

HOUSE BILL No. 1042

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-36; P.L.48-2012, SECTION 77.

Synopsis: Committee on child services oversight. Establishes the committee on child services oversight to oversee the delivery of child services in Indiana. Specifies that the committee exists until January 1, 2019. Repeals the law establishing the department of child services interim study committee. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Effective: July 1, 2013.

**Kubacki, Mahan, Riecken,
Summers**

January 7, 2013, read first time and referred to Committee on Family, Children and Human Affairs.

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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.

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HOUSE BILL No. 1042



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 2-5-36 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2013]:
 4 **Chapter 36. Committee on Child Services Oversight**
 5 **Sec. 1. As used in this chapter, "child in need of services" means**
 6 **a child described in IC 31-34-1.**
 7 **Sec. 2. As used in this chapter, "committee" refers to the**
 8 **committee on child services oversight established by section 4 of**
 9 **this chapter.**
 10 **Sec. 3. As used in this chapter, "department" refers to the**
 11 **department of child services established by IC 31-25-1-1.**
 12 **Sec. 4. The committee on child services oversight is established.**
 13 **Sec. 5. The committee consists of eleven (11) voting members**
 14 **appointed as follows:**
 15 **(1) Two (2) members of the senate appointed by the president**
 16 **pro tempore, not more than one (1) of whom may be from the**
 17 **same political party.**



- 1 **(2) Two (2) members of the house of representatives**
 2 **appointed by the speaker, not more than one (1) of whom may**
 3 **be from the same political party.**
 4 **(3) The director of the department or the director's designee.**
 5 **(4) The director of the division of mental health and addiction**
 6 **or the director's designee.**
 7 **(5) The executive director of the prosecuting attorneys council**
 8 **or the executive director's designee.**
 9 **(6) The executive director of the public defenders council of**
 10 **Indiana or the executive director's designee.**
 11 **(7) A provider to the department of foster care, residential, or**
 12 **group home services, appointed by the president pro tempore.**
 13 **(8) One (1) juvenile or family court judge, appointed by the**
 14 **speaker upon the recommendation of the chief justice of the**
 15 **supreme court.**
 16 **(9) One (1) individual representing kindergarten through**
 17 **grade 12 education, appointed by the:**
 18 **(A) president pro tempore during even-numbered years;**
 19 **and**
 20 **(B) speaker during odd-numbered years;**
 21 **upon the recommendation of the superintendent of public**
 22 **instruction.**
 23 **Sec. 6. A vacancy on the committee shall be filled by the**
 24 **appointing authority.**
 25 **Sec. 7. (a) The president pro tempore shall appoint a member of**
 26 **the committee described in section 5(1) of this chapter to serve as**
 27 **chairperson of the committee from January 1 through December**
 28 **31 of odd-numbered years.**
 29 **(b) The speaker shall appoint a member of the committee**
 30 **described in section 5(2) of this chapter to serve as chairperson of**
 31 **the committee from January 1 through December 31 of**
 32 **even-numbered years.**
 33 **Sec. 8. The committee shall do the following:**
 34 **(1) Review monthly reports from the department, as**
 35 **determined by the committee and including outcome reports.**
 36 **(2) Review annual reports from the office of department of**
 37 **child services ombudsman established by IC 4-13-19-3, as**
 38 **determined by the committee and including outcome reports.**
 39 **(3) Determine whether any contractor with the department**
 40 **has properly performed the terms of the contractor's**
 41 **contract.**
 42 **(4) Study and make legislative and administrative**

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recommendations to improve the delivery of child services in Indiana, including the following:

(A) Juvenile court commitment of juveniles to mental health facilities.

(B) Restoration of IC 31-34-1-6 filing authority to prosecuting attorneys.

(C) Specification of a new category under IC 31-34-1 for at-risk children for which the following may apply:

(i) Ability for prosecuting attorneys to file and pursue a case.

(ii) Probation personnel may enter information under Title IV-E of the federal Social Security Act (42 U.S.C. 671 et seq.) and use department funds to provide necessary services.

(iii) Courts, the department, and probation personnel may supervise the children.

(D) Specification of a new category under IC 31-34-1 for status offender children.

(E) Consideration of methods of delivering department services to children without labeling the children as delinquent children.

(F) Composition and duties of regional service councils.

(G) Funding for tangible resources needed to keep children with their families on an emergency basis.

(H) Consolidation of all bodies in existence on July 1, 2013, that address child welfare issues into one (1) committee with working subcommittees.

(I) Call center staffing, turnover, morale, cross training, and other issues.

(J) Ongoing training of local child protection teams.

(K) Sufficiency and timeliness of service provider payment, availability of services, use of regional service councils, coordination of public and private services, and availability and use of outcome data.

(L) An independent audit of the department's operations.

(M) Follow-up care for children after resolution of the department's case.

(N) Follow-up care for children about whom a report of suspected abuse or neglect is received but not substantiated and who are in need of services, regardless of the absence of substantiation.

(O) An independent assessment of the history and current

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- 1 number of service providers and services offered on behalf
2 of the department in each county in Indiana.
- 3 **(5) Study and make recommendations concerning any other**
4 **matter related to the department.**
- 5 **Sec. 9. The committee shall meet at least quarterly and at the**
6 **call of the chairperson.**
- 7 **Sec. 10. (a) Except as provided in subsection (b), the committee**
8 **shall operate under the policies governing study committees**
9 **adopted by the legislative council.**
- 10 **(b) The committee may meet at any time during the calendar**
11 **year.**
- 12 **Sec. 11. This chapter expires January 1, 2019.**
- 13 SECTION 2. P.L.48-2012, SECTION 77, IS REPEALED
14 [EFFECTIVE JULY 1, 2013]. SECTION 77: (a) As used in this
15 SECTION, "committee" refers to the department of child services
16 interim study committee, as established by subsection (b):
- 17 (b) There is established the department of child services interim
18 study committee. The committee shall do the following:
- 19 (1) Review and study the progress and improvements made by the
20 department of child services since its creation in 2005.
- 21 (2) Review best practices concerning child welfare, child mental
22 health, and delinquent children.
- 23 (3) Receive and review status reports from the department of
24 child services ombudsman.
- 25 (4) Review and study the department of child services child abuse
26 and neglect hotline, including the process used to refer a report to
27 a local office.
- 28 (5) Make legislative recommendations concerning the department
29 of child services.
- 30 (c) The committee shall operate under the policies governing study
31 committees adopted by the legislative council.
- 32 (d) The committee consists of the following members:
- 33 (1) Four (4) senators appointed by the president pro tempore of
34 the senate in consultation with the minority leader of the senate;
35 not more than two (2) of whom may be members of the same
36 political party.
- 37 (2) Four (4) representatives appointed by the speaker of the house
38 of representatives in consultation with the minority leader of the
39 house of representatives; not more than two (2) of whom may be
40 members of the same political party.
- 41 (3) The director of the department of child services or the
42 director's designee, who shall serve as a nonvoting member.

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- 1 (4) The director of the division of mental health and addiction or
2 the director's designee; who shall serve as a nonvoting member.
3 (5) The executive director of the prosecuting attorneys council or
4 the executive director's designee; who shall serve as a nonvoting
5 member.
6 (6) The executive director of the public defenders council or the
7 executive director's designee; who shall serve as a nonvoting
8 member.
9 (7) A provider of foster care services to the department of child
10 services; who shall serve as a nonvoting member; appointed by
11 the president pro tempore of the senate.
12 (8) A provider of residential or group home services to the
13 department of child services; who shall serve as a nonvoting
14 member; appointed by the speaker of the house of representatives.
15 (9) One (1) juvenile or family court judge; who shall serve as a
16 nonvoting member; appointed by the president pro tempore of the
17 senate.
18 (10) One (1) juvenile or family court judge; who shall serve as a
19 nonvoting member; appointed by the speaker of the house of
20 representatives.
21 (e) The affirmative votes of a majority of the voting members of the
22 committee are required for the committee to take action on any
23 measure, including final reports.
24 (f) This SECTION expires December 31, 2013.

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