pending the conclusion of any program of informal**  
9 **adjustment entered into by the perpetrator of the alleged child**  
10 **abuse or neglect.**

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

15 ~~(1)~~ not later than ten (10) working days after any of the following  
16 occurs:

17 ~~(A)~~ **(1)** A court having jurisdiction over a child in need of services  
18 proceeding determines that child abuse or neglect has not  
19 occurred.

20 ~~(B)~~ **(2)** An administrative hearing officer under this chapter finds  
21 that the child abuse or neglect report is unsubstantiated.

22 ~~(C)~~ **(3)** A court having juvenile jurisdiction enters an order for  
23 expungement of the report under ~~IC 31-33-7-6.5. IC 31-33-27-5.~~

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

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

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

30 (2) an administrative hearing officer under this chapter;  
31 finds that the person was not a perpetrator of the child abuse or neglect  
32 that occurred.

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

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

40 (c) If the department determines that the probative value of the  
41 information does not justify its retention in the index for an  
42 additional time, the department may, upon request of an interested

C  
o  
p  
y



1 person, expunge a substantiated report contained in the index. The  
2 agreement between the department and the person submitting the  
3 request may include a date by which the report will be expunged.

4 SECTION 48. IC 31-33-7-6.5 IS REPEALED [EFFECTIVE UPON  
5 PASSAGE]. Sec. 6.5: Child abuse or neglect information may be  
6 expunged under IC 31-39-8 if the probative value of the information is  
7 so doubtful as to outweigh its validity. Child abuse or neglect  
8 information shall be expunged if it is determined to be unsubstantiated  
9 after:

- 10 (1) an assessment by the department of a report of a child who
- 11 may be a victim of child abuse or neglect; or
- 12 (2) a court proceeding.

13 SECTION 49. IC 31-33-27 IS ADDED TO THE INDIANA CODE  
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]:

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

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

- 19 (1) the removal or deletion of all information maintained by
- 20 the department, concerning a report, assessment, or
- 21 determination under this article relating to an incident or
- 22 condition of child abuse or neglect; and
- 23 (2) the destruction or delivery of the information to a person
- 24 to whom the information pertains.

25 **Sec. 2. As used in this chapter, "information" includes all files**  
26 **and records created or maintained by the department. The term**  
27 **includes the original and copies of documents, correspondence,**  
28 **messages, photographs, videotapes, audio recordings, audiovisual**  
29 **recordings, and any other material contained in paper or digital**  
30 **form or in other media.**

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

- 35 (1) the department approved the assessment as
- 36 unsubstantiated; or
- 37 (2) the court in a child in need of services case entered a final
- 38 judgment based on a finding that child abuse or neglect did
- 39 not occur.

40 (b) The department may, upon the request of an interested  
41 person, expunge information relating to an unsubstantiated  
42 assessment of child abuse or neglect at any time, if the department

C  
O  
P  
Y



1 determines that the probative value of the information does not  
2 justify its retention in the records of the department.

3 (c) This subsection applies to information that is not expunged  
4 under subsection (a) or (b). The department may retain  
5 information relating to an unsubstantiated assessment of child  
6 abuse or neglect in electronic or paper records, digital form, or  
7 other media, that is accessible only by department employees with  
8 access rights established by the department through policy or rule.

9 (d) Information that is retained in the records of the department  
10 under subsection (c) may be used by the department to facilitate its  
11 assessment of a subsequent report concerning the same child or  
12 family.

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

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

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

24 (b) If the department determines that the probative value of the  
25 information does not justify its retention in the index for an  
26 additional time, the department may, upon request of an interested  
27 person, expunge information concerning a substantiated  
28 assessment of child abuse or neglect. The agreement between the  
29 department and the person submitting the request may include a  
30 date when the report will be expunged.

31 (c) The department shall amend information relating to a  
32 substantiated report by deleting the name of a person as an alleged  
33 perpetrator if:

- 34 (1) a court having jurisdiction over a child in need of services  
35 proceeding; or
- 36 (2) an administrative hearing officer under IC 31-33-26-9;  
37 finds that the person was not a perpetrator of the child abuse or  
38 neglect that occurred.

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

41 (b) An individual identified as a perpetrator of child abuse or  
42 neglect in a substantiated report may file a petition with a court

C  
o  
p  
y



1 exercising juvenile jurisdiction in the county in which the  
2 individual resides, requesting that the court order the department  
3 to expunge the substantiated report and related information.

4 (c) The petitioner shall:

- 5 (1) name the department as respondent in the petition; and
- 6 (2) serve the department with a copy of the petition and a  
7 summons.

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

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

- 13 (1) the factors listed in IC 31-39-8-3 in relation to the  
14 petitioner, if the substantiated report was the subject of a  
15 juvenile court case; and
- 16 (2) any facts relating to the petitioner's current status,  
17 activities, employment, contacts with children, or other  
18 circumstances relevant to consideration of whether the  
19 petition should be granted.

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

- 22 (1) there is little likelihood that the petitioner will be a future  
23 perpetrator of child abuse or neglect; and
- 24 (2) the information has insufficient current probative value to  
25 justify its retention in records of the department for future  
26 reference.

27 **Sec. 6. If the department expunges child abuse or neglect  
28 information under this chapter:**

- 29 (1) at the request of a perpetrator named in an assessment  
30 report;
- 31 (2) at or after the time for expungement specified in section  
32 4(a) of this chapter; or
- 33 (3) under a court order under section 5 of this chapter;

34 **IC 31-39-8-7 applies to any civil action brought against the  
35 department or any other agency, entity, or individual, if the  
36 content of the expunged information may be relevant to any issue  
37 in the civil action.**

38 **SECTION 50. IC 31-34-1-6 IS REPEALED [EFFECTIVE JULY 1,  
39 2012]. Sec. 6: A child is a child in need of services if before the child  
40 becomes eighteen (18) years of age:**

- 41 (1) the child substantially endangers the child's own health or the  
42 health of another individual; and

C  
O  
P  
Y



- 1           (2) the child needs care, treatment, or rehabilitation that:
- 2           (A) the child is not receiving; and
- 3           (B) is unlikely to be provided or accepted without the coercive
- 4           intervention of the court.

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

- 10           (1) entry of a dispositional decree under IC 31-34-20; or
- 11           (2) approval of a program of informal adjustment under
- 12           IC 31-34-8.

13           (b) Before a juvenile court orders or approves a service, a program,  
 14           or an out-of-home placement for a child that has not been  
 15           recommended by the department, the court shall submit the proposed  
 16           service, program, or placement to the department for consideration.  
 17           The department shall, within three (3) business days after receipt of the  
 18           court's proposal, submit to the court a report stating whether the  
 19           department approves or disapproves the proposed service, program, or  
 20           placement.

21           (c) If the department approves the service, program, or placement  
 22           recommended by the juvenile court, the court may enter an appropriate  
 23           order to implement the approved proposal. If the department does not  
 24           approve a service, program, or placement proposed by the juvenile  
 25           court, the department may recommend an alternative service, program,  
 26           or placement for the child.

27           (d) The juvenile court shall accept the recommendations of the  
 28           department regarding any predispositional services, programs, or  
 29           placement for the child, unless the juvenile court finds a  
 30           recommendation is:

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

34           (e) If the juvenile court does not accept the recommendations of the  
 35           department in the report submitted under subsection (b), the court may  
 36           enter an order that:

- 37           (1) requires the department to provide a specified service,
- 38           program, or placement until entry of a dispositional decree or
- 39           until the order is otherwise modified or terminated; and
- 40           (2) specifically states the reasons why the juvenile court is not
- 41           accepting the recommendations of the department, including the
- 42           court's findings under subsection (d).

COPY



1 (f) If the juvenile court enters its findings and order under  
 2 subsection (e), the department may appeal the juvenile court's order  
 3 under any available procedure provided by the Indiana Rules of Trial  
 4 Procedure or the Indiana Rules of Appellate Procedure to allow any  
 5 disputes arising under this section to be decided in an expeditious  
 6 manner.

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

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

13 (2) Any out-of-home placement ordered by the juvenile court and  
 14 implemented after entry of the court order of placement, if the  
 15 juvenile court order includes written findings that the placement  
 16 is an emergency required to protect the health and welfare of the  
 17 child.

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

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

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

31 (1) The child.

32 (2) The child's parent, guardian, custodian, guardian ad litem, or  
 33 court appointed special advocate.

34 (3) Any other person necessary for the proceedings.

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

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

41 (e) The court may schedule an additional initial hearing on the child  
 42 in need of services petition if necessary to comply with the procedures



C  
o  
p  
y

1 and requirements of this chapter with respect to any person to whom a  
2 summons has been issued under this section.

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

7 (1) granted an extension of time for extraordinary circumstances;

8 and

9 (2) stated the extraordinary circumstance in a written court order.

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

15 (1) provide a:

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

18 (B) person who is required to be notified under this  
19 subsection;

20 an opportunity to be heard; and

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

23 at the initial hearing.

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

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

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

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

36 (1) grants an extension of time for extraordinary circumstances;  
37 and

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

39 SECTION 53. IC 31-34-10-3, AS AMENDED BY P.L.234-2005,  
40 SECTION 180, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2012]: Sec. 3. Before complying with the other  
42 requirements of this chapter, the juvenile court shall first determine

C  
O  
P  
Y



1 whether the following conditions make it appropriate to appoint a  
 2 guardian ad litem or a court appointed special advocate, or both, for the  
 3 child:

- 4 (1) If the child is alleged to be a child in need of services:  
 5 ~~(A)~~ under IC 31-34-1-6;  
 6 ~~(B)~~ (A) under IC 31-34-1-10 or IC 31-34-1-11;  
 7 ~~(C)~~ (B) due to the inability, refusal, or neglect of the child's  
 8 parent, guardian, or custodian to supply the child with the  
 9 necessary medical care; or  
 10 ~~(D)~~ (C) because the location of both of the child's parents is  
 11 unknown;

12 the court shall appoint a guardian ad litem or court appointed  
 13 special advocate, or both, for the child.

- 14 (2) If the child is alleged to be a child in need of services under:  
 15 (A) IC 31-34-1-1;  
 16 (B) IC 31-34-1-2;  
 17 (C) IC 31-34-1-3;  
 18 (D) IC 31-34-1-4;  
 19 (E) IC 31-34-1-5;  
 20 (F) IC 31-34-1-7; or  
 21 (G) IC 31-34-1-8;

22 the court shall appoint a guardian ad litem, court appointed  
 23 special advocate, or both, for the child.

- 24 (3) If the parent, guardian, or custodian of a child denies the  
 25 allegations of a petition under section 6 of this chapter, the court  
 26 shall appoint a guardian ad litem, court appointed special  
 27 advocate, or both, for the child.

28 SECTION 54. IC 31-34-10-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~Except if a petition~~  
 30 ~~is filed under IC 31-34-1-6;~~ The juvenile court shall determine whether  
 31 the parent, guardian, or custodian admits or denies the allegations of  
 32 the petition. A failure to respond constitutes a denial.

33 SECTION 55. IC 31-34-10-7 IS REPEALED [EFFECTIVE JULY  
 34 1, 2012]. Sec. 7. ~~If a petition alleges that the child is a child in need of~~  
 35 ~~services under IC 31-34-1-6;~~ the juvenile court shall determine whether  
 36 the child admits or denies the allegations. ~~A failure to respond~~  
 37 ~~constitutes a denial.~~

38 SECTION 56. IC 31-34-11-1, AS AMENDED BY P.L.138-2007,  
 39 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), unless  
 41 the allegations of a petition have been admitted, the juvenile court shall  
 42 complete a factfinding hearing not more than sixty (60) days after a

C  
o  
p  
y



1 petition alleging that a child is a child in need of services is filed in  
2 accordance with IC 31-34-9.

3 (b) The juvenile court may extend the time to complete a factfinding  
4 hearing, as described in subsection (a), for an additional sixty (60) days  
5 if all parties in the action consent to the additional time.

6 (c) If the factfinding hearing is not held immediately after the initial  
7 hearing as provided under IC 31-34-10-9, the department shall provide  
8 notice of any factfinding hearing to each foster parent or other  
9 caretaker with whom the child has been placed for temporary care. The  
10 court shall provide a person who is required to be notified under this  
11 subsection an opportunity to be heard at the factfinding hearing.

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

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

- 21 (1) the child has been injured;  
22 (2) at the time the child was injured, the parent, guardian, or  
23 custodian:  
24 (A) had the care, custody, or control of the child; or  
25 (B) had legal responsibility for the care, custody, or control of  
26 the child; ~~and~~  
27 (3) the injury would not ordinarily be sustained except for the act  
28 or omission of a parent, guardian, or custodian; ~~and~~  
29 **(4) there is a reasonable probability that the injury was not**  
30 **accidental.**

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

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

41 SECTION 59. IC 31-34-14-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies



C  
o  
p  
y

1 to an action to determine whether a child is a child in need of services  
2 under:

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

6 SECTION 60. IC 31-34-19-1, AS AMENDED BY P.L.146-2006,  
7 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2012]: Sec. 1. (a) The juvenile court shall complete a  
9 dispositional hearing not more than thirty (30) days after the date the  
10 court finds that a child is a child in need of services to consider the  
11 following:

- 12 (1) Alternatives for the care, treatment, rehabilitation, or  
13 placement of the child.
- 14 (2) The necessity, nature, and extent of the participation by a  
15 parent, a guardian, or a custodian in the program of care,  
16 treatment, or rehabilitation for the child.
- 17 (3) The financial responsibility of the parent or guardian of the  
18 estate for services provided for the parent or guardian or the child.

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

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

- 26 (1) Consider the recommendations for the needs of the child for  
27 care, treatment, rehabilitation, or placement made by the  
28 department in the department's predispositional report.
- 29 (2) Consider the recommendations for the needs of the child for  
30 care, treatment, rehabilitation, or placement made by the parent,  
31 guardian or custodian, guardian ad litem or court appointed  
32 special advocate, foster parent, other caretaker of the child, or  
33 other party to the proceeding.
- 34 (3) If the juvenile court determines that the best interests of the  
35 child require consideration of other dispositional options, submit  
36 the juvenile court's own recommendations for care, treatment,  
37 rehabilitation, or placement of the child.

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

42 (c) If during or after conclusion of the dispositional hearing, the

C  
o  
p  
y



1 juvenile court does not accept the recommendations of the department  
 2 as set out under subsection (a) in the predispositional report and states  
 3 that the juvenile court wants the department to consider the  
 4 recommendations made under subsection (a)(2) or (a)(3), the  
 5 dispositional hearing shall be continued for not more than seven (7)  
 6 business days after service of notice of the juvenile court's  
 7 determination. The department shall consider the recommendations  
 8 that the juvenile court requested the department to consider and submit  
 9 to the juvenile court a supplemental predispositional report stating the  
 10 department's final recommendations and reasons for accepting or  
 11 rejecting the recommendations that were not included in the  
 12 department's original predispositional report. If the juvenile court  
 13 accepts the recommendations in the department's supplemental report,  
 14 the juvenile court may adopt the recommendations as its findings and  
 15 enter its dispositional decree.

16 (d) The juvenile court shall accept each final recommendation of the  
 17 department contained in a supplemental predispositional report  
 18 submitted under subsection (c), unless the juvenile court finds that a  
 19 recommendation is:

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

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

- 26 (1) enter its dispositional decree with its written findings and  
 27 conclusions under sections 6 and 10 of this chapter; and
- 28 (2) specifically state why the juvenile court is not accepting the  
 29 final recommendations of the department.

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

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

- 39 (1) Any programs or services implemented during the appeal  
 40 initiated under subsection (f), other than the cost of an  
 41 out-of-home placement ordered by the juvenile court.
- 42 (2) Any out-of-home placement ordered by the juvenile court and

C  
O  
P  
Y



1 implemented after entry of the dispositional decree or  
2 modification order, if the court has made written findings that the  
3 placement is an emergency required to protect the health and  
4 welfare of the child.

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

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

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

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

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

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

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

- 30 **(A) parent;**
- 31 **(B) guardian; or**
- 32 **(C) custodian; or**

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

- 34 **(A) parent;**
- 35 **(B) guardian; or**
- 36 **(C) custodian.**

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

40 SECTION 63. IC 31-34-21-5.7, AS AMENDED BY P.L.145-2006,  
41 SECTION 320, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2012]: Sec. 5.7. (a) This section applies at any

C  
o  
p  
y



1 phase of a child in need of services proceeding whenever a court enters  
 2 a finding that reasonable efforts to reunify or preserve a child's family  
 3 are not required under section 5.6 of this chapter.

4 (b) The department shall do the following:

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

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

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

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

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

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

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

23 (B) reasonable efforts to prevent the child's removal from the  
 24 child's home or to reunite the child with the child's parent,  
 25 guardian, or custodian.

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

32 (1) The attorney for the department.

33 (2) The child's court appointed special advocate.

34 (3) The child's guardian ad litem.

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

36 (1) The petition must be entitled "In the Matter of the Termination  
 37 of the Parent-Child Relationship of \_\_\_\_\_, a child, and  
 38 \_\_\_\_\_, the child's parent (or parents)".

39 (2) The petition must allege:

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

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

C  
O  
P  
Y



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

COPY



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

C  
O  
P  
Y

1 (3) That:

2 (A) IC 31-34-21-5.6 is not applicable to the child;

3 (B) the department has not provided family services to the  
4 child, parent, or family of the child, in accordance with  
5 applicable provisions of a currently effective case plan  
6 prepared under IC 31-34-15 or IC 31-37-19-1.5, or a  
7 permanency plan or dispositional decree approved under  
8 IC 31-34 or IC 31-37; and

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

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

17 SECTION 66. IC 31-35-2-6, AS AMENDED BY P.L.146-2006,  
18 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2012]: Sec. 6. (a) Except when a hearing is required after June  
20 30, 1999, under section 4.5 of this chapter, the person filing the petition  
21 **may shall** request the court to set the petition for a hearing. Whenever  
22 a hearing is requested under this chapter, the court shall:

23 (1) commence a hearing on the petition not more than ninety (90)  
24 days after a petition is filed under this chapter; and

25 (2) complete a hearing on the petition not more than one hundred  
26 eighty (180) days after a petition is filed under this chapter.

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

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

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

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

41 SECTION 68. IC 31-35-3-8 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A showing that

C  
o  
p  
y



1 an individual has been convicted of an offense described in section 4(1)  
 2 of this chapter is prima facie evidence that there is a reasonable  
 3 probability that:

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

8 **(b) A showing that a court has found under IC 31-34-21-5.6 that**  
 9 **the reasonable efforts to reunify a child with the child's parent,**  
 10 **guardian, or custodian are not required or the reasonable efforts**  
 11 **to preserve a child's family are not required is prima facie evidence**  
 12 **that there is a reasonable probability that:**

- 13 **(1) the conditions that resulted in the removal of the child**  
 14 **from the parent under a court order will not be remedied; or**  
 15 **(2) continuation of the parent-child relationship poses a threat**  
 16 **to the well-being of the child.**

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

- 22 (1) entry of a dispositional decree under IC 31-37-19; or  
 23 (2) approval of a program of informal adjustment under  
 24 IC 31-37-9.

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

- 28 (1) that is recommended by a probation officer or proposed by the  
 29 juvenile court;  
 30 (2) for which the costs would be payable by the department under  
 31 IC 31-40-1-2; and  
 32 (3) that has not been approved by the department;

33 the juvenile court shall submit the proposed service, program, or  
 34 placement to the department for consideration. The department shall,  
 35 not later than three (3) business days after receipt of the  
 36 recommendation or proposal, submit to the court a report stating  
 37 whether the department approves or disapproves the proposed service,  
 38 program, or placement.

39 (c) If the juvenile court makes written findings and concludes that  
 40 an emergency exists requiring an immediate out-of-home placement to  
 41 protect the health and welfare of the child, the juvenile court may order  
 42 or authorize implementation of the placement without first complying

C  
o  
p  
y



1 with the procedure specified in this section. After entry of an order  
2 under this subsection, the juvenile court shall submit a copy of the  
3 order to the department for consideration under this section of possible  
4 modification or alternatives to the placement and any related services  
5 or programs included in the order.

6 (d) If the department approves the service, program, or placement  
7 recommended by the probation officer or juvenile court, the juvenile  
8 court may enter an appropriate order to implement the approved  
9 proposal. If the department does not approve a service, program, or  
10 placement recommended by the probation officer or proposed by the  
11 juvenile court, the department may recommend an alternative service,  
12 program, or placement for the child.

13 (e) The juvenile court shall accept the recommendations of the  
14 department regarding any predispositional services, programs, or  
15 placement for the child unless the juvenile court finds a  
16 recommendation is:

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

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

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

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

40 (h) If the department prevails on an appeal initiated under  
41 subsection (g), the department shall pay the following costs and  
42 expenses incurred by or on behalf of the child before the date of the

C  
O  
P  
Y



1 final decision:

2 (1) Any programs or services implemented during the appeal,  
3 other than the cost of an out-of-home placement ordered by the  
4 juvenile court.

5 (2) Any out-of-home placement ordered by the juvenile court and  
6 implemented after entry of the court order of placement, if the  
7 court has made written findings that the placement is an  
8 emergency required to protect the health 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 70. IC 31-37-17-4, AS AMENDED BY P.L.146-2008,  
16 SECTION 642, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) If consistent with the safety  
18 and best interest of the child and the community, the probation officer  
19 preparing the report shall recommend care, treatment, rehabilitation, or  
20 placement that:

21 (1) is:

22 (A) in the least restrictive (most family like) and most  
23 appropriate setting available; and

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

26 (2) least interferes with family autonomy;

27 (3) is least disruptive of family life;

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

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

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

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

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

39 (b); or

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

42 the department is not responsible to pay for programs, services, or

C  
o  
p  
y



1 placement for or on behalf of the child: shall file a notice with the  
 2 **Indiana judicial center.**

3 SECTION 71. IC 31-37-18-9, AS AMENDED BY P.L.131-2009,  
 4 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2012]: Sec. 9. (a) The juvenile court shall accompany the  
 6 court's dispositional decree with written findings and conclusions upon  
 7 the record concerning approval, modification, or rejection of the  
 8 dispositional recommendations submitted in the predispositional  
 9 report, including the following specific findings:

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

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

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

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

17 (B) reunite the child with;

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

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

20 (A) the child; or

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

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

23 (b) If the department does not concur with the probation officer's  
 24 recommendations in the predispositional report and the juvenile court  
 25 does not follow the department's alternative recommendations, the  
 26 juvenile court shall:

27 (1) accompany the court's dispositional decree with written  
 28 findings that the department's recommendations contained in the  
 29 predispositional report are:

30 (A) unreasonable based on the facts and circumstances of the  
 31 case; or

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

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

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

40 (d) If the juvenile court enters findings and a decree under  
 41 subsection (b), the department may appeal the juvenile court's decree  
 42 under any available procedure provided by the Indiana Rules of Trial

C  
O  
P  
Y



1 Procedure or Indiana Rules of Appellate Procedure to allow any  
 2 disputes arising under this section to be decided in an expeditious  
 3 manner.

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

7 (1) any programs or services implemented during the appeal  
 8 initiated under subsection (d), other than the cost of an  
 9 out-of-home placement ordered by the juvenile court; and

10 (2) any out-of-home placement ordered by the juvenile court and  
 11 implemented after entry of the dispositional decree or  
 12 modification order, if the juvenile court has made written findings  
 13 that the placement is an emergency required to protect the health  
 14 and welfare of the child.

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

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

25 (1) every eighteen (18) months after:

26 (A) the date of the original dispositional decree; or

27 (B) a delinquent child was removed from the child's parent,  
 28 guardian, or custodian;

29 whichever comes first; or

30 (2) more often if ordered by the juvenile court.

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

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

37 (1) authorize a petition for termination of the parent-child  
 38 relationship; or

39 (2) discharge the child or the child's parent, guardian, or  
 40 custodian.

41 (d) A jurisdictional review of the dispositional decree, including a  
 42 review of the child's permanency plan, if required under

C  
O  
P  
Y



1 IC 31-37-19-1.5, shall be held at least once every twelve (12) months.

2 **(e) The department shall refer a child's permanency plan to a**  
 3 **permanency roundtable before a jurisdiction review under**  
 4 **subsection (d). The permanency roundtable may make**  
 5 **recommendations regarding a permanency plan, and the**  
 6 **recommendations must be included in a report under section 2 of**  
 7 **this chapter.**

8 SECTION 73. IC 31-37-20-4, AS AMENDED BY P.L.146-2008,  
 9 SECTION 657, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2012]: Sec. 4. Before a hearing under section  
 11 2 or 3 of this chapter, the probation department shall prepare a report  
 12 in accordance with IC 31-37-21 on the progress made in implementing  
 13 the dispositional decree. **A report under this section shall also**  
 14 **include recommendations from the permanency roundtable under**  
 15 **section 3 of this chapter.**

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

20 (1) this chapter; and

21 (2) any other provisions of IC 31-34, IC 31-37, or other applicable  
 22 law relating to the particular program, activity, or service for  
 23 which payment is made by or through the department;  
 24 the department shall pay the cost of any child services provided by or  
 25 through the department for any child or the child's parent, guardian, or  
 26 custodian.

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

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

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

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

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

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

C  
O  
P  
Y



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

5 (2) have not been recommended or approved by the department;  
6 the department is not responsible for payment of the costs of those  
7 services, programs, or placements.

8 (d) **The department is not responsible for the payment of any**  
9 **costs or expenses for child services for a child placed in a child**  
10 **caring institution, a group home, or a private secure facility if the**  
11 **entity does not have an executed contract with the department,**  
12 **unless the child services are recommended or approved by the**  
13 **director of the department or the director's designee in writing**  
14 **prior to the placement.**

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

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

27 (h) If:  
28 (1) the department is not responsible for payment of costs or  
29 expenses of services, programs, or placements ordered by a court  
30 for a child or the child's parent, guardian, or custodian, as  
31 provided in this section; and

32 (2) another source of payment for those costs or expenses is not  
33 specified in this section or other applicable law;  
34 the county in which the child in need of services case or delinquency  
35 case was filed is responsible for payment of those costs and expenses:

36 (i) (f) If a county is responsible for the payment of:  
37 (1) any costs or expenses of services for or the placement of a  
38 child in need of services; or  
39 (2) the costs or expenses of services for or the placement of a  
40 delinquent child;

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

C  
o  
p  
y



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

C  
o  
p  
y



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 10 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 19 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 35 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 48 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 49 with "[EFFECTIVE UPON PASSAGE]".

Page 9, line 12, after "services" insert "**or the proposed guardian**".

Page 9, line 13, delete "is going" and insert "**has approved**".

Page 9, line 14, delete "to provide".

Page 9, line 15, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 16, delete "The" and insert "**If the guardian will be provided assistance as a component of child services, the**".

Page 9, line 17, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 19, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 20, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 23, delete "minor's" and insert "**protected person's**".

Page 9, line 25, delete "minor" and insert "**protected person**".

Page 14, line 1, strike "who is less than eighteen (18) years of age".

Page 14, line 20, after "is" insert "**in**".

Page 14, delete line 21 and insert "**restrictive, most family like, and most appropriate setting available and close to the parent's home, consistent with the best interests and special needs of the child.**".

Page 16, line 32, delete "IC 31-37-20-3;" and insert "**IC 31-37-20-3 if the child is placed in a child caring institution, group home, or private secure facility;**".

Page 16, line 33, delete "recommendations." and insert "**recommendations to the court.**".

C  
O  
P  
Y

Page 16, line 36, delete "complete," and insert "**approved by the local office or court,**".

Page 16, line 39, delete "an out-of-home residence or facility" and insert "**a child caring institution, group home, or private secure facility**".

Page 16, line 41, delete "recommendations." and insert "**recommendations to the court.**".

Page 22, line 15, after "located;" insert "**or**".

Page 22, line 32, delete "of" and insert "**or**".

Page 24, line 29, delete "July 1, 2012." and insert "**the effective date of this chapter.**".

Page 24, line 37, delete "IC 31-28-5.7;" and insert "**IC 31-28-5.7 and rules of the department adopted under IC 31-28-5.7-2;**".

Page 24, line 40, delete "July 1, 2012." and insert "**the effective date of this chapter.**".

Page 27, line 6, delete "youth" and insert "**youth, as defined in IC 31-28-5.8-4,**".

Page 27, line 7, delete "is less than twenty (20) years of age and".

Page 27, line 9, delete "adoption assistance or".

Page 27, line 13, delete "who" and insert "**who:**

**(A)**".

Page 27, line 14, delete "child, including" and insert "**child;**

**(B) is a protected person under**".

Page 27, delete line 15.

Page 27, line 16, delete "IC 31-34-21-7.5(c)(1)(E)".

Page 27, line 16, delete "IC 29-3-8-9 applies and the" and insert "**IC 29-3-8-9(f) applies; and**

**(C)**".

Page 27, line 17, delete "assistance".

Page 27, line 17, after "approved" insert "**for assistance**".

Page 27, line 35, after "has" insert "**completed**".

Page 27, line 35, delete "including" and insert "**including training in:**

**(1)**".

Page 27, line 37, delete "neglect as" and insert "**neglect; and**

**(2) early childhood, child, and adolescent development; as**".

Page 38, line 14, delete "IC 31-33-27-4." and insert "**IC 31-33-27-5.**".

Page 40, line 22, after "of" insert "**a person as**".

Page 45, delete lines 19 through 23, begin a new paragraph and insert:



C  
O  
P  
Y

"SECTION 57. IC 31-34-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~Except if a petition is filed under IC 31-34-1-6,~~ The juvenile court shall determine whether the parent, guardian, or custodian admits or denies the allegations of the petition. A failure to respond constitutes a denial."

Page 59, line 8, delete "will" and insert "**shall**".

Page 60, line 8, delete "or designee of the director." and insert "**of the department or the director's designee in writing prior to the placement.**".

and when so amended that said bill do pass.

(Reference is to SB 286 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

C  
o  
p  
y

