Reprinted
February 20, 2013

HOUSE BILL No. 1040

DIGEST OF HB 1040 (Updated February 19, 2013 5:28 pm - DI 44)

Citations Affected: IC 31-34.

Synopsis: Child in need of services petitions. Allows a prosecuting attorney to request a juvenile court to authorize the filing of a petition alleging that a child is a child in need of services, and requires a prosecuting attorney to represent the interests of the state in the child in need of services proceeding, unless the prosecuting attorney and the department of child services agree that the department shall represent the interests of the state in that proceeding. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Effective: July 1, 2013.

Kubacki, Mahan, Riecken, Brown C

January 7, 2013, read first time and referred to Committee on Family, Children and Human Affairs.
February 14, 2013, amended, reported — Do Pass.
February 19, 2013, read second time, amended, ordered engrossed.

C o p y

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1040

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:

SECTION 1. IC 31-34-9-1, AS AMENDED BY P.L.146-2008, SECTION 588, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** The attorney for the department:

(1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services; and

(2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

(b) A prosecuting attorney:

(1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services under IC 31-34-1; and

(2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition, unless the prosecuting attorney and the department agree that the department shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "may" and insert "**shall**".

and when so amended that said bill do pass.

(Reference is to HB 1040 as introduced.)

KUBACKI, Chair

Committee Vote: yeas 9, nays 2.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1040 be amended to read as follows:

Page 1, line 14, delete "petition." and insert "**petition, unless the prosecuting attorney and the department agree that the department shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.**".

(Reference is to HB 1040 as printed February 15, 2013.)

MAHAN

C o p y