



Reprinted  
February 22, 2013

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## SENATE BILL No. 125

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DIGEST OF SB 125 (Updated February 21, 2013 1:48 pm - DI 106)

**Citations Affected:** IC 2-5; noncode.

**Synopsis:** Commission on improving the status of children. Establishes the commission on improving the status of children (the commission) in Indiana to: (1) study issues concerning vulnerable youth; (2) review legislation; (3) cooperate with other entities; and (4) take other actions relating to children. Establishes the subcommittee on child services oversight to: (1) review data reports from the department of child services (DCS); (2) review annual reports from the DCS ombudsman; (3) make recommendations to the commission to improve the delivery of child protection services; and (4) submit an annual report to the commission. 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.

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**Holdman, Broden, Lanane, Zakas,  
Steele, Head, Glick, Eckerty,  
Randolph, Hume, Miller Patricia,  
Charbonneau, Stoops, Tomes**

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January 7, 2013, read first time and referred to Committee on Judiciary.  
January 31, 2013, amended, reported favorably — Do Pass.  
February 12, 2013, read second time, amended, ordered engrossed.  
February 13, 2013, engrossed.  
February 14, 2013, returned to second reading.  
February 21, 2013, re-read second time, amended, ordered engrossed.

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SB 125—LS 6348/DI 97+



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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.

## SENATE BILL No. 125

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. Commission on Improving the Status of Children**  
5 **in Indiana**

6 **Sec. 1. The following definitions apply throughout this chapter:**

7 (1) "Commission" refers to the commission on improving the  
8 status of children in Indiana established by section 3 of this  
9 chapter.

10 (2) "Vulnerable youth" means a child served by:

- 11 (A) the department of child services;  
12 (B) the office of the secretary of family and social services;  
13 (C) the department of correction; or  
14 (D) a juvenile probation department.

15 **Sec. 2. As used in this chapter, "state agency" has the meaning**  
16 **set forth in IC 4-6-3-1.**

17 **Sec. 3. The commission on improving the status of children in**

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**Indiana is established.**

**Sec. 4. The commission consists of seventeen (17) members as follows:**

- (1) One (1) legislative member appointed by the speaker of the house of representatives.**
- (2) One (1) legislative member appointed by the minority leader of the house of representatives.**
- (3) One (1) legislative member appointed by the president pro tempore of the senate.**
- (4) One (1) legislative member appointed by the minority leader of the senate.**
- (5) The superintendent of public instruction or the superintendent's designee.**
- (6) The commissioner of the department of child services or the commissioner's designee.**
- (7) One (1) judge or justice with experience in juvenile law appointed by the chief justice of Indiana to serve on the commission for a period of four (4) years.**
- (8) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.**
- (9) The executive director of the public defender council of Indiana or the executive director's designee.**
- (10) The secretary of family and social services or the secretary's designee.**
- (11) The state health commissioner or the state health commissioner's designee.**
- (12) The commissioner of the department of correction or the commissioner's designee.**
- (13) One (1) representative of the juvenile probation system, appointed by the chief justice of Indiana for a period of four (4) years.**
- (14) The director of the office of management and budget, or the director of the state budget agency, as selected by the governor.**
- (15) A member of the governor's staff, to be appointed by the governor.**
- (16) The executive director of the division of state court administration or the executive director's designee.**
- (17) A provider to the department of child services of foster care, residential, or group home services, appointed by the governor.**

**Sec. 5. (a) The judge or justice appointed under section 4(7) of**

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1 this chapter shall serve as the chairperson of the commission in  
2 calendar year 2013 and every third year thereafter.

3 (b) The chairperson of the legislative council shall designate one  
4 (1) legislative member of the commission to serve as the  
5 chairperson of the commission in calendar year 2014 and every  
6 third year thereafter.

7 (c) The member of the governor's staff appointed under section  
8 4(15) of this chapter shall serve as the chairperson of the  
9 commission in calendar year 2015 and every third year thereafter.

10 (d) The chairperson shall determine the agenda for the  
11 commission.

12 Sec. 6. (a) A legislative member of the commission may be  
13 removed at any time by the appointing authority who appointed  
14 the legislative member.

15 (b) If a vacancy exists on the commission, the appointing  
16 authority who appointed the former member whose position has  
17 become vacant shall appoint an individual to fill the vacancy.

18 Sec. 7. Each member of the commission is entitled to receive the  
19 same per diem, mileage, and travel allowances paid to individuals  
20 who serve as legislative and lay members, respectively, of interim  
21 study committees established by the legislative council.

22 Sec. 8. The affirmative votes of a majority of the members  
23 appointed to the commission are required for the commission to  
24 take action on any measure, including final reports.

25 Sec. 9. The commission shall do the following:

26 (1) Study and evaluate the following:

27 (A) Access to services for vulnerable youth.

28 (B) Availability of services for vulnerable youth.

29 (C) Duplication of services for vulnerable youth.

30 (D) Funding of services available for vulnerable youth.

31 (E) Barriers to service for vulnerable youth.

32 (F) Communication and cooperation by agencies  
33 concerning vulnerable youth.

34 (G) Implementation of programs or laws concerning  
35 vulnerable youth.

36 (H) The consolidation of existing entities that serve  
37 vulnerable youth.

38 (I) Data from state agencies relevant to evaluating  
39 progress, targeting efforts, and demonstrating outcomes.

40 (2) Review and make recommendations concerning pending  
41 legislation.

42 (3) Promote information sharing concerning vulnerable youth

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- 1 across the state.
- 2 (4) Promote best practices, policies, and programs.
- 3 (5) Cooperate with:
- 4 (A) other child focused commissions;
- 5 (B) the judicial branch of government;
- 6 (C) the executive branch of government;
- 7 (D) stakeholders; and
- 8 (E) members of the community.
- 9 (6) Submit a report by July 1 of each year regarding the
- 10 commission's work during the previous year. The report shall
- 11 be submitted to the legislative council, the governor, and the
- 12 chief justice of Indiana. The report to the legislative council
- 13 must be in an electronic format under IC 5-14-6.
- 14 **Sec. 10. The commission may do the following:**
- 15 (1) Request information or a presentation from an agency
- 16 involved with vulnerable youth.
- 17 (2) Request and review outcome data from an agency related
- 18 to vulnerable youth.
- 19 (3) Receive information from experts concerning vulnerable
- 20 youth.
- 21 **Sec. 11. The Indiana judicial center shall provide support staff**
- 22 **for the commission.**
- 23 SECTION 2. IC 2-5-36.1 IS ADDED TO THE INDIANA CODE
- 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2013]:
- 26 **Chapter 36.1. Subcommittee on Child Services Oversight**
- 27 **Sec. 1. As used in this chapter, "commission" refers to the**
- 28 **commission on improving the status of children in Indiana**
- 29 **established by IC 2-5-36-3.**
- 30 **Sec. 2. As used in this chapter, "subcommittee" refers to the**
- 31 **subcommittee on child services oversight established by section 4**
- 32 **of this chapter.**
- 33 **Sec. 3. As used in this chapter, "department" refers to the**
- 34 **department of child services established by IC 31-25-1-1.**
- 35 **Sec. 4. The subcommittee on child services oversight is**
- 36 **established.**
- 37 **Sec. 5. The subcommittee consists of eleven (11) voting members**
- 38 **appointed as follows:**
- 39 (1) Two (2) members of the senate appointed by the president
- 40 pro tempore, not more than one (1) of whom may be from the
- 41 same political party.
- 42 (2) Two (2) members of the house of representatives

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- 1 appointed by the speaker, not more than one (1) of whom may
- 2 be from the same political party.
- 3 (3) The director of the department of child services or the
- 4 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 or
- 10 the executive director's designee.
- 11 (7) A provider to the department of foster care, residential
- 12 services, or group home services, appointed by the president
- 13 pro tempore.
- 14 (8) One (1) juvenile or family court judge, appointed by the
- 15 speaker upon the recommendation of the chief justice of
- 16 Indiana.
- 17 (9) One (1) individual representing kindergarten through
- 18 grade 12 education, appointed by the:
  - 19 (A) president pro tempore during even-numbered years;
  - 20 and
  - 21 (B) speaker during odd-numbered years;
  - 22 upon the recommendation of the superintendent of public
  - 23 instruction.
- 24 Sec. 6. A vacancy on the subcommittee shall be filled by the
- 25 appointing authority.
- 26 Sec. 7. (a) The president pro tempore shall appoint a member of
- 27 the subcommittee described in section 5(1) of this chapter to serve
- 28 as chairperson of the subcommittee from January 1 through
- 29 December 31 of odd-numbered years.
- 30 (b) The speaker shall appoint a member of the subcommittee
- 31 described in section 5(2) of this chapter to serve as chairperson of
- 32 the subcommittee from January 1 through December 31 of
- 33 even-numbered years.
- 34 Sec. 8. (a) The subcommittee shall do the following:
  - 35 (1) Review quarterly data reports from the department.
  - 36 (2) Review annual reports from the department of child
  - 37 services ombudsman (established by IC 4-13-19-3).
  - 38 (3) Make recommendations to the commission to improve the
  - 39 delivery of child protection services in Indiana.
  - 40 (4) Submit an annual report before November 1 to the
  - 41 commission.
- 42 (b) The subcommittee shall meet:

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1 (1) at least quarterly; and

2 (2) at the call of the subcommittee's chairperson.

3 Sec. 9. (a) Except as provided in subsection (b), the  
4 subcommittee shall operate under the policies governing study  
5 committees adopted by the legislative council.

6 (b) The subcommittee may meet at any time during the calendar  
7 year.

8 Sec. 10. The Indiana judicial center shall provide support staff  
9 for the subcommittee.

10 SECTION 3. P.L.48-2012, SECTION 77, IS REPEALED  
11 [EFFECTIVE JULY 1, 2013]. SECTION 77: (a) As used in this  
12 SECTION, "committee" refers to the department of child services  
13 interim study committee; as established by subsection (b):

14 (b) There is established the department of child services interim  
15 study committee. The committee shall do the following:

16 (1) Review and study the progress and improvements made by the  
17 department of child services since its creation in 2005.

18 (2) Review best practices concerning child welfare, child mental  
19 health, and delinquent children:

20 (3) Receive and review status reports from the department of  
21 child services ombudsman:

22 (4) Review and study the department of child services child abuse  
23 and neglect hotline, including the process used to refer a report to  
24 a local office:

25 (5) Make legislative recommendations concerning the department  
26 of child services:

27 (c) The committee shall operate under the policies governing study  
28 committees adopted by the legislative council.

29 (d) The committee consists of the following members:

30 (1) Four (4) senators appointed by the president pro tempore of  
31 the senate in consultation with the minority leader of the senate;  
32 not more than two (2) of whom may be members of the same  
33 political party:

34 (2) Four (4) representatives appointed by the speaker of the house  
35 of representatives in consultation with the minority leader of the  
36 house of representatives; not more than two (2) of whom may be  
37 members of the same political party:

38 (3) The director of the department of child services or the  
39 director's designee; who shall serve as a nonvoting member:

40 (4) The director of the division of mental health and addiction or  
41 the director's designee; who shall serve as a nonvoting member:

42 (5) The executive director of the prosecuting attorneys council or

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

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 125, 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:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-5-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

**Chapter 36. Commission on Improving the Status of Children in Indiana**

**Sec. 1. The following definitions apply throughout this chapter:**

- (1) "Commission" refers to the commission on improving the status of children in Indiana established by section 3 of this chapter.
- (2) "Subcommittee" refers to the department of child services oversight subcommittee established under section 9(2) of this chapter.
- (3) "Vulnerable youth" means a child served by:
  - (A) the department of child services;
  - (B) the office of the secretary of family and social services;
  - (C) the department of correction; or
  - (D) a juvenile probation department.

**Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-6-3-1.**

**Sec. 3. The commission on improving the status of children in Indiana is established.**

**Sec. 4. The commission consists of seventeen (17) members as follows:**

- (1) One (1) legislative member appointed by the speaker of the house of representatives.
- (2) One (1) legislative member appointed by the minority leader of the house of representatives.
- (3) One (1) legislative member appointed by the president pro tempore of the senate.
- (4) One (1) legislative member appointed by the minority leader of the senate.
- (5) The superintendent of public instruction or the superintendent's designee.
- (6) The commissioner of the department of child services or the commissioner's designee.
- (7) One (1) judge or justice with experience in juvenile law



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appointed by the chief justice of Indiana to serve on the commission for a period of four (4) years.

(8) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(9) The executive director of the public defender council of Indiana or the executive director's designee.

(10) The secretary of family and social services or the secretary's designee.

(11) The state health commissioner or the state health commissioner's designee.

(12) The commissioner of the department of correction or the commissioner's designee.

(13) One (1) representative of the juvenile probation system, appointed by the chief justice of Indiana for a period of four (4) years.

(14) The director of the office of management and budget, or the director of the state budget agency, as selected by the governor.

(15) A member of the governor's staff, to be appointed by the governor.

(16) The executive director of the division of state court administration or the executive director's designee.

(17) A provider to the department of child services of foster care, residential, or group home services, appointed by the governor.

**Sec. 5. (a) The judge or justice appointed under section 4(7) of this chapter shall serve as the chairperson of the commission in calendar year 2013 and every third year thereafter.**

**(b) The chairperson of the legislative council shall designate one (1) legislative member of the commission to serve as the chairperson of the commission in calendar year 2014 and every third year thereafter.**

**(c) The member of the governor's staff appointed under section 4(15) of this chapter shall serve as the chairperson of the commission in calendar year 2015 and every third year thereafter.**

**(d) The chairperson shall determine the agenda for the commission.**

**Sec. 6. (a) A legislative member of the commission may be removed at any time by the appointing authority who appointed the legislative member.**

**(b) If a vacancy exists on the commission, the appointing authority who appointed the former member whose position has**

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become vacant shall appoint an individual to fill the vacancy.

**Sec. 7.** Each member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

**Sec. 8. (a)** The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

**(b)** The affirmative votes of a majority of the members appointed to the department of child services oversight subcommittee or a subcommittee formed under section 10(1) of this chapter are required for the subcommittee to take action on any measure, including final reports.

**Sec. 9.** The commission shall do the following:

- (1) Study and evaluate the following:**
  - (A) Access to services for vulnerable youth.**
  - (B) Availability of services for vulnerable youth.**
  - (C) Duplication of services for vulnerable youth.**
  - (D) Funding of services available for vulnerable youth.**
  - (E) Barriers to service for vulnerable youth.**
  - (F) Communication and cooperation by agencies concerning vulnerable youth.**
  - (G) Implementation of programs or laws concerning vulnerable youth.**
  - (H) The consolidation of existing entities that serve vulnerable youth.**
  - (I) Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.**
- (2) Establish the department of child services oversight subcommittee.**
- (3) Review and make recommendations concerning pending legislation.**
- (4) Promote information sharing concerning vulnerable youth across the state.**
- (5) Promote best practices, policies, and programs.**
- (6) Cooperate with:**
  - (A) other child focused commissions;**
  - (B) the judicial branch of government;**
  - (C) the executive branch of government;**
  - (D) stakeholders; and**
  - (E) members of the community.**
- (7) Submit a report by July 1 of each year regarding the**

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commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 10.** The commission may do the following:

- (1) Appoint commission members to form a subcommittee in addition to the department of child services oversight subcommittee described in section 9(2) of this chapter.
- (2) Request information or a presentation from an agency involved with vulnerable youth.
- (3) Request and review outcome data from an agency related to vulnerable youth.
- (4) Receive information from experts concerning vulnerable youth.

**Sec. 11. (a)** The subcommittee shall do the following:

- (1) Review quarterly data reports from the department of child services.
- (2) Review annual reports from the department of child services ombudsman (established by IC 4-13-19-3).
- (3) Make recommendations to the commission to improve the delivery of child protection services in Indiana.

**(b)** The subcommittee shall meet:

- (1) at least quarterly; and
- (2) at the call of the subcommittee's chairperson.

**(c)** The subcommittee must consist of not more than ten (10) members.

**(d)** The subcommittee shall submit an annual report before November 1 to the commission.

**Sec. 12.** The Indiana judicial center shall provide support staff for the commission and the subcommittee."

Delete pages 2 through 3.

Page 4, delete lines 1 through 13.

and when so amended that said bill do pass.

(Reference is to SB 125 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 125 be amended to read as follows:

Page 1, delete lines 10 through 12.

Page 1, line 13, delete "(3)" and insert "(2)".

Page 3, line 25, delete "(a)".

Page 3, delete lines 28 through 32.

Page 4, delete lines 6 through 7.

Page 4, line 8, delete "(3)" and insert "(2)".

Page 4, line 10, delete "(4)" and insert "(3)".

Page 4, line 12, delete "(5)" and insert "(4)".

Page 4, line 13, delete "(6)" and insert "(5)".

Page 4, line 19, delete "(7)" and insert "(6)".

Page 4, delete lines 25 through 27.

Page 4, line 28, delete "(2)" and insert "(1)".

Page 4, line 30, delete "(3)" and insert "(2)".

Page 4, line 32, delete "(4)" and insert "(3)".

Page 4, delete lines 34 through 42.

Page 5, delete lines 1 through 5.

Page 5, line 6, delete "Sec. 12." and insert "**Sec. 11.**".

Page 5, line 7, delete "and the subcommittee." and insert ".".

(Reference is to SB 125 as printed February 1, 2013.)

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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 125, which is eligible for third reading, be returned to second reading for purposes of amendment.

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## SENATE MOTION

Madam President: I move that Senate Bill 125 be amended to read as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:  
"SECTION 2. IC 2-5-36.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

**Chapter 36.1. Subcommittee on Child Services Oversight**

**Sec. 1. As used in this chapter, "commission" refers to the commission on improving the status of children in Indiana established by IC 2-5-36-3.**

**Sec. 2. As used in this chapter, "subcommittee" refers to the subcommittee on child services oversight established by section 4 of this chapter.**

**Sec. 3. As used in this chapter, "department" refers to the department of child services established by IC 31-25-1-1.**

**Sec. 4. The subcommittee on child services oversight is established.**

**Sec. 5. The subcommittee consists of eleven (11) voting members appointed as follows:**

- (1) Two (2) members of the senate appointed by the president pro tempore, not more than one (1) of whom may be from the same political party.**
- (2) Two (2) members of the house of representatives appointed by the speaker, not more than one (1) of whom may be from the same political party.**
- (3) The director of the department of child services or the director's designee.**
- (4) The director of the division of mental health and addiction or the director's designee.**
- (5) The executive director of the prosecuting attorneys council or the executive director's designee.**
- (6) The executive director of the public defenders council or the executive director's designee.**
- (7) A provider to the department of foster care, residential services, or group home services, appointed by the president pro tempore.**
- (8) One (1) juvenile or family court judge, appointed by the speaker upon the recommendation of the chief justice of Indiana.**
- (9) One (1) individual representing kindergarten through**

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grade 12 education, appointed by the:

(A) president pro tempore during even-numbered years;  
and

(B) speaker during odd-numbered years;  
upon the recommendation of the superintendent of public instruction.

Sec. 6. A vacancy on the subcommittee shall be filled by the appointing authority.

Sec. 7. (a) The president pro tempore shall appoint a member of the subcommittee described in section 5(1) of this chapter to serve as chairperson of the subcommittee from January 1 through December 31 of odd-numbered years.

(b) The speaker shall appoint a member of the subcommittee described in section 5(2) of this chapter to serve as chairperson of the subcommittee from January 1 through December 31 of even-numbered years.

Sec. 8. (a) The subcommittee shall do the following:

- (1) Review quarterly data reports from the department.
- (2) Review annual reports from the department of child services ombudsman (established by IC 4-13-19-3).
- (3) Make recommendations to the commission to improve the delivery of child protection services in Indiana.
- (4) Submit an annual report before November 1 to the commission.

(b) The subcommittee shall meet:

- (1) at least quarterly; and
- (2) at the call of the subcommittee's chairperson.

Sec. 9. (a) Except as provided in subsection (b), the subcommittee shall operate under the policies governing study committees adopted by the legislative council.

(b) The subcommittee may meet at any time during the calendar year.

Sec. 10. The Indiana judicial center shall provide support staff for the subcommittee."

Renumber all SECTIONS consecutively.

(Reference is to SB 125 as reprinted February 13, 2013.)

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