

## **IC 31-26-4**

### **Chapter 4. Indiana Kids First Trust**

#### **IC 31-26-4-1**

##### **Purpose**

Sec. 1. (a) The purpose of the Indiana kids first trust program and this chapter is to recognize that:

- (1) the children of the state are its single greatest resource;
- (2) children require the utmost protection to guard their future and the future of the state;
- (3) it is in the public interest to protect children from abuse and neglect; and
- (4) it is in the public interest to reduce infant mortality.

(b) The Indiana kids first trust program shall provide funds for community programs that prevent child abuse and neglect.

(c) The Indiana kids first trust program shall provide funds for community programs that reduce infant mortality from the infant mortality account established by section 14 of this chapter.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-2**

##### **"Board"**

Sec. 2. As used in this chapter, "board" refers to the Indiana kids first trust fund board established by section 5 of this chapter.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-2.3**

##### **Treatment of references to Indiana children's trust fund board; transfer of property to board**

Sec. 2.3. (a) After June 30, 2003, any reference in a statute or rule referring to the Indiana children's trust fund board is considered a reference to the board.

(b) On July 1, 2003, the board becomes the owner of all the personal property and assets and assumes the obligations and liabilities of the Indiana children's trust fund board, as it existed before July 1, 2003.

*As added by P.L.220-2011, SEC.506.*

#### **IC 31-26-4-3**

##### **"Fund"**

Sec. 3. As used in this chapter, "fund" refers to the Indiana kids first trust fund established by section 12 of this chapter.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-4**

##### **"Project"**

Sec. 4. As used in this chapter, "project" means an undertaking:

- (1) that furthers the purposes of this chapter; and
- (2) for which an expenditure from the fund may be made.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-5**

#### **Indiana kids first trust fund board**

Sec. 5. (a) The Indiana kids first trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve projects and recommend to the department that the projects receive funds under sections 12 and 14 of this chapter.

(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the department and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-6**

#### **Members of board**

Sec. 6. The board consists of the following ten (10) members:

(1) Two (2) individuals who are not members of the general assembly, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(3) The director of the department or the director's designee.

(4) Four (4) individuals appointed by the governor as follows:

(A) One (1) individual who represents the general public.

(B) Two (2) individuals who represent child advocacy organizations.

(C) One (1) individual who represents the medical community.

(5) The commissioner of the state department of health or the commissioner's designee. An individual designated by the commissioner under this subdivision must have knowledge of or experience in issues relating to:

(A) the prevention of child abuse and neglect; and

(B) the reduction of infant mortality.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-7**

#### **Chairperson and vice chairperson of board**

Sec. 7. (a) The members shall annually choose a chairperson and vice chairperson from among the members of the board under this section.

(b) The director of the department or the director's designee may not serve as chairperson or vice chairperson.

(c) If the member chosen as chairperson was appointed as a member by the president pro tempore of the senate or the speaker of the house of representatives, the vice chairperson must be chosen from among the members appointed by the governor. If the member chosen as chairperson was appointed as a member by the governor, the vice chairperson must be chosen from among the members appointed by the president pro tempore of the senate or the speaker of the house of representatives.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-8**

##### **Meetings; quorum; voting of board**

Sec. 8. (a) The board shall meet at least quarterly and at the call of the chair.

(b) Six (6) voting members of the board constitute a quorum. The board may take action only in the presence of a quorum.

(c) The affirmative vote of a majority of the members of the board is necessary for the board to take any action.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-9**

##### **Terms of board members**

Sec. 9. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-10**

##### **Compensation of board members**

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and

approved by the budget agency.  
*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-11**

#### **Strategic plan; plan proposal and fund request method**

Sec. 11. The board shall adopt and make available to the public:

- (1) a strategic plan to implement the purposes of this chapter;  
and
- (2) a method for proposing projects and requesting funds from the Indiana kids first trust fund.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-12**

#### **Indiana kids first trust fund**

Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from kids first trust license plates issued under IC 9-18-30.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-4-13**

#### **Use of fund money**

Sec. 13. (a) Except as provided in subsection (b), money in the fund may be used for projects that propose to accomplish the following:

- (1) The support, development, and operation in local communities of programs that prevent child abuse and neglect.
- (2) The development of innovative local programs of education

and training concerning child abuse and neglect.

(3) The promotion of public awareness of child abuse and neglect.

(4) Statewide efforts to prevent child abuse and neglect.

(b) Money in the infant mortality account established within the fund under section 14 of this chapter may be used only for projects that:

(1) support, develop, and operate programs that reduce infant mortality in local communities;

(2) develop innovative local programs of education and training concerning infant mortality;

(3) promote public awareness of infant mortality; or

(4) promote statewide efforts to reduce infant mortality.

(c) Money in the fund may not be granted to a state or local unit of government.

(d) The cost of any salary and benefits paid to staff employed under this chapter:

(1) shall be paid from money in the fund; and

(2) may not exceed forty-five thousand dollars (\$45,000) during any fiscal year.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-4-14**

##### **Infant mortality account**

Sec. 14. (a) The infant mortality account is established within the fund for the purpose of providing money for education and programs approved by the board under section 5(b) of this chapter to reduce infant mortality in Indiana. The account shall be administered by the treasurer of state.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Appropriations to the account.

(2) Money donated to the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.145-2006, SEC.272. Amended by P.L.156-2011, SEC.40.*

#### **IC 31-26-4-15**

##### **Annual report**

Sec. 15. Before October 1 of each year, the board shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared under this section for the general assembly must be in an electronic format under IC 5-14-6.

*As added by P.L.145-2006, SEC.272.*

**IC 31-26-4-16**

**Adoption of rules**

Sec. 16. The department may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.145-2006, SEC.272.*