Journal of the Senate

State of Indiana

115th General Assembly First Regular Session

Forty-seventh Meeting Day Thursday Afternoon April 26, 2007

The Senate convened at 2:37 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Victor R. Heinold.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker ▶
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner ▶
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 467: present 48; excused 2. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Pursuant to Senate Rule 83(j) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 157, 220, 232, 328, and 329 and Engrossed House Bill 1067 and Senate Resolution 46 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1075 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1075 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1075 be corrected as follows:

Page 1, line 1, after "IC 4-4-28-5" insert ", AS AMENDED BY SEA 526-2007, SECTION 24,".

Page 1, line 12, delete "institution of higher education" and insert "postsecondary educational institution".

Page 1, line 13, after "school" insert "that is not a postsecondary educational institution,".

Page 3, line 23, after "IC 4-4-28-16" insert ", AS AMENDED BY SEA 526-2007, SECTION 25,".

Page 3, line 29, delete "institution of".

Page 3, line 30, delete "higher education" and insert "postsecondary educational institution".

Page 3, line 30, after "school" insert "that is not a postsecondary educational institution".

(Reference is to EHB 1075 as printed March 7, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
KENLEY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1424 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1424 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1424 be corrected as follows:

Page 1, line 1, delete "P.L.4-2005,".

Page 1, line 2, delete "SECTION 144," and insert "SEA 526-2007, SECTION 388,".

Page 2, line 3, delete "institution of higher education" and insert "postsecondary educational institution".

Page 2, line 15, delete "institution of higher education," and insert "postsecondary educational institution,".

Page 4, line 1, delete "P.L.4-2005,".

Page 4, line 2, delete "SECTION 145," and insert "SEA 526-2007, SECTION 389,".

Page 4, line 21, delete "an institution of".

Page 4, line 22, delete "higher education" and insert "a postsecondary educational institution".

(Reference is to EHB 1424 as printed March 20, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
FORD

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 29 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had ESB 29 under consideration and begs leave to report back to the Senate with the recommendation that ESB 29 be corrected as follows:

Page 1, line 1, delete "P.L.119-2006," and insert "SEA 526-2007,".

Page 1, line 2, delete "3," and insert "97,".

Page 2, line 37, after "state" insert "educational".

Page 2, line 37, delete "institution of higher education." and insert "institution.".

(Reference is to ESB 29 as reprinted April 6, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
WALTZ

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 524 because it conflicts with House Enrolled Act 1555-2007 and Senate Enrolled Act 526-2007 without properly recognizing the existence of HEA 1555-2007and SEA 526-2007, has had ESB 524 under consideration and begs leave to report back to the Senate with the recommendation that ESB 524 be corrected as follows:

Page 16, line 13, after "IC 4-4-11-41" insert ", AS AMENDED BY HEA 1555-2007, SECTION 1,".

Page 16, line 14, delete "[EFFECTIVE JULY 1, 2007]:" and insert "[EFFECTIVE JULY 1, 2008]:".

Page 16, line 18, delete "IC 23-2-1" and insert "IC 23-19".

Page 27, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 19. IC 5-1-16.5-7, AS ADDED BY SEA 526-2007, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. As used in this chapter, "authority" refers to the Indiana ~~health and educational facility~~ finance authority established by ~~IC 5-1-16-2.~~ **IC 4-4-11-4.**".

Page 30, line 42, delete "IC 5-28-28" and insert "IC 5-28-28.4".

Page 31, line 3, delete "28." and insert "**28.4.**".

Page 77, line 42, delete "P.L.235-2005," and insert "SEA 526-2007, SECTION 355,".

Page 78, line 1, delete "SECTION 204,".

Page 79, line 13, delete "IC 20-12-63;" and insert "~~IC 5-1-16.5;~~".

Page 82, line 31, delete "P.L.235-2005," and insert "SEA 526-2007, SECTION 376,".

Page 82, line 32, delete "SECTION 209,".

Page 82, line 33, delete "IC 20-12-63-15" and insert "IC 5-1-16.5-41".

Page 82, line 35, delete "IC 20-12-63)." and insert "IC 5-1-16.5).".

Page 83, line 1, after "IC 5-1-16-35;" insert "**IC 5-1-16.5-54;**".

Page 83, line 32, delete "IC 5-28-28," and insert "**IC 5-28-28.4,**".

Page 84, after line 26, begin a new paragraph and insert:

"**SECTION 44. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 4-4-11-41, as amended by this act, any bonds issued by the authority pursuant to IC 4-4-11 and any other securities issued in connection with a financing under IC 4-4-11 shall be exempt from the registration and other requirements of IC 23-2-1 and any other securities registration laws.**

(b) This SECTION expires June 30, 2008.".

Renumber all sections consecutively.

(Reference is to ESB 524 as printed March 30, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
HERSHMAN

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1324 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1324 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1324. be corrected as follows:

Page 2, line 5, after "IC 25-37.5-1-2" insert ", AS AMENDED BY SEA 526-2007, SECTION 350,".

Page 3, line 11, delete "an" and insert "~~a postsecondary educational~~".

Page 3, line 11, delete "institution of higher" and insert "~~institution.~~".

Page 3, delete line 12.

(Reference is to EHB 1324 as reprinted March 30, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
HERSHMAN

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1301 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1301 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1301 be corrected as follows:

Page 6, after line 35, begin a new paragraph and insert:

"SECTION 12. IC 21-22-1-5, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~"Regional institute"~~ **"Region"** means ~~a regional institute~~ **an administrative region** established under IC 21-22-6-1.

SECTION 13. IC 21-22-2-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~Subject to this section,~~ The two (2) year state educational institution established by section 1 of this chapter shall be called "Ivy Tech Community College of Indiana".

~~(b) The board of trustees may change the name of the state educational institution with the approval of the governor.~~

SECTION 14. IC 21-22-3-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The state board of trustees shall be known by the name of "The Trustees of Ivy Tech Community College of Indiana". ~~except when the name is altered, as provided in IC 21-22-2-2.~~ In the corporate name and capacity, the state board of trustees may sue, be sued, plead, and be impleaded, in any court of record, and by that name has perpetual succession.

SECTION 15. IC 21-22-4-4, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The duties of the treasurer of Ivy Tech Community College include the following:

(1) Keeping true accounts of all money received into the treasury of Ivy Tech Community College and of the expenditure of that money.

(2) Paying out the same on order of the state board of trustees.

(3) Collecting the tuition and fees due to Ivy Tech Community College as well as gifts, grants, bequests, and devises.

(4) ~~Submitting a full~~ **Preparing an annual financial** statement ~~of the finances of~~ **for** Ivy Tech Community College and ~~the treasurer's receipts and payments,~~ at each ~~annual~~ **regular** meeting of the state board of trustees **reporting on the financial condition of the college.**

(5) Investing and reinvesting such funds as shall come into the treasurer's possession ~~to~~ **for** the benefit of Ivy Tech Community College.

SECTION 16. IC 21-22-5-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The state board of trustees shall meet regularly **at least** four (4) times a year and at other times upon call by its chairman.

SECTION 17. IC 21-22-6-1, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The state board of trustees may do the following:

(1) Divide Indiana into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and develop an overall state plan that provides for the orderly development of ~~regional technical institutes~~ **the regions** encompassing, ultimately, all parts of Indiana into a coordinated system providing a comprehensive program of post-high school general, liberal arts, occupational, and technical education.

(2) Whenever a ~~regional institute~~ **region** is established, issue a ~~certificate of incorporation and a~~ charter, in a form that the state board of trustees provides, to the ~~regional institute~~ **region,** assist and supervise the development of a regional plan, and coordinate regional programs to avoid unnecessary and wasteful duplication.

(3) Make biennial studies of the budget requirements of the ~~regional institutes~~ **regions** and of its own programs and prepare a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech Community College.

(4) Perform or contract for the performance of ~~an audit~~ **periodic audits** of the financial records of each ~~regional institute on at least a biennial basis.~~ **region.**

SECTION 18. IC 21-22-6-2, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Whenever the state board of trustees establishes ~~a regional institute within a~~ **an administrative** region, it shall appoint a regional board of trustees.

SECTION 19. IC 21-22-6-3, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The regional board of a ~~regional institute~~ **region** consists of **at least** seven (7) members, including at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor, and educational groups of the region, all appointed by the state board of trustees. All members of the regional board must be residents of the region. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

SECTION 20. IC 21-22-6-4, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A vacancy on the regional board shall be filled by appointment by the state board of trustees. The regional board shall nominate ~~three (3)~~ **and submit to the state board the names of one (1) or more** candidates to fill the vacancy within forty (40) days after the vacancy occurs. The state board of trustees may appoint one (1) of the persons nominated by the regional board or may reject all of the regional board's nominees. If the state board of trustees rejects all of the nominees from a regional board, the state board of trustees shall notify the regional board, and the regional board shall make ~~three (3)~~ **one (1) or more** additional nominations within forty (40) days after receipt of the notice. The state board of trustees shall then fill the vacancy from either the original group of nominations or from the additional nominations.

SECTION 21. IC 21-22-6-7, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A majority of the regional board constitutes a quorum. **The affirmative votes of a majority of the regional board are required for the board to take action on any matter.**

SECTION 22. IC 21-22-6-8, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A regional board shall do the following:

(1) Make a careful analysis of the educational needs and opportunities of the region.

(2) Develop and recommend to the state board of trustees, a plan for providing postsecondary:

(A) general education;

(B) liberal arts education; and

(C) occupational and technical education;

programs and appropriate workforce development, assessment, and training services for the residents of that region.

(3) Develop and recommend a budget for regional programs and operations.

(4) Identify and recommend alternative methods of acquiring or securing facilities and equipment necessary for the delivery of effective regional programs.

(5) Facilitate and develop regional cooperation with employers, community leaders, economic development efforts, area vocational centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training in an efficient and cost effective manner and to avoid duplication of services.

(6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the region are being met.

(7) Make recommendations to the state board of trustees concerning policies that appear to substantially affect the regional board's capacity to deliver effective and efficient programming.

SECTION 23. IC 21-22-6-9, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A regional board may do the following:

(1) Adopt, amend, or repeal bylaws for the ~~regional institute~~ **region,** subject to the approval of the state board of trustees.

(2) Make recommendations to the state board of trustees concerning amendments to the charter of the ~~regional institute~~ **region.**

SECTION 24. IC 21-22-6-10, AS ADDED BY SEA 526-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Before taking any action under IC 21-27-6-3, IC 21-27-6-4, IC 21-31-2-5, IC 21-38-3-7(2), or IC 21-41-5-8 that would substantially affect a ~~regional institute~~ **region,** the state board of trustees shall request recommendations concerning the proposed action from the regional board for that region.

SECTION 25. IC 21-27-6-2, AS ADDED BY SEA 526-2007, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The board of trustees of Ivy Tech Community College has responsibility for the management and policies of Ivy Tech Community College and its ~~regional institutes~~ **administrative regions** within the framework of laws enacted by the general assembly.

SECTION 26. IC 21-27-6-6, AS ADDED BY SEA 526-2007, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The board of trustees of Ivy Tech Community College may authorize, approve, enter into, ratify, or confirm any agreement relating to a statewide program or a ~~regional institute~~ **region** with:

(1) the United States government, acting through any agency of the government designated or created to aid in the financing of the projects; or

(2) any person, organization, or agency offering contracts or grants-in-aid financing the educational facilities or the operation of the facilities and programs.

SECTION 27. IC 21-38-3-7, AS ADDED BY SEA 526-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board of trustees of Ivy Tech Community College may do the following:

(1) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee benefits, and personnel policies.

(2) Employ the chief administrator of ~~a regional institute~~ **each region.**

(3) Authorize the chief administrator of a ~~regional institute~~ **region** to employ the necessary personnel for the ~~regional institute~~ **region,** determine qualifications for positions, and fix compensation for positions in accordance with statewide policies established under subdivision (1).

SECTION 28. IC 21-41-5-8, AS ADDED BY SEA 526-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. Subject to IC 21-22-6-10, the board of trustees of Ivy Tech Community College may develop and adopt the appropriate **education** programs to be offered **and workforce services to be provided.**

SECTION 29. IC 21-41-5-10, AS ADDED BY SEA 526-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10**.** The board of trustees of Ivy Tech Community College may do the following:

(1) Initiate, promote, inaugurate, and develop occupational and technical education programs **and appropriate workforce development, assessment, and training services** in a manner consistent with sections 2 through 4 of this chapter.

(2) Operate either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, that in the board's opinion should be established due to:

(A) the specialized nature of the programs;

(B) the limited number of students involved; or

(C) other unique features requiring special attention.

(3) Contract with appropriate education institutions, including local public schools or other agencies, to carry out specific programs that can best and most economically be provided through this approach.".

(Reference is to EHB 1301 as printed March 23, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
LUBBERS

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred

Engrossed House Bill 1256 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1256 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1256 be corrected as follows:

Page 1, line 1, delete "IC 20-12-23-60" and insert "IC 21-27-4-4".

Page 1, line 3, delete "Sec. 60." and insert "**Sec. 4.**".

Page 1, line 17, delete "IC 20-12-38-2" and insert "IC 21-27-7-6".

Page 2, line 2, delete "Sec. 2." and insert "**Sec. 6.**".

Page 2, line 16, delete "IC 20-12-56-8" and insert "IC 21-27-5-4".

Page 2, line 18, delete "Sec. 8." and insert "**Sec. 4.**".

Page 2, line 31, delete "IC 20-12-57.5-12" and insert "IC 21-27-3-5".

Page 2, line 33, delete "Sec. 12." and insert "**Sec. 5.**".

Page 4, line 13, delete "IC 20-12-64-15" and insert "IC 21-27-8-7".

Page 4, line 15, delete "Sec. 15." and insert "**Sec. 7.**".

Page 4, line 28, delete "IC 23-13-18-30" and insert "IC 21-27-9-6".

Page 4, line 30, delete "Sec. 30." and insert "**Sec. 6.**".

Page 5, after line 1, begin a new paragraph and insert:

"SECTION 8. IC 21-27-6-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:**

(1) Review and recommend faculty employment policies concerning diversity issues.

(2) Review faculty and administration personnel complaints concerning diversity issues.

(3) Make recommendations to promote and maintain cultural diversity among faculty members.

(4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the state board.".

Renumber all sections consecutively.

(Reference is to EHB 1256 as printed April 6, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
LUBBERS

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 345 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had ESB 345 under consideration and begs leave to report back to the Senate with the recommendation that ESB 345 be corrected as follows:

Page 2, line 37, delete "AS ADDED BY P.L.1-2005, SECTION" and insert "AS AMENDED BY SEA 526-2007, SECTION 223,".

Page 2, line 38, delete "16,".

Page 2, line 40, delete "IC 20-12-1-10" and insert "~~IC 21-43-3)~~".

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 5. IC 21-43-1-6, AS ADDED BY SEA 526-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. "Program":

~~(1) for purposes of IC 21-43-3, refers to a postsecondary level technical education program:~~

~~(A) offered by a state educational institution;~~

~~(B) approved by the commission for higher education; and~~

~~(C) of less than a baccalaureate degree;~~

~~(2)~~ **(1)** for purposes of IC 21-43-4, refers to the postsecondary enrollment program established under IC 21-43-4;

~~(3)~~ **(2)** for purposes of IC 21-43-5, refers to the double up for college program established under IC 21-43-5;

~~(4)~~ **(3)** for purposes of IC 21-43-6, refers to the high school fast track to college program offered to qualified individuals under IC 21-43-6;

~~(5)~~ **(4)** for purposes of IC 21-43-7, refers to the high school fast track to college program offered to qualified individuals under IC 21-43-7; and

~~(6)~~ **(5)** for purposes of IC 21-43-8, refers to the high school fast track to college program offered to qualified individuals under IC 21-43-8.".

Page 3, line 25, delete "AS ADDED BY P.L.1-2005," and insert "AS AMENDED BY SEA 526-2007, SECTION 304,".

Page 3, line 26, delete "SECTION 44,".

Page 3, line 39, delete "IC 20-12-1-10" and insert "~~IC 21-43-3~~".

Page 4, line 8, after "IC 20-12-1-10;" insert "IC 21-43-1-7; IC 21-43-1-8; IC 21-43-1-10; IC 21-43-3;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed April 6, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
LUBBERS

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1427 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had EHB 1427 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1427 be corrected as follows:

Page 1, line 1, delete "P.L.101-2006,".

Page 1, line 2, delete "SECTION 4," and insert "SEA 526-2007, SECTION 101,".

Page 1, line 17, delete "an institution of" and insert "a state educational institution,".

Page 2, line 1, delete "higher education,".

(Reference is to EHB 1427 as printed March 13, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
WYSS

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1387 because it conflicts with Senate Enrolled Act 526-2007 and Senate Enrolled Act 108-2007 without properly recognizing the existence of SEA 526-2007 and SEA 108-2007, has had EHB 1387 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1387 be corrected as follows:

Page 4, line 26, after "IC 35-46-3-5" insert ", AS AMENDED BY SEA 526-2007, SECTION 378,".

Page 5, line 16, delete "IC 15-2.1-5-1," and insert "IC 21-46-3-1,".

Page 7, line 18, after "IC 35-46-3-12" insert ", AS AMENDED BY SEA 108-2007, SECTION 1,".

Page 8, reset in roman line 7.

Page 8, line 8, reset in roman "decree under this section".

Page 8, line 9, reset in roman "the court:".

Page 8, reset in roman lines 10 through 19.

(Reference is to EHB 1387 as printed March 16, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
LANANE

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 107

Senate Concurrent Resolution 107, introduced by Senator Wyss:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the issue of vehicle crashes involving commercial motor vehicles.

Whereas, Indiana's location in the heartland of the United States and as the Crossroads of America has led to a large amount of commercial motor vehicle traffic through the state;

Whereas, As a consequence of this upturn in commercial vehicle traffic, a significant number of serious vehicle crashes involving large commercial vehicles have occurred recently;

Whereas, Many of these commercial vehicle crashes have resulted in death or serious bodily injury to persons in Indiana;

Whereas, This upturn of crashes involving commercial vehicles has become a threat to the health and safety of the motoring public in Indiana and appropriate measures to reduce these crashes are necessary; and

Whereas, The issue of reducing crashes involving commercial motor vehicles requires more in-depth study, which can be accomplished during the interim: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish in interim study committee to study the issue of vehicle crashes involving commercial motor vehicles.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Austin, Duncan, Tincher, and Lutz.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 107.

WYSS

Motion prevailed.

Senate Resolution 63

Senate Resolution 63, introduced by Senators Wyss, Bray, and Meeks:

A SENATE RESOLUTION urging the Legislative Council to direct the Sentencing Policy Study Committee or other appropriate committee to review the diversion and deferral programs utilized by prosecutors in Indiana.

Whereas, It was discovered during the course of this legislative session that a review of the diversion and deferral programs utilized by prosecutors in Indiana is needed in order to properly address corrections issues in future legislative sessions: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to direct the Sentencing Policy Study Committee or other appropriate committee to review the diversion and deferral programs utilized by prosecutors in Indiana.

The resolution was read in full and adopted by voice vote.

Senate Resolution 65

Senate Resolution 65, introduced by Senator Becker:

A SENATE RESOLUTION congratulating Sherrianne Standley on her retirement.

Whereas, Sherrianne Standley was appointed senior vice president for advancement at the University of Southern Indiana in 1986. At the time of her appointment, she was the first female vice president at any of Indiana's public universities, and has served in this institution for more than thirty years;

Whereas, During her tenure, Sherrianne Standley worked for both USI presidents, managed the identity transition of a regional campus into a separate public university, created two Advancement departments and managed five, and directed a capital campaign that surpassed its goal by eight million dollars;

Whereas, In addition to her professional accomplishments, Sherrianne Standley has served as president of the YWCA of Evansville. She has also been on the steering committee of the National Conference on Institutionally Related Foundations and is a former president of the Indiana Council for Advancement and Support of Education;

Whereas, Sherrianne Standley has been honored with the Distinguished Alumni Award by Indiana State University, the Sigma Tau Gamma Administrator of the Year Award, and the Kentucky Colonel Award. She is a graduate of Indiana University and earned a Master of Public Administration degree from Indiana State University; and

Whereas, Sherrianne Standley will retire from the University of Southern Indiana in 2007 to spend more time with her granddaughter. Her departure is a great loss to the USI students, employees, alumni, and parents: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Sherrianne Standley on her retirement and wishes her well in the future.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to USI President Ray Hoop, Sherrianne Standley and her family.

The resolution was read in full and adopted by voice vote.

Senate Resolution 66

Senate Resolution 66, introduced by Senator Merritt:

A SENATE RESOLUTION to congratulate Laura Kuhn as the state winner in the VFW Essay contest.

Whereas, Laura Kuhn is an eighth grade student at Craig Middle School in Lawrence Township. She was recently named the state winner in the VFW Essay contest on "Citizenship in America";

Whereas, The VFW Essay contest is a nationwide competition that gives students the opportunity to write essays expressing their views on democracy. Annually, more than 115,000 students participate in the contest, and this year Laura's entry was the 17th placed essay in the nation;

Whereas, Contestants write a 300-400 word essay based on an annual patriotic theme. The first-place winner receives a $10,000 savings bond and an all expense paid trip to Washington D.C.;

Whereas, Laura Kuhn's winning essay defined citizenship as a responsibility, an honor, and a lifelong commitment. She incorporated quotes from Presidents John F. Kennedy and Ronald Reagan to illustrate her beliefs; and

Whereas, Laura Kuhn represents the best in patriotic young Americans in the State of Indiana. We wish her continued success in the future: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Laura Kuhn as the state winner in the VFW Essay contest.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Craig Middle School Principal, Troy Knoderer; Teacher, Ben Hauser; and Laura Kuhn and her family.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 83

House Concurrent Resolution 83, sponsored by Senator Errington:

A CONCURRENT RESOLUTION honoring Hurley Goodall.

Whereas, Hurley Goodall, a lifelong resident of Muncie, Indiana, will be honored by Ball State University with an honorary degree;

Whereas, Hurley Goodall was born on May 23, 1927;

Whereas, He and his wife of 51 years, Fredine "Freddie" Goodall, have two sons — Hurley, Jr. and Frederick;

Whereas, Hurley Goodall is an Army veteran who served in Japan from 1945-1947 as a member of the United States Army Corps of Engineers, Pacific Theater;

Whereas, Hurley Goodall served his hometown as the first of two

African-Americans to work for the Muncie Fire Department, retiring after years of dedicated service in 1978;

Whereas, Hurley Goodall was the first African-American elected to the Muncie Community Schools' Board of Education and serves as a visiting scholar in the Center for Middletown Studies at Ball State University;

Whereas, Hurley Goodall served in the Indiana House of Representatives from 1978 to 1992 and was the Assistant Floor Leader from 1989 through 1992;

Whereas, While serving in the Indiana General Assembly, Hurley Goodall was recognized as the Indiana State Employees' Association's Legislator of the Year, was a recipient of the Nation Builder Award from the National Black Caucus of State Legislators, and received a Service Award from the Indiana chapter of the NAACP;

Whereas, Hurley Goodall also was given the President's Medal from Ball State University and the Indiana Civil Rights Commission's Spirit of Justice Award, which was first presented to Rosa Parks in 1999 and is given to those who make significant contributions to civil rights;

Whereas, Hurley Goodall has served his state in a variety of ways, including chairing the Indiana Black Legislative Caucus (IBLC), serving as a Democratic National Convention Delegate in 1976, 1980, and 1992, and co-authoring a book in 1976 entitled A History of Negroes in Muncie;

Whereas, After leaving the Indiana General Assembly, Hurley Goodall was appointed to the Indiana Arts Commission by Governor Evan Bayh in July 1994 to fill an unexpired four-year term and reappointed by Governor Bayh in July 1996 to a full four-year term;

Whereas, While serving on the Indiana Arts Commission, Hurley Goodall served as chairman of the Program Evaluation Committee in 1997, chairman of the Cultural Trust Development Committee from 1997 to 1999, and secretary of the Indiana Arts Commission from 1998 to 1999, and he was instrumental in the development of the Indiana Arts Commission Cultural Trust and the passage of the enabling legislation for the Cultural Trust; and

Whereas, Hurley Goodall has spent his life helping others, and his concern and giving nature have touched the lives of many people in Delaware County and throughout the state of Indiana: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions that Hurley Goodall has made to his community and his state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Hurley Goodall and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 75

House Concurrent Resolution 75, sponsored by Senator Sipes:

A CONCURRENT RESOLUTION recognizing Rafia Zakaria.

Whereas, Rafia Zakaria works tirelessly to improve the quality of life for women in Pakistan and South Asia;

Whereas, This improvement can occur only when the world is aware of the atrocities that befall women around the world;

Whereas, Women in Pakistan and South Asia face death through honor killing, a term used to refer to a killing whose predominant motive is to extinguish the source of dishonor to the family by killing the person responsible;

Whereas, Between 2000 and October 2005, 1,734 women were killed in the name of honor;

Whereas, This number represents only those cases reported in the media; in reality, the number could be much larger;

Whereas, The isolation and fear of women living under such threats are compounded by the fact that many people living in Pakistan and South Asia see violence against women as acceptable and even justifiable;

Whereas, The killers are rarely prosecuted, and when the men are convicted, they traditionally receive light sentences, reinforcing the view that men can kill their female relatives with virtual immunity; and

Whereas, The practice of honor killing and other violations of women's human rights can be brought to an end only through knowledge; this knowledge will enable the world to speak out against such atrocities and to condemn them and those who bear the responsibility: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the efforts of Rafia Zakaria to promote human rights principles, gender

equality, and justice for women in Pakistan and South Asia and to empower women around the world through knowledge.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Rafia Zakaria and the Asian-American Network Against Abuse of Human Rights.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 64

Senate Resolution 64, introduced by Senator Hershman:

A SENATE RESOLUTION to honor Ty and Sacha Brown.

Whereas, Ty Brown is one of four children, with three younger sisters. Ty grew up on a homestead farm and has helped out on the family farm ever since he was eight years old. In high school, he was very active in FFA, and graduated in the top ten of his high school class. He went on to college and was the outstanding sophomore, junior and senior in agronomy;

Whereas, Sacha Brown grew up on a horse farm 2 hours away from Ty. Sacha was active as a 4-H volunteer and with the Indiana Farm Bureau. She too went on to college, where she met Ty Brown at an agronomy club meeting;

Whereas, Ty and Sacha Brown have been farming together for almost 12 years. Together, they own and operate an independent farming operation and have responsibility for maintaining Ty's parents farming operation. Both operations work together to form a synergistic relationship; and

Whereas, Ty and Sacha Brown epitomize the hard working entrepreneurial spirit of Hoosier farmers. Their success inspires us and is worthy of recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors Ty and Sacha Brown for their contributions to the farming industry.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ty and Sacha Brown.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 25, 2007, signed House Enrolled Acts: 1018, 1291, 1376, 1428, 1633, and 1778.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 26th day of April, 2007, signed Senate Enrolled Acts: 190, 207, 271, 403, 411, 434, 489, 526, 529, 551, 557, and 562.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 25, 2007, I signed the following enrolled acts into law: SEA 30, 38, 123, 129, 181, 208, 276, 311, 315, 333, 342, 372, 377, 448, 451, and 553.

MITCHELL E. DANIELS, JR.
Governor

SENATE MOTION

Madam President: I move that Senators Deig and Hume be added as coauthors of Senate Resolution 65.

BECKER

Motion prevailed.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 267.

BRAY

Roll Call 468: yeas 43, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 559.

PAUL

Roll Call 469: yeas 43, nays 0. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 220–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 220 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 3 through 10.
Page 4, delete lines 37 through 38.
Renumber all SECTIONS consecutively.
(Reference is to ESB 220 as reprinted April 6, 2007.)

Kruse, Chair	GiaQuinta
Deig	Stutzman
Senate Conferees	House Conferees

Roll Call 470: yeas 39, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 232–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 232 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 21, delete "if :" and insert "**. If:**".

Page 2, line 29, delete "a valid recording, which" and insert "**validly recorded and**".

Page 2, after line 30, begin a new paragraph and insert:

"SECTION 3. IC 32-28-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 14. Homeowners Association Liens

Sec. 1. As used in this chapter, "common expenses" means:

(1) all sums lawfully assessed against a subdivision by a homeowners association;

(2) expenses of:

(A) administration;

(B) maintenance;

(C) repair; or

(D) replacement;

of subdivision common areas and facilities;

(3) expenses agreed upon as common expenses by a homeowners association; and

(4) expenses declared common expenses by the bylaws or another written instrument of a homeowners association.

Sec. 2. As used in this chapter, "homeowners association" means all the owners of real estate in a subdivision acting as an entity in accordance with any:

(1) bylaws;

(2) covenants; or

(3) other written instruments;

of the homeowners association.

Sec. 3. As used in this chapter, "real estate" means a right, a title, or an interest in real property.

Sec. 4. As used in this chapter, "subdivision" means the division of a parcel of land into lots, parcels, tracts, units, or interests in the manner defined and prescribed by a subdivision control ordinance adopted by a legislative body under IC 36-7-4.

Sec. 5. (a) All sums assessed by a homeowners association but unpaid for the share of the common expenses chargeable to an owner of real estate in a subdivision constitute a homeowners association lien on the real estate effective as provided in section 6 of this chapter.

(b) The priority of a homeowners association lien is established on the date the notice of the lien is recorded under section 6 of this chapter.

(c) A notice of lien may not be recorded under subsection (a) unless the notice of lien:

(1) contains:

(A) the name and address of the homeowners association;

(B) the address and legal description of the property that is subject to the lien;

(C) the name of the owner of the property that is subject to the lien; and

(D) the amount of the lien; and

(2) is:

(A) signed by an officer of the homeowners association; and

(B) acknowledged as in the case of deeds.

Sec. 6. (a) A homeowners association lien under this chapter attaches to real estate upon the recording of a notice of lien by the homeowners association in the office of the recorder of the county in which the real estate is located.

(b) A homeowners association lien under this chapter attaches on the date of the recording of the notice of the lien under subsection (a) and does not relate back to:

(1) a date specified in the bylaws, the covenants, or another written instrument of the homeowners association; or

(2) the date the common expenses were assessed.

Sec. 7. (a) Except as provided in subsection (b), in a voluntary conveyance, the grantee of real estate is jointly and severally liable with the grantor for all unpaid assessments against the grantor for the grantor's share of the common expenses incurred before the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts of common expenses paid by the grantee.

(b) The grantee:

(1) is entitled to a statement from the manager, board of directors, or other governing authority of the homeowners association that sets forth the amount of the unpaid assessments against the grantor; and

(2) is not liable for, and the real estate conveyed is not subject to a homeowners association lien for, any unpaid assessments against the grantor unless the lien for unpaid assessments is recorded under section 6 of this chapter before recording the deed by which the grantee takes title.

(c) If the mortgagee of a first mortgage of record or other purchaser of real estate obtains title to the real estate as a result of foreclosure of the first mortgage, the acquirer of title or the acquirer's successors and assigns are not liable for the share of the common expenses or assessments by the homeowners

association chargeable to the real estate that became due before the acquisition of title to real estate by the acquirer. The unpaid share of common expenses or assessments is considered to be common expenses collectible from all of the owners of real estate in the subdivision, including the acquirer or the acquirer's successors and assigns.

Sec. 8. (a) A homeowners association may enforce a homeowners association lien by filing a complaint in the circuit or superior court of the county where the real estate that is the subject of the lien is located. The complaint must be filed not later than one (1) year after the date the statement and notice of intention to hold a lien was recorded under section 6 of this chapter.

(b) If a lien is not enforced within the time set forth in subsection (a), the lien is void.

(c) If a lien is foreclosed under this chapter, the court rendering judgment shall order a sale to be made of the real estate subject to the lien. The officers making the sale shall sell the real estate without any relief from valuation or appraisement laws.

Sec. 9. (a) A homeowners association lien under this chapter is void if both of the following occur:

(1) The owner of the real estate subject to the homeowners association lien or any person or corporation having an interest in the real estate, including a mortgagee or a lienholder, provides written notice to the owner or holder of the lien to file an action to foreclose the lien.

(2) The owner or holder of the lien fails to file an action to foreclose the lien in the county where the real estate is located within thirty (30) days after the date the owner or holder of the lien received the notice described in subdivision (1).

However, this section does not prevent the claim from being collected as other claims are collected by law.

(b) A person who gives notice under subsection (a)(1) by registered or certified mail to the owner or holder of the homeowners association lien at the address given in the recorded statement may file an affidavit of service of the notice to file an action to foreclose the lien with the recorder of the county in which the real estate is located. The affidavit must state the following:

(1) The facts of the notice.

(2) That more than thirty (30) days have passed since the notice was received by the owner or holder of the lien.

(3) That an action for foreclosure of the lien is not pending.

(4) That an unsatisfied judgment has not been rendered on the lien.

(c) The recorder shall record the affidavit of service in the miscellaneous record book of the recorder's office. When the recorder records the affidavit under this subsection, the real estate described in the homeowners association lien is released from the lien.

(d) An affidavit recorded under subsection (c) must cross reference the lien.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 232 as reprinted April 10, 2007.)

Zakas, Chair	Pierce
Lanane	Foley
Senate Conferees	House Conferees

Roll Call 471: yeas 42, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 328–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 328 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-27.5, AS AMENDED BY P.L.146-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27.5. (a) If:

(1) exigent circumstances require the emergency placement of a child; and

(2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-25-1-1, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual **who is at least eighteen (18) years of age and** who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual **who is at least eighteen (18) years of age and** who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

(1) use fingerprint identification to positively identify each individual ~~who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location;~~ **whose fingerprints are provided to the department under this subsection;** or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual **who is at least eighteen (18) years of age and** who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

(1) notification to the subject of the check; and

(2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is ~~currently residing in the location designated as the out-of-home placement at the time the child will reside in the location~~ **the subject of the name based criminal history record check** may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

(1) a complete set of the individual's fingerprints; and

(2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(3) A person for whom a national criminal history background check is required under any law relating to the licensing of a home, center, or other facility for purposes of day care or residential care of children.

(4) A person for whom a national criminal history background check is required for purposes of placement of a child in a foster family home, a prospective adoptive home, or the home of a relative or other caretaker, or for purposes of a report concerning an adoption as required by IC 31-19-8.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check. ~~for convictions described in IC 20-26-5-11.~~ The department shall respond to the request in conformity with:

(1) the requirements of 42 U.S.C. 5119a; and

(2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.

(e) This subsection applies to a qualified entity that ~~(1)~~ is not a school corporation or a special education cooperative, or **that** ~~(2)~~ is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer. After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the ~~applicant~~ **person who is the subject of a request** has been convicted of:

(1) an offense described in IC 20-26-5-11;

(2) in the case of a foster family home, an offense described in IC 31-27-4-13(a);

(3) in the case of a prospective adoptive home, an offense described in IC 31-19-11-1(c);

(4) any other felony; or

(5) any misdemeanor;

and convey the determination to the requesting qualified entity.

(f) This subsection applies to a qualified entity that:

(1) is a school corporation or a special education cooperative; and

(2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses

described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

SECTION 3. IC 12-19-1-2, AS AMENDED BY P.L.234-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The ~~director of the division, in consultation with the~~ director of the department of child services shall appoint a county director in each county.

(b) The director **of the department of child services** shall appoint each county director:

(1) solely on the basis of merit; and

(2) from eligible lists established by the state personnel department.

(c) Each county director must be a citizen of the United States.

SECTION 4. IC 29-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This article applies to the following:

(1) The business affairs, physical person, and property of every incapacitated person and minor residing in Indiana.

(2) Property located in Indiana of every incapacitated person and minor residing outside Indiana.

(3) Property of every incapacitated person or minor, regardless of where the property is located, coming into the control of a fiduciary who is subject to the laws of Indiana.

(b) Except as provided in subsections (c) through (e), the court has exclusive original jurisdiction over all matters concerning the following:

(1) Guardians.

(2) Protective proceedings under IC 29-3-4.

(c) A juvenile court has exclusive original jurisdiction over matters relating to the following:

(1) Minors described in IC 31-30-1-1.

(2) Matters related to guardians of the person and guardianships of the person described in IC 31-30-1-1(10).

(d) Except as provided in subsection (c), courts with child custody jurisdiction under:

(1) IC 31-14-10;

(2) IC 31-17-2-1; or

(3) **IC 31-21-5 (or** IC 31-17-3-3 **before its repeal);**

have original and continuing jurisdiction over custody matters relating to minors.

(e) A mental health division of a superior court under IC 33-33-49 has jurisdiction concurrent with the court in mental health proceedings under IC 12-26 relating to guardianship and protective orders.

(f) Jurisdiction under this section is not dependent on issuance or service of summons.

SECTION 5. IC 31-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Except as otherwise provided, the definitions in this article do not apply to the following:

(1) IC 31-11-3.

(2) **IC 31-21 (or** IC 31-17-3 **before its repeal).**

(3) IC 31-18.

(4) IC 31-19-29.

(5) IC 31-37-23.

SECTION 6. IC 31-9-2-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.3. "Abandoned", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-2.**

SECTION 7. IC 31-9-2-13, AS AMENDED BY HEA 1339-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) "Child", for purposes of the juvenile law, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(f) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

(g) "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(h) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 8. IC 31-9-2-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16.5. "Child care provider", for purposes of ~~IC 31-33-17,~~ **IC 31-33-26,** has the meaning set forth in ~~IC 31-33-17-0.5.~~ **IC 31-33-26-1.**

SECTION 9. IC 31-9-2-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.8. "Child custody determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-4.**

SECTION 10. IC 31-9-2-16.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.9. "Child custody proceeding", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-5.**

SECTION 11. IC 31-9-2-19.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.3. "Child welfare agency", for purposes of IC 31-25-2-20.4, means:**

(1) the department of child services; and

(2) a person (as defined in IC 24-4-14-5) that, directly or indirectly, provides:

(A) services to a child or family of a child, for which payment is made, in whole or in part, by the department of child services or a local office of the department of child services;

(B) services to:

(i) a child who is; or

(ii) a family with;

a child at imminent risk of placement (as defined in IC 31-26-5-1) who is referred by the department of child services or a local office of the department of child services to the person for family support or family preservation services; or

(C) assistance to or works in cooperation with the department of child services in the investigations of allegations of possible child abuse or neglect in accordance with IC 31-33.

SECTION 12. IC 31-9-2-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20.5. "Commencement", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-6.**

SECTION 13. IC 31-9-2-22.5, AS AMENDED BY P.L.145-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22.5. "Conduct a criminal history check", for purposes of IC 31-19, IC 31-26, IC 31-27, IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is **at least fourteen (14) years of age and who is:**

(i) for purposes of IC 31-19, IC 31-26, IC 31-33, IC 31-34, **and** IC 31-37, ~~and IC 31-38-2-13.5,~~ currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; or

~~(ii) for purposes of IC 31-27, an applicant, or if the applicant is an organization, the director or a manager of a facility where children will be placed, an employee, or a volunteer who has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of a person required to be licensed under IC 31-27, and~~

(ii) for purposes of IC 31-27-4-5, a resident of the applicant's household who is at least fourteen (14) years of age; and

(B) conduct a:

(i) ~~national~~ fingerprint based criminal history background check **of both national and state records data bases concerning a person who is at least eighteen (18) years of age** in accordance with **IC 10-13-3-27 and** IC 10-13-3-39; or

(ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person **who is at least eighteen (18) years of age as** described in clause (A) as provided by IC 10-13-3-27.5; ~~and~~

(2) collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe that a person described in subdivision (1)(A), **or a person for whom a fingerprint based criminal history background check is required under IC 31,** resided **within the previous five (5) years; and**

(3) request information concerning any substantiated report of child abuse or neglect relating to a person described in subdivision (1)(A) that is contained in a national registry of substantiated cases of child abuse or neglect that is established and maintained by the United States Department of Health and Human Services, to the extent that the information is accessible under 42 U.S.C. 16990 and any applicable regulations or policies of the Department of Health and Human Services.

SECTION 14. IC 31-9-2-26, AS AMENDED BY P.L.145-2006, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. "County office" **or "county office of family and children"** ~~for purposes of IC 31-25 through IC 31-40 and the juvenile law,~~ refers to a county office of ~~family and children.~~ **the department of child services established by**

IC 31-25-1-1.

SECTION 15. IC 31-9-2-27, AS AMENDED BY P.L.145-2006, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

(b) "Court", for purposes of IC 31-16-15, refers to the court having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(e) "Court", for purposes of IC 31-27, means a circuit or superior court.

(f) "Court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-7.

SECTION 16. IC 31-9-2-38.5, AS AMENDED BY P.L.145-2006, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 38.5. "Department", for purposes of IC 31-19 ~~IC 31-25, IC 31-26, IC 31-27, IC 31-28, IC 31-33, IC 31-34, IC 31-38,~~ and **IC 31-25 through** IC 31-40, has the meaning set forth in IC 31-25-2-1.

SECTION 17. IC 31-9-2-44.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 44.8. "Family preservation services", for purposes of IC 31-34-24 and IC 31-37-24, means short term, highly intensive services designed to protect, treat, and support the following:**

(1) A family with a child at risk of placement by enabling the family to remain intact and care for the child at home.

(2) A family that adopts or plans to adopt an abused or neglected child who is at risk of placement or adoption disruption by assisting the family to achieve or maintain a stable, successful adoption of the child.

SECTION 18. IC 31-9-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 53. (a) "Home state", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-8.**

(b) "Home state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-5.

SECTION 19. IC 31-9-2-58.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 58.3. "Index", for purposes of IC 31-33-26, means the child protection index established under IC 31-33-26-2.**

SECTION 20. IC 31-9-2-59.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 59.5. "Initial determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-9.**

SECTION 21. IC 31-9-2-64.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 64.5. "Issuing court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-10.**

SECTION 22. IC 31-9-2-65 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 65. **(a)** "Issuing state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-11.

(b) "Issuing state", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-11.

SECTION 23. IC 31-9-2-80.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 80.8. "Modification", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-12.**

SECTION 24. IC 31-9-2-89, AS AMENDED BY P.L.145-2006, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 89. (a) "Person", for purposes of the juvenile law, means:

(1) a human being;

(2) a corporation;

(3) a limited liability company;

(4) a partnership;

(5) an unincorporated association; or

(6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

SECTION 25. IC 31-9-2-90 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 90. "Person acting as **a** parent", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-14.**

SECTION 26. IC 31-9-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 91. **(a)** "Petitioner" or "obligee", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

(b) "Petitioner", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-15.

SECTION 27. IC 31-9-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 92. "Physical custody", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-16.**

SECTION 28. IC 31-9-2-102.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 102.7. "Record", for purposes**

of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-17.

SECTION 29. IC 31-9-2-106, AS AMENDED BY P.L.145-2006, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 106. ~~(a)~~ "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

~~(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the department under IC 31-33-17.~~

SECTION 30. IC 31-9-2-110 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 110. **(a)** "Respondent" or "obligor", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(b) "Respondent", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-18.

SECTION 31. IC 31-9-2-119 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-19.**

(b) "State", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-21.

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

SECTION 32. IC 31-9-2-130.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 130.5. "Tribe", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-20.**

SECTION 33. IC 31-9-2-135, AS ADDED BY P.L.145-2006, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 135. **(a)** "Warrant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an instrument that is:

(1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

(b) "Warrant", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-21.

SECTION 34. IC 31-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Jurisdiction of a child custody proceeding under:

(1) this chapter, IC 31-17-4, IC 31-17-6, and IC 31-17-7; or

(2) **IC 31-21 (or** IC 31-17-3 **before its repeal);**

shall be determined under **IC 31-21 (or** IC 31-17-3 **before its repeal).**

SECTION 35. IC 31-17-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the marriage of the child's parents has been dissolved in another state, the child's maternal or paternal grandparent may seek visitation rights if:

(1) the custody decree entered in the action for dissolution of marriage does not bind the grandparent under **IC 31-21-3-1 (or** IC 31-17-3-12 **before its repeal);** and

(2) an Indiana court would have jurisdiction under **IC 31-21-5-1 (or** IC 31-17-3-3 **before its repeal), IC 31-21-5-2, or IC 31-21-5-3** (or IC 31-17-3-14 **before its repeal)** to grant visitation rights to the grandparent in a modification decree.

SECTION 36. IC 31-19-2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.3. A court may not waive any criminal history check requirements set forth in this chapter.**

SECTION 37. IC 31-19-7-1, AS AMENDED BY P.L.145-2006, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) ~~Except:~~

~~(1) for:~~

~~(A) a child sought to be adopted by a stepparent;~~

~~(B) a child sought to be adopted by a grandparent, an aunt, or an uncle; or~~

~~(C) a child received by the petitioner for adoption from an agency outside Indiana with the written consent of the department; or~~

~~(2) if the court in its discretion, after a hearing held upon proper notice, has waived the requirement for prior written approval;~~

A child may not be placed in a proposed adoptive home without the prior written approval of a licensed child placing agency or county office of family and children approved for that purpose by the department.

(b) Except as provided in subsection (d), before giving prior written approval for placement in a proposed adoptive home of a child, ~~who is under the care and supervision of:~~

~~(1) the juvenile court; or~~

~~(2) the department of child services;~~

a licensed child placing agency or the department of child services shall conduct a criminal history check (as defined in IC 31-9-2-22.5) concerning the proposed adoptive parent and any other person who is currently residing in the proposed adoptive home.

(c) The prospective adoptive parent shall pay the fees and other costs of the criminal history check required under this section.

(d) A licensed child placing agency or the department of child services is not required to conduct a criminal history check (as defined in IC 31-9-2-22.5) if a prospective adoptive parent provides the licensed child placing agency or county office of family and children with the results of a criminal history check conducted:

(1) in accordance with IC 31-9-2-22.5; and

(2) not more than one (1) year before the date on which the licensed child placing agency or county office of family and

children provides written approval for the placement.

SECTION 38. IC 31-19-8-1, AS AMENDED BY P.L.145-2006, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. An adoption may be granted in Indiana only after:

(1) the court has heard the evidence; and

(2) **except as provided in section 2(c) of this chapter,** a period of supervision, as described in section 2 of this chapter, by a licensed child placing agency or **the** county office of family and children approved for that purpose by the department.

SECTION 39. IC 31-19-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as provided in subsection (c),** the period of supervision required by section 1 of this chapter may be before or after the filing of a petition for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.

SECTION 40. IC 31-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as provided in subsection (c),** not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency, each agency **or the county office of family and children** shall submit to the court a written report of ~~and~~ the ~~agency's~~ investigation **and** recommendation as to the advisability of the adoption.

(b) The agency's **or county office of family and children's** report and recommendation:

(1) shall be filed with the adoption proceedings; and

(2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child:

(1) may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision under section 2(c) of this chapter; and

(2) may require the county office of family and children or a child placing agency to:

(A) investigate any matter related to an adoption; and

(B) report to the court the results of the investigation.

(d) If the court waives the reports required under subsection (a), the court shall require the county office of family and children or a child placing agency to:

(1) conduct a criminal history check under IC 31-19-2-7.5; and

(2) report to the court the results of the criminal history check.

SECTION 41. IC 31-19-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency's **or county office of family and children's** report must, to the extent possible, include the following:

(1) The former environment and antecedents of the child.

(2) The fitness of the child for adoption.

(3) Whether the child is classified as hard to place:

(A) because of the child's ethnic background, race, color, language, physical, mental, or medical disability, or age; or

(B) because the child is a member of a sibling group that should be placed in the same home.

(4) The suitability of the proposed home for the child.

(b) The report may not contain any of the following:

(1) Information concerning the financial condition of the parents.

(2) A recommendation that a request for a subsidy be denied in whole or in part due to the financial condition of the parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

SECTION 42. IC 31-19-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The court shall summarily consider the agency's **or county office of family and children's** report. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

SECTION 43. IC 31-19-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report and recommendation of the agency **or county office of family and children** are not binding on the court but are advisory only.

SECTION 44. IC 31-19-11-1, AS AMENDED BY P.L.140-2006, SECTION 17, AS AMENDED BY P.L.173-2006, SECTION 17, AND AS AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the ~~*department's*~~ *state department of health's* affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery as a felony (IC 35-42-2-1).

(7) Domestic battery (IC 35-42-2-1.3).

~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).

~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).

~~(9)~~ **(10)** Criminal confinement (IC 35-42-3-3).

~~(10)~~ **(11)** A felony sex offense under IC 35-42-4.

~~(11)~~ **(12)** Carjacking (IC 35-42-5-2).

~~(12)~~ **(13)** Arson (IC 35-43-1-1).

~~(13)~~ **(14)** Incest (IC 35-46-1-3).

~~(14)~~ **(15)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

~~(15)~~ **(16)** Child selling (IC 35-46-1-4(d)).

~~(16)~~ **(17)** A felony involving a weapon under IC 35-47 or IC 35-47.5.

~~(17)~~ **(18)** A felony relating to controlled substances under IC 35-48-4.

~~(18)~~ **(19)** An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

~~(19)~~ **(20)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(18)~~ **(19)** for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), ~~(11),~~ (12), **(13),** (~~16), or~~ (17), or **(18), or** its equivalent under subdivision ~~(19),~~ **(20),** if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~*an*~~ *a sex* offender (as defined in ~~*IC 5-2-12-4).*~~ IC *11-8-8-5).*

SECTION 45. IC 31-21 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 21. UNIFORM CHILD CUSTODY JURISDICTION ACT

Chapter 1. Applicability

Sec. 1. This article does not apply to:

(1) an adoption proceeding; or

(2) a proceeding pertaining to the authorization of emergency medical care for a child.

Sec. 2. (a) A child custody proceeding pertaining to an Indian child, as defined in the Indian Child Welfare Act (25 U.S.C. 1901 et seq.), is not subject to this article to the extent that it is governed by the Indian Child Welfare Act.

(b) An Indiana court shall treat a tribe as if the tribe were a state of the United States for purposes of applying IC 31-21-3 through IC 31-21-5.

(c) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this article must be recognized and enforced under IC 31-21-6.

Sec. 3. (a) An Indiana court shall treat a foreign country as if the foreign country were a state of the United States for purposes of applying IC 31-21-3 through IC 31-21-5.

(b) Except as otherwise provided in subsection (c), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standard of this article must be recognized and enforced under IC 31-21-6.

(c) An Indiana court need not apply this article if the child custody law of a foreign country violates the fundamental principles of human rights.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Abandoned" means left without provision for reasonable and necessary care or supervision.

Sec. 3. "Child" means a person who is less than eighteen (18) years of age.

Sec. 4. (a) "Child custody determination" means a judgment, decree, or other court order providing for:

(1) legal custody;

(2) physical custody; or

(3) visitation;

with respect to a child.

(b) The term does not include an order relating to child support or other monetary obligation of a person.

Sec. 5. (a) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for:

(1) dissolution of marriage or legal separation;

(2) child abuse or neglect;

(3) guardianship;

(4) paternity;

(5) termination of parental rights; and

(6) protection from domestic violence;

in which the issue of child custody or visitation may appear.

(b) The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement of child custody under IC 31-21-6.

Sec. 6. "Commencement" means the filing of the first pleading in a proceeding.

Sec. 7. "Court" means an entity authorized by state law to establish, enforce, or modify a child custody determination.

Sec. 8. "Home state" means the state in which a child lived with:

(1) a parent; or

(2) a person acting as a parent;

for at least six (6) consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six (6) months of age, the term means the state in which the child lived since birth with a parent or person acting as a parent. A period of temporary absence of the parent or person acting as a parent is part of the period.

Sec. 9. "Initial determination" means the first child custody determination concerning a child.

Sec. 10. "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this article.

Sec. 11. "Issuing state" means the state in which a child custody determination is made.

Sec. 12. "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, regardless of whether the determination is made by the court that made the previous determination.

Sec. 13. "Person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency or instrumentality, a public corporation, or any other legal or commercial entity.

Sec. 14. "Person acting as a parent" means a person, other than a parent, who:

(1) has physical custody of the child or has had physical custody for a period of at least six (6) consecutive months, including a temporary absence, within one (1) year immediately before the commencement of a child custody proceeding; and

(2) has been awarded legal custody by a court or claims a right to legal custody under Indiana law.

Sec. 15. "Petitioner" means a person who seeks enforcement of:

(1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or

(2) a child custody determination.

Sec. 16. "Physical custody" means the physical care and supervision of a child.

Sec. 17. "Record" means information that is:

(1) inscribed on a tangible medium; or

(2) stored in an electronic or other medium;

and that is retrievable in a perceivable form.

Sec. 18. "Respondent" means a person against whom a proceeding has been commenced for enforcement of:

(1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or

(2) a child custody determination.

Sec. 19. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

Sec. 20. "Tribe" means an Indian tribe or band or Alaskan Native village that is:

(1) recognized by federal law; or

(2) formally acknowledged by a state.

Sec. 21. "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

Chapter 3. Procedural Considerations

Sec. 1. A child custody determination made by an Indiana court that has jurisdiction under this article binds each person who has:

(1) been served with notice in accordance with Indiana law;

(2) been notified in accordance with section 3 of this chapter; or

(3) submitted to the jurisdiction of the court;

and who has been given an opportunity to be heard. A child custody determination described in this section is conclusive as to the decided issues of law and fact except to the extent the determination is modified.

Sec. 2. If a question of existence or exercise of jurisdiction under this article is raised in a child custody proceeding, the question, on a request of a party, must be given priority on the court's calendar and handled expeditiously.

Sec. 3. (a) Notice required for the exercise of jurisdiction when a person is outside Indiana may be given in a manner prescribed by:

(1) Indiana law for service of process; or

(2) the law of the state in which the service is made.

Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by:

(1) Indiana law; or

(2) the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Sec. 4. A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in Indiana for another proceeding or purpose solely by reason of having participated,

or of having been physically present for the purpose of participating, in the proceeding.

Sec. 5. A person who is subject to personal jurisdiction in Indiana on a basis other than physical presence is not immune from service of process in Indiana. A person present in Indiana who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

Sec. 6. The immunity granted by section 4 of this chapter does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this article committed by an individual while present in Indiana.

Chapter 4. Communication and Cooperation Between Courts

Sec. 1. An Indiana court may communicate with a court in another state concerning a proceeding arising under this article.

Sec. 2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

Sec. 3. Communication between courts regarding:

(1) schedules;

(2) calendars;

(3) court records; and

(4) similar matters;

may occur without informing the parties. A record need not be made of the communication.

Sec. 4. A record must be made of a communication under sections 1 and 2 of this chapter. The parties must be:

(1) promptly informed of the communication; and

(2) granted access to the record.

Sec. 5. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in Indiana for testimony taken in another state. The court on its own motion may:

(1) order that the testimony of a person be taken in another state; and

(2) prescribe the manner in which and the terms on which the testimony is taken.

Sec. 6. An Indiana court may permit a person residing in another state to be deposed or to testify by:

(1) telephone;

(2) audiovisual means; or

(3) other electronic means;

before a designated court or another location in that state. An Indiana court shall cooperate with courts in other states in designating an appropriate location for the deposition or testimony.

Sec. 7. Documentary evidence transmitted from another state to an Indiana court by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Sec. 8. An Indiana court may request the appropriate court of another state to do the following:

(1) Hold an evidentiary hearing.

(2) Order a person to produce or give evidence under the procedures of the other state.

(3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding.

(4) Forward to the Indiana court:

(A) a certified copy of the transcript of the record of the hearing;

(B) the evidence otherwise presented; and

(C) an evaluation prepared in compliance with the request.

(5) Order:

(A) a party to a child custody proceeding; or

(B) any person having physical custody of the child;

to appear in the proceeding with or without the child.

Sec. 9. On the request of a court of another state, an Indiana court may:

(1) hold a hearing; and

(2) enter an order described in section 8 of this chapter.

Sec. 10. Travel and other necessary and reasonable expenses incurred under sections 8 and 9 of this chapter may be assessed against the parties according to Indiana law.

Sec. 11. An Indiana court shall preserve the:

(1) pleadings;

(2) orders;

(3) decrees;

(4) records of hearings;

(5) evaluations; and

(6) other pertinent records;

with respect to a child custody proceeding until the child becomes eighteen (18) years of age. On appropriate request by a court or law enforcement official of another state, the Indiana court shall forward a certified copy of the records to the court of the other state.

Chapter 5. Jurisdiction

Sec. 1. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court has jurisdiction to make an initial child custody determination only if one (1) of the following applies:

(1) Indiana is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six (6) months before the commencement of the proceeding, and the child is absent from Indiana but a parent or person acting as a parent continues to live in Indiana.

(2) A court of another state does not have jurisdiction under subdivision (1) or a court of the home state of the child has declined to exercise jurisdiction on the ground that Indiana is the more appropriate forum under section 8 or 9 of this chapter, and:

(A) the child and the child's parents, or the child and at least one (1) parent or person acting as a parent, have a significant connection with Indiana other than mere physical presence; and

(B) substantial evidence is available in Indiana concerning the child's care, protection, training, and personal relationships.

(3) All courts having jurisdiction under subdivision (1) or (2) have declined to exercise jurisdiction on the ground that an Indiana court is the more appropriate forum to determine the custody of the child under section 8 or 9 of this chapter.

(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3).

(b) The jurisdictional requirements described in this section provide the exclusive jurisdictional basis for making a child custody determination by an Indiana court.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

Sec. 2. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court that has made a child custody determination consistent with section 1 or 3 of this chapter has exclusive, continuing jurisdiction over the determination until:

(1) an Indiana court determines that:

(A) neither:

(i) the child;

(ii) the child's parents; nor

(iii) any person acting as a parent;

has a significant connection with Indiana; and

(B) substantial evidence is no longer available in Indiana concerning the child's care, protection, training, and personal relationships; or

(2) an Indiana court or a court of another state determines that:

(A) the child;

(B) the child's parents; and

(C) any person acting as a parent;

do not presently reside in Indiana.

(b) An Indiana court that:

(1) has made a child custody determination; and

(2) does not have exclusive, continuing jurisdiction under this section;

may modify the determination only if the Indiana court has jurisdiction to make an initial determination under section 1 of this chapter.

Sec. 3. Except as provided in section 4 of this chapter, an Indiana court may not modify a child custody determination made by a court of another state unless an Indiana court has jurisdiction to make an initial determination under section 1(a)(1) or 1(a)(2) of this chapter and:

(1) the court of the other state determines that:

(A) it no longer has exclusive, continuing jurisdiction under section 2 of this chapter; or

(B) an Indiana court would be a more convenient forum under section 8 of this chapter; or

(2) an Indiana court or a court of the other state determines that:

(A) the child;

(B) the child's parents; and

(C) any person acting as a parent;

do not presently reside in the other state.

Sec. 4. (a) An Indiana court has temporary emergency jurisdiction if the child is present in Indiana and:

(1) the child has been abandoned; or

(2) it is necessary in an emergency to protect the child because:

(A) the child;

(B) the child's sibling; or

(C) the child's parent;

is subjected to or threatened with mistreatment or abuse.

(b) If:

(1) there is no previous child custody determination that is entitled to be enforced under this article; and

(2) a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter;

a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 1 through 3 of this chapter.

(c) If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter, a child custody determination made under this section becomes a final determination, and, if it so provides, Indiana becomes the home state of the child.

(d) If:

(1) there is a previous child custody determination that is entitled to be enforced under this article; or

(2) a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter;

an order issued by an Indiana court under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 1 through 3 of this chapter.

(e) The order issued in Indiana remains in effect until an order is obtained from the other state within the period specified or the period expires.

(f) An Indiana court that has been asked to make a child custody determination under this section, on being informed that:

(1) a child custody proceeding has been commenced in; or

(2) a child custody determination has been made by;

a court of a state having jurisdiction under sections 1 through 3 of this chapter, shall immediately communicate with the other court.

(g) An Indiana court that is exercising jurisdiction under sections 1 through 3 of this chapter, on being informed that:

(1) a child custody proceeding has been commenced in; or

(2) a child custody determination has been made by;

a court of another state under a statute similar to this section, shall immediately communicate with the court of the other state

to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Sec. 5. (a) Before a child custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of IC 31-21-3-3 must be given to the following persons:

(1) Persons entitled to notice under Indiana law as in child custody proceedings between residents of Indiana.

(2) A parent whose parental rights have not been previously terminated.

(3) Any person having physical custody of the child.

(b) This article does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this article are governed by Indiana law in the same manner as in child custody proceedings between Indiana residents.

Sec. 6. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court may not exercise its jurisdiction under this article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this article, unless the proceeding:

(1) has been terminated; or

(2) is stayed by the court of the other state because an Indiana court is a more convenient forum under section 8 of this chapter.

(b) Except as otherwise provided in section 4 of this chapter, an Indiana court, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under sections 10 through 13 of this chapter. If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this article, the Indiana court shall:

(1) stay its proceeding; and

(2) communicate with the court of the other state.

If the court of the state having jurisdiction substantially in accordance with this article does not determine that the Indiana court is a more appropriate forum, the Indiana court shall dismiss the proceeding.

Sec. 7. In a proceeding to modify a child custody determination, an Indiana court shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the Indiana court may:

(1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) enjoin the parties from continuing with the proceeding for enforcement; or

(3) proceed with the modification under conditions the Indiana court considers appropriate.

Sec. 8. (a) An Indiana court that has jurisdiction under this article to make a child custody determination may decline to exercise its jurisdiction at any time if the Indiana court determines that:

(1) the Indiana court is an inconvenient forum under the circumstances; and

(2) a court of another state is a more appropriate forum.

The issue of inconvenient forum may be raised on motion of a party, the court's own motion, or request of another court.

(b) Before determining whether an Indiana court is an inconvenient forum, the Indiana court shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the Indiana court shall allow the parties to submit information and shall consider the relevant factors, including the following:

(1) Whether domestic violence has occurred and is likely to continue in the future and which state is best able to protect the parties and the child.

(2) The length of time the child has resided outside Indiana.

(3) The distance between the Indiana court and the court in the state that would assume jurisdiction.

(4) The relative financial circumstances of the parties.

(5) An agreement of the parties as to which state should assume jurisdiction.

(6) The nature and location of the evidence required to resolve the pending litigation, including the child's testimony.

(7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence.

(8) The familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If an Indiana court determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, the Indiana court:

(1) shall stay the proceedings on condition that a child custody proceeding be promptly commenced in another designated state; and

(2) may impose any other condition the Indiana court considers just and proper.

(d) An Indiana court may decline to exercise its jurisdiction under this article if a child custody determination is incidental to an action for dissolution of marriage or another proceeding while still retaining jurisdiction over the dissolution of marriage or other proceeding.

Sec. 9. (a) Except as otherwise provided in section 4 of this chapter or by any other Indiana law, if an Indiana court has jurisdiction under this article because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the child's parents and any person acting as a parent have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under sections 1 through 3 of this chapter determines that Indiana is a more appropriate forum under section 8 of this chapter; or

(3) no court of any other state would have jurisdiction under the criteria specified in sections 1 through 3 of this chapter.

(b) If an Indiana court declines to exercise its jurisdiction under subsection (a), the Indiana court may fashion an appropriate remedy to:

(1) ensure the safety of the child; and

(2) prevent a repetition of the unjustifiable conduct;

including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 1 through 3 of this chapter.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection (a), the court shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses, including:

(1) costs;

(2) communication expenses;

(3) attorney's fees;

(4) investigative fees;

(5) expenses for witnesses;

(6) travel expenses; and

(7) child care during the course of the proceedings;

unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against the state unless authorized by law other than this article.

Sec. 10. (a) Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall provide information, under oath, regarding:

(1) the child's present address or whereabouts and the places where the child has lived during the immediately preceding five (5) years; and

(2) the names and present addresses of the persons with whom the child has lived during that period.

(b) The pleading or affidavit must state the following:

(1) Whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify:

(A) the court;

(B) the case number; and

(C) the date of the child custody determination, if any.

(2) Whether the party knows of a proceeding that may affect the current proceeding, including proceedings for enforcement and proceedings relating to:

(A) domestic violence;

(B) protective orders;

(C) termination of parental rights; and

(D) adoptions;

and, if so, identify the court, the case number, and the nature of the proceeding.

(3) Whether the party knows the names and addresses of a person not a party to the proceeding who:

(A) has physical custody of the child; or

(B) claims rights of legal custody or physical custody of, or visitation with, the child;

and, if so, the names and addresses of the persons.

(c) If the information required by subsection (a) is not furnished, the court, on motion of a party or its own motion, may stay the proceeding until the information is furnished.

Sec. 11. If the declaration as to any of the items described in section 10(b)(1) through 10(b)(3) of this chapter is in the affirmative, the party shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to:

(1) the court's jurisdiction; and

(2) the disposition of the case.

Sec. 12. Each party has a continuing duty to inform the court of a proceeding in Indiana or any other state that may affect the current proceeding.

Sec. 13. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court:

(1) takes into consideration the health, safety, or liberty of the party or child; and

(2) determines that the disclosure is in the interest of justice.

Sec. 14. (a) In a child custody proceeding in Indiana, the court may order a party to the proceeding who is in Indiana to appear before the court in person with or without the child. The court may order any person who:

(1) is in Indiana; and

(2) has physical custody or control of the child;

to appear in person with the child.

(b) If a party to a child custody proceeding whose presence is desired by the court is outside Indiana, the court may order that a notice given under IC 31-21-3-3 include a statement:

(1) directing the party to appear in person with or without the child; and

(2) informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter an order necessary to ensure the safety of:

(1) the child; and

(2) any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside Indiana:

(1) is directed to appear under subsection (b); or

(2) desires to appear personally before the court with or without the child;

the court may require another party to pay reasonable and necessary travel and other expenses of the party who appears and of the child.

Chapter 6. Enforcement

Sec. 1. Under this chapter, an Indiana court may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

Sec. 2. (a) An Indiana court shall recognize and enforce a child custody determination of a court of another state if the court of another state exercised jurisdiction in substantial conformity with this article or the determination:

(1) was made under factual circumstances meeting the jurisdictional standards of this article; and

(2) has not been modified in accordance with this article.

(b) An Indiana court may use a remedy available under any other Indiana law to enforce a child custody determination made by a court of another state. The remedies provided in this article:

(1) are cumulative; and

(2) do not affect the availability of other remedies to enforce a child custody determination.

Sec. 3. (a) An Indiana court that does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(1) a visitation schedule made by a court of another state; or

(2) the visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

(b) If an Indiana court makes an order under subsection (a)(2), the Indiana court shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in IC 31-21-5. The order remains in effect until:

(1) an order is obtained from the court having jurisdiction; or

(2) the period expires.

Sec. 4. (a) A child custody determination issued by a court of another state may be registered in Indiana, with or without a simultaneous request for enforcement, by sending the following to the appropriate Indiana court:

(1) A letter or other document requesting registration.

(2) Two (2) copies, including one (1) certified copy, of the determination sought to be registered and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified.

(3) Except as otherwise provided in section 13 of this chapter:

(A) the name and address of the person seeking registration; and

(B) the name of a parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a), the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with one (1) copy of the accompanying documents and information, regardless of their form; and

(2) serve notice on each person named under subsection (a)(3) and provide the person with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) must state the following:

(1) A registered determination is enforceable as of the date of the registration in the same manner as a child custody determination issued by an Indiana court.

(2) A hearing to contest the validity of the registered determination must be requested not more than twenty (20) days after service of notice.

(3) Failure to contest the registration shall:

(A) result in confirmation of the child custody determination; and

(B) preclude further contest of that determination with respect to a matter that may have otherwise been asserted.

Sec. 5. (a) A person seeking to contest the validity of a registered order must request a hearing not more than twenty (20) days after service of the notice. At the hearing, the court shall confirm the registered order unless the person contesting the registration establishes that:

(1) the issuing court did not have jurisdiction under IC 31-21-5;

(2) the child custody determination sought to be registered has been:

(A) vacated;

(B) stayed; or

(C) modified;

by a court having jurisdiction to do so under IC 31-21-5; or

(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which registration is sought.

(b) If a timely request for a hearing to contest the validity of the registration is not made:

(1) the registration is confirmed as a matter of law; and

(2) the person requesting registration and each person served must be notified of the confirmation.

(c) Confirmation of a registered order whether:

(1) by operation of law; or

(2) after notice and hearing;

precludes further contest of the order with respect to a matter that may have been asserted at the time of registration.

Sec. 6. (a) An Indiana court may grant a relief normally available under Indiana law to enforce a registered child custody determination made by a court of another state.

(b) An Indiana court shall recognize and enforce, but may not modify, except in accordance with IC 31-21-5, a registered child custody determination of a court of another state.

Sec. 7. If a proceeding for enforcement under this article is commenced in an Indiana court and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under IC 31-21-5, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

Sec. 8. (a) A petition under this article must be verified. Certified copies of:

(1) the orders sought to be enforced; and

(2) an order confirming registration;

must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child custody determination must state the following:

(1) Whether the court that issued the determination identified the jurisdictional basis it relied on in exercising jurisdiction and, if so, what the basis was.

(2) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this article and, if so, identify:

(A) the court;

(B) the case number; and

(C) the nature of the proceeding.

(3) Whether a proceeding has been commenced that may affect the current proceeding, including proceedings relating to:

(A) domestic violence;

(B) protective orders;

(C) termination of parental rights; and

(D) adoptions;

and, if so, identify the court, the case number, and the nature of the proceeding.

(4) The present physical address of the child and the respondent, if known.

(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought.

(6) If the child custody determination has been registered and confirmed under sections 4 and 5 of this chapter, the date and place of registration.

Sec. 9. (a) On the filing of a petition, the court:

(1) shall issue an order directing the respondent to appear in person with or without the child at a hearing; and

(2) may enter an order necessary to ensure the safety of the parties and the child.

The hearing must be held on the next judicial day after service of the order unless holding the hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(b) An order issued under subsection (a) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under section 15 of this chapter and may schedule a hearing to determine whether further relief is appropriate unless the respondent appears and establishes that:

(1) the child custody determination has not been registered and confirmed under sections 4 and 5 of this chapter and that:

(A) the issuing court did not have jurisdiction under IC 31-21-5;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction under IC 31-21-5; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under sections 4 and 5 of this chapter but has been vacated, stayed, or modified by a court of a state having jurisdiction under IC 31-21-5.

Sec. 10. Except as otherwise provided in section 13 or 14 of this chapter, the petition and order must be served, by a method authorized by Indiana law, on the respondent and any person who has physical custody of the child.

Sec. 11. Unless the court issues a temporary emergency order under IC 31-21-5-4 on a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under sections 4 and 5 of this chapter and that:

(A) the issuing court did not have jurisdiction under IC 31-21-5;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under IC 31-21-5; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under sections 4 and 5 of this chapter but has been vacated, stayed, or modified by a court of a state having jurisdiction under IC 31-21-5.

Sec. 12. (a) The court:

(1) shall award the fees, costs, and expenses authorized under section 15 of this chapter; and

(2) may grant additional relief, including a request for the assistance of law enforcement officials, and set a hearing to determine whether additional relief is appropriate.

(b) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(c) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this chapter.

Sec. 13. (a) On the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to:

(1) suffer serious physical harm; or

(2) be removed from Indiana.

(b) If the court, on the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from Indiana, the court may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless hearing the petition on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by section 8(b) of this chapter.

Sec. 14. (a) A warrant to take physical custody of a child must:

(1) recite the facts on which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(b) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(c) A warrant to take physical custody of a child is enforceable throughout Indiana. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(d) The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.

Sec. 15. (a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including:

(1) costs;

(2) communication expenses;

(3) attorney's fees;

(4) investigative fees;

(5) expenses for witnesses;

(6) travel expenses; and

(7) child care during the course of the proceedings;

unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this article.

Sec. 16. An Indiana court shall accord full faith and credit to an order issued by another state and consistent with this article that enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction under IC 31-21-5.

Sec. 17. An appeal may be taken from a final order in a proceeding under this article in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under IC 31-21-5-4, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

Sec. 18. (a) In a case arising under this article or involving the Hague Convention on the Civil Aspects of International Child Abduction, a prosecuting attorney or other appropriate public official may take a lawful action, including resorting to a proceeding under this article or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination if there is:

(1) an existing child custody determination;

(2) a request to do so from a court in a pending child custody proceeding;

(3) a reasonable belief that a criminal statute has been violated; or

(4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A prosecuting attorney or other appropriate public official acting under this section acts on behalf of the court and may not represent a party.

Sec. 19. At the request of a prosecuting attorney or other appropriate public official acting under section 18 of this chapter, a law enforcement officer may:

(1) take a lawful action reasonably necessary to locate a child or a party; and

(2) assist a prosecuting attorney or appropriate public official with responsibilities under section 18 of this chapter.

Sec. 20. If the respondent is not the prevailing party, the court may assess against the respondent the direct expenses and costs incurred by the prosecuting attorney or other appropriate public official and law enforcement officers under section 18 or 19 of this chapter.

Chapter 7. Miscellaneous Provisions

Sec. 1. In applying and construing this article, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 2. If a provision of this article or its application to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Sec. 3. A motion or other request for relief made:

(1) in a child custody proceeding; or

(2) to enforce a child custody determination;

that was commenced before July 1, 2007, is governed by the law in effect at the time the motion or other request was made.

SECTION 46. IC 31-25-2-20.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20.4. (a) The department shall establish at least three (3) citizen review panels in accordance with the requirements of the federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106a.**

(b) A citizen review panel consists of volunteer members who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(c) The department shall appoint the citizen review panels in the following manner:

(1) One (1) panel must be a community child protection team established in a county under IC 31-33-3-1, selected by the director of the department with the consent of the team.

(2) One (1) panel must be either:

(A) the statewide child fatality review committee established under IC 31-33-25-6; or

(B) a local child fatality review team established under IC 31-33-24-6;

selected by the director of the department with the consent of the committee or team.

(3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by the department through a county office and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department through a county office and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

(5) Each citizen review panel shall be appointed for a term of three (3) years beginning July 1, 2007. Upon expiration of the term of the panel described in subdivision (1), the director of the department shall select a community child protection team established in a different county for the succeeding term. Upon expiration of the term of the panel described in subdivision (2), the director of the department shall select a different fatality review team, or committee, if available, for the succeeding term. Panels appointed under subdivision (3) or (4) may be reappointed for successive terms, in the discretion of the director of the department. The director may appoint individuals as needed to fill vacancies that occur during the term of any panel appointed under subdivision (3) or (4).

(d) A citizen review panel shall evaluate the extent to which a child welfare agency is effectively discharging the agency's child protection responsibilities by examining:

(1) the policies and procedures of child welfare agencies;

(2) if appropriate, specific child protective services cases; and

(3) other criteria the citizen review panel considers important to ensure the protection of children.

(e) Each citizen review panel shall:

(1) meet at least one (1) time every three (3) months; and

(2) prepare and make available to the department and the public an annual report that contains a summary of the activities of the citizen review panel.

(f) The department shall, not more than six (6) months after the date the department receives a report from a citizen review panel under subsection (e), submit to the citizen review panel a written response indicating whether and how the department will incorporate the recommendations of the citizen review panel. The department shall at the same time provide appropriate child welfare agencies with copies of the department's written response.

(g) A child welfare agency shall make all reports and other materials in the child welfare agency's possession available to a citizen review panel established under this section, including any reports and materials that the child welfare agency has received from other agencies.

(h) A member of a citizen review panel may not disclose to a person or government official any identifying information that is provided to the citizen review panel about:

(1) a specific child protective services case or child welfare agency case;

(2) a child or member of the child's family who is the subject of a child protective services investigation; or

(3) any other individuals identified in confidential reports, documents, or other materials.

(i) If a member of a citizen review panel violates subsection (h), the department may remove the member from the citizen review panel.

(j) A child welfare agency shall cooperate and work with each citizen review panel established under this section.

SECTION 47. IC 31-27-3-3, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An applicant must apply for a child caring institution license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) **The department, on behalf of an applicant, or, at the discretion of the department,** an applicant, shall

~~(1)~~ conduct a criminal history check of **the following:**

~~(A)~~ **(1)** Each individual who is an applicant. ~~and~~

~~(B)~~ **(2)** The director or manager of a facility where children will be placed. ~~and~~

~~(2) submit to the department the result of each criminal history check conducted under this subsection.~~

(3) An employee or a volunteer of the applicant who has or will have direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant.

(e) **If the applicant conducts a criminal history check under subsection (d),** the applicant shall: ~~do the following:~~

~~(1) Conduct a criminal history check of the applicant's:~~

~~(A) employees; and~~

~~(B) volunteers;~~

~~who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.~~

~~(2)~~ **(1)** maintain records of ~~each~~ **the information it receives concerning each individual who is the subject of a** criminal history check; **and**

(2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(3).

~~(f) An applicant is required to conduct a criminal history check required under subsection (c)(1) only one (1) time.~~

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) A criminal history check of a person described in subsection (d)(2) or (d)(3) must be completed on or before the date the person is employed or assigned as a volunteer. However, a fingerprint based criminal history background check under IC 31-9-2-22.5(1)(B) for a person described in subsection (d)(3) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer to a position described in subsection (d)(3). If a person described in this subsection has been the subject of a criminal history check (as described in IC 31-9-2-22.5) that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required.

(i) An applicant or licensee may provisionally employ an individual or assign a volunteer described in subsection (d)(3) for whom a criminal history check is required under subsection (d)(3) during the period after the process of requesting fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received by not later than the ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed

and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual described in subsection (d)(3), the applicant or licensee shall consider the following:

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

(5) Any other factor relating to the safety and security of the applicant's or licensee's operations.

~~(g)~~ **(j)** The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report.

(k) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 48. IC 31-27-3-5, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, ~~an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant~~ **or the director or manager of a facility where children will be placed by the applicant,** of:

(A) a felony; ~~or~~

(B) a misdemeanor related to the health and safety of a child;

(C) a misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal); or

(D) a misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that the applicant previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

~~(b)~~ **(d)** Notwithstanding subsection ~~(a)(2),~~ **(a) or (b),** if:

(1) a license application ~~is~~ **could be** denied due to a criminal conviction of, **or a determination of child abuse or neglect by,** an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of, **or determination of child abuse or neglect by,** the former employee or former volunteer does not ~~require~~ **constitute a sufficient basis for the** denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 49. IC 31-27-3-18, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child caring institution.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the child caring institution.

(5) The parent, guardian, or custodian of the child at the child caring institution.

(6) A citizen review panel established under IC 31-25-2-20.4.

SECTION 50. IC 31-27-3-31, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. **(a)** The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by:

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, ~~an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee~~ **or the director or manager of a facility where children will be placed by the licensee,** of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

(5) A determination by the department that the licensee previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license could be revoked due to a criminal conviction of, or a determination of child abuse or neglect by, an employee or a volunteer of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction or determination;

the criminal conviction of, or determination of child abuse or neglect by, the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section.

SECTION 51. IC 31-27-4-5, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An applicant must apply for a foster family home license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) An applicant shall submit the necessary information, forms, or consents for the department to conduct a criminal history check for each individual who is an applicant.

(e) **The department or, at the discretion of the department,** an applicant, shall ~~do the following:~~

~~(1)~~ conduct a criminal history check of:

~~(A)~~ **(1)** the applicant's

~~(i)~~ employees and

~~(ii)~~ volunteers

who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant; and

~~(B)~~ **(2)** all household members who are at least fourteen (14) years of age**.**

~~(2)~~ **(f) If the applicant conducts criminal history checks under subsection (e), the applicant shall** maintain records of ~~each criminal history check.~~ **the information received concerning each individual subject of a criminal history check.**

~~(f)~~ **(g) If the department conducts a criminal history check on behalf of an applicant under subsection (e), the department shall:**

(1) make a determination whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (e); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (e).

(h) Except as provided in subsection (i), a criminal history check described in subsection (e) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(i) With the exception of a fingerprint based criminal history background check under IC 31-9-2-22.5(1)(B) for a person described in subsection (e)(1), a criminal history check concerning a person described in subsection (e) must be completed on or before the date on which the subject of the check is first employed or assigned as a volunteer in a position described in subsection (e)(1) or first becomes a resident of the applicant's household as described in subsection (e)(2). A fingerprint based criminal history background check under IC 31-9-2-22.5(1)(B) for a person described in subsection (e)(1) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer. However, if a person described in this subsection has been the subject of a criminal history check that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required.

~~An applicant is required to conduct a criminal history check required under subsection (e)(1) only one (1) time.~~

~~(g)~~ **(j) An applicant or a licensee described in subsection (e)(1) may provisionally employ an individual or assign a volunteer for whom a criminal history check is required during the period after the process of requesting fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received by not later than ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual described in subsection (e)(1), the applicant or licensee shall consider the following:**

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

(5) Any other factor relating to the safety and security of the applicant's or licensee's operations.

(k) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report.

(l) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 52. IC 31-27-4-6, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; ~~or~~

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; **or**

(D) a person residing in the applicant's residence who is at least eighteen (18) years of age.

(2) A criminal conviction of the applicant ~~an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ of any of the following:

(A) a felony; ~~or~~

(B) a misdemeanor related to the health and safety of a child;

(C) a misdemeanor for operating a child care center or child care home without a license under IC 12-17.2-5; or

(D) a misdemeanor for operating a foster family home without a license under of this chapter (or IC 12-17.4-4 before its repeal).

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that the applicant previously operated a:

(A) child care center or child care home without a license under IC 12-17.2-5; or

(B) foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(b) An application for a license may also be denied if an individual who resides in the residence of the applicant or an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection or to permit the individual to reside in the applicant's residence.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(5) The nature and extent of unsupervised contact with children residing in the home.

~~(b)~~ **(d)** Notwithstanding subsection ~~(a)(2),~~ **(a) or (b),** if:

(1) a license application ~~is~~ **could be** denied due to a criminal conviction of, **or a determination of child abuse or neglect by,** an employee, ~~or~~ a volunteer, **or a person residing in the residence** of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant **or that the person residing in the residence no longer resides there;**

the criminal conviction of, **or determination of child abuse or neglect by,** the former employee, ~~or~~ former volunteer, **or former household resident** does not ~~require~~ **constitute a sufficient basis for the** denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 53. IC 31-27-4-13, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The department shall deny a license when an applicant fails to meet the requirements for a license. The department shall deny a license to an applicant who has been convicted of any of the following felonies:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1).

(7) Domestic battery (IC 35-42-2-1.3).

~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).

~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).

~~(9)~~ **(10)** Criminal confinement (IC 35-42-3-3).

~~(10)~~ **(11)** A felony sex offense under IC 35-42-4.

~~(11)~~ **(12)** Carjacking (IC 35-42-5-2).

~~(12)~~ **(13)** Arson (IC 35-43-1-1).

~~(13)~~ **(14)** Incest (IC 35-46-1-3).

~~(14)~~ **(15)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

~~(15)~~ **(16)** Child selling (IC 35-46-1-4(d)).

~~(16)~~ **(17)** A felony involving a weapon under IC 35-47 or IC 35-47.5.

~~(17)~~ **(18)** A felony relating to controlled substances under IC 35-48-4.

~~(18)~~ **(19)** An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

~~(19)~~ **(20)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(18)~~ **(19)** for which the conviction was entered in another state.

The department may deny a license to an applicant who has been convicted of a felony that is not listed in this subsection.

(b) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after receiving the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after receiving a written request.

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.

SECTION 54. IC 31-27-4-21, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department

upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the foster family home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the foster family home.

(5) The parent, guardian, or custodian of the child at the foster family home.

(6) A citizen review panel established under IC 31-25-2-20.4.

SECTION 55. IC 31-27-4-32, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. **(a)** The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by:

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; ~~or~~

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; **or**

(D) a person at least eighteen (18) years of age who is residing in the home of the licensee.

(2) A criminal conviction of the licensee ~~an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, of~~ **for** any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2-5.

(D) A misdemeanor for operating a foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

(5) A determination by the department that the licensee previously operated a:

(A) child care center or child care home without a license under IC 12-17.2-5; or

(B) foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(b) A license may also be revoked if an individual who resides in the residence of the licensee or an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection or to permit the individual to reside in the licensee's residence.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection (b), if:

(1) a license could be revoked due to a criminal conviction of, or a determination of child abuse or neglect by, an employee or a volunteer of the licensee or an individual residing in the residence of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction or that the individual no longer resides in the licensee's residence;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former household resident does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section.

SECTION 56. IC 31-27-5-4, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An applicant must apply for a group home license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) **The department on behalf of an applicant, or, at the discretion of the department,** an applicant, shall ~~(1)~~ conduct a criminal history check of **the following:**

~~(A)~~ **(1)** Each individual who is an applicant. ~~and~~

~~(B)~~ **(2)** The director or manager of a facility where children will be placed. ~~and~~

~~(2) submit to the department the result of each criminal history check conducted under this subsection.~~

(3) An employee or a volunteer of the applicant who has or will have direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant.

(e) ~~An~~ **If the applicant conducts a criminal history check under subsection (d), the** applicant shall: ~~do the following:~~

~~(1) Conduct a criminal history check of the applicant's:~~

~~(A) employees; and~~

~~(B) volunteers;~~

~~who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.~~

~~(2)~~ **(1)** maintain records of ~~each criminal history check.~~ **the information it receives concerning each individual who is the subject of a criminal history check; and**

(2) submit to the department a copy of the information the applicant receives concerning each person described in subsection (d)(1) through (d)(3).

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information it receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) A criminal history check of a person described in subsection (d)(2) or (d)(3) must be completed on or before the date on which the subject of the check is employed or assigned as a volunteer. However, a fingerprint based criminal history background check under IC 31-9-2-22.5(1)(B) for a person described in subsection (d) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer to a position described in subsection (d). If a person described in this subsection has been the subject of a criminal history check (as described in IC 31-9-2-22.5) that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required.

(i) An applicant or licensee may provisionally employ an individual or assign a volunteer described in subsection (d)(3) for whom a criminal history check is required during the period after the process of requesting fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received within ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual described in subsection (d)(3), the applicant or licensee shall consider the following:

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

(5) Any other factor relating to the safety and security of the applicant's or licensee's operations.

(j) The department shall, at the applicant's request, inform the applicant as to whether the department has or does not have a record of the person who is the subject of a criminal history background check and whether the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report.

(k) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

~~(f) An applicant is required to conduct a criminal history check required under subsection (c)(1) only one (1) time for each employee or volunteer.~~

~~(g) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of~~

~~the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report.~~

SECTION 57. IC 31-27-5-6, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, ~~an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, of~~ **or the director or manager of a facility where children will be placed by the applicant, for** any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that the applicant previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) **An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:**

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection ~~(a)(2),~~ **(a) or (b),** if:

(1) a license application ~~is~~ **could be** denied due to a criminal conviction of, **or a determination of child abuse or neglect by,** an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of, **or determination of child abuse or neglect by,** the former employee or former volunteer does not ~~require~~ **constitute a sufficient basis for the** denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 58. IC 31-27-5-18, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department, upon request, the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the group home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the group home.

(5) The parent, guardian, or custodian of the child at the group home.

(6) A citizen review panel established under IC 31-25-2-20.4.

SECTION 59. IC 31-27-5-31, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. **(a)** The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect by:

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, ~~an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,~~ **or the director or manager of a facility where children will be placed by the licensee,** for any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

(5) A determination by the department that the licensee previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license could be revoked due to a criminal conviction of, or a determination of child abuse or neglect by, an employee or a volunteer of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction;

the criminal conviction of, or determination of child abuse or neglect by, the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section.

SECTION 60. IC 31-27-6-2, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An applicant must apply for a child placing agency license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant ~~shall~~ **must** submit with the application a statement attesting the following:

(1) That the applicant has not been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) That the applicant has not been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) **The department on behalf of an applicant, or, at the discretion of the department,** an applicant, shall ~~(1)~~ conduct a criminal history check of **the following:**

~~(A)~~ **(1)** Each individual who is an applicant. ~~and~~

~~(B)~~ **(2)** The director or manager of a facility where children will be placed. ~~and~~

~~(2) submit to the department the result of each criminal history check conducted under this subsection.~~

(3) An employee or a volunteer of the applicant who has or will have direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant.

(e) ~~An~~ **If the applicant conducts a criminal history check under subsection (d), the** applicant shall: ~~do the following:~~

~~(1) Conduct a criminal history check of the applicant's:~~

~~(A) employees, and~~

~~(B) volunteers,~~

~~who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.~~

~~(2)~~ **(1)** maintain records of ~~each~~ **the information it receives concerning each individual who is the subject of a** criminal history check; **and**

(2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(3).

~~(f) An applicant is required to conduct a criminal history check required under subsection (c)(1) only one (1) time for each employee or volunteer.~~

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) A criminal history background check of a person described in subsection (d)(2) or (d)(3) must be completed on or before the date on which the subject of the check is employed or assigned as a volunteer. However, a fingerprint based criminal history background check under IC 31-9-2-22.5(1)(B) for a person described in subsection (d)(3) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer to a position described in subsection (d)(3). If a person described in this subsection has been the subject of a criminal history background check (as described in IC 31-9-2-22.5) that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required.

(i) An applicant or a licensee may provisionally employ an individual or assign a volunteer described in subsection (d)(3) for whom a criminal history background check is required during the period after the process of requesting fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received within ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or a volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or an employee of the applicant or licensee who has been the subject of a completed and approved criminal history background check. In determining whether to provisionally hire or assign as a volunteer an individual described in subsection (d)(3), the applicant or licensee shall consider the following:

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

(5) Any other factor relating to the safety and security of the applicant's or licensee's operations.

~~(g)~~ **(j)** The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report.

(k) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 61. IC 31-27-6-3, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The following constitute sufficient grounds for denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, ~~an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ **or the director or manager of a facility where children will be placed by the licensee,** for any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that the applicant previously operated a home or facility without a license

required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) **An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:**

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection ~~(a)(2),~~ **(a) or (b),** if:

(1) a license application ~~is~~ **could be** denied due to a criminal conviction of, **or a determination of child abuse or neglect by,** an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of, **or determination of child abuse or neglect by,** the former employee or former volunteer does not ~~require~~ **constitute a sufficient basis for the** denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 62. IC 31-27-6-15, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child placing agency.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) A citizen review panel established under IC 31-25-2-20.4.

SECTION 63. IC 31-27-6-28, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. **(a)** The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, ~~an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, of~~ **or the director or manager of a facility where children will be placed by the licensee, for** any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the department that the licensee made false statements in the records required by the department.

(5) A determination by the department that the licensee previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(b) A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license could be revoked due to a criminal conviction of, or a determination of child abuse or neglect by, an employee or a volunteer of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction or determination;

the criminal conviction of, or determination of child abuse or neglect by, the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section.

SECTION 64. IC 31-32-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) Any written notice of a hearing or other court proceeding in a child in need of services case under IC 31-34 or a delinquency case under IC 31-37 shall be given to:**

(1) a party in the manner provided by Rule 5 of the Indiana Rules of Trial Procedure; or

(2) an individual who is not a party by:

(A) personal delivery to the individual; or

(B) mail as provided in Rule 5(B)(2) of the Indiana Rules of Trial Procedure.

(b) Notice by mail must be deposited in the United States mail not less than five (5) calendar days (excluding Saturdays, Sundays, and national legal holidays recognized by the federal government) before the date of the scheduled hearing or proceeding.

(c) Written notice may be given by either:

(1) a copy of a court order or docket entry; or

(2) a letter addressed to the individual required to be notified;

that states the date, time, and purpose of the hearing or proceeding.

(d) Written notice is not required if verbal notice of the date, time, place, and purpose of the hearing or proceeding is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

(e) Written notice is not required if:

(1) the hearing or proceeding is scheduled to be held at a time within forty eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees) after the court sets the time for the hearing or proceeding; and

(2) the individual responsible for giving the notice under this section:

(A) provides verbal notice of the date, time, place, and purpose of the hearing or proceeding directly to the person required to be notified; and

(B) verifies by affidavit or testimony at the hearing that verbal notice was given as required under this subsection.

(f) Except as provided in subsection (d):

(1) the department is responsible for giving all notices of a hearing or proceeding in a child in need of services case under IC 31-34; and

(2) the prosecuting attorney or the probation department of the juvenile court is responsible for giving all notices of a hearing or proceeding in a delinquency case under IC 31-37.

SECTION 65. IC 31-33-8-13, AS AMENDED BY P.L.234-2005, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Whenever

~~(1) an arrest relating to child abuse or neglect is made, the law enforcement agency that makes the arrest;~~

~~(2) criminal charges relating to child abuse or neglect are filed, the court in which the charges are filed;~~

~~(3) a child in need of services determination is made, the department;~~

~~(4) a court approves a program of informal adjustment under IC 31-34-8 arising out of a child abuse or neglect report, the department; or~~

~~(5) a person who is accused of child abuse or neglect:~~

~~(A) enters into a services referral agreement; and~~

~~(B) fails to substantially comply with the terms of the services referral agreement;~~

~~under IC 31-33-13, the department;~~

~~shall transmit to the registry, not more than five (5) working days after the circumstances described by subdivisions (1) through (5) occur, the relevant~~ **a court finds that a child is a child in need of services on the basis of a** child abuse or neglect report **classified as substantiated under section 12 of this chapter, the department shall enter into the child protection index established under IC 31-33-26-2 identifiable information concerning the court's judgment.**

SECTION 66. IC 31-33-18-2, AS AMENDED BY P.L.146-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

SECTION 67. IC 31-33-26 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 26. Child Protection Index

Sec. 1. (a) As used in this chapter, "child care provider" means a person who:

(1) provides child care (as defined in IC 12-7-2-28.2) regardless of whether the person is required to be licensed or registered under IC 12-17.2; or

(2) is a child caring institution, a foster family home, a group home, or a child placing agency that is licensed or required to be licensed under IC 31-27.

(b) As used in this chapter, "index" refers to the child protection index established under section 2 of this chapter.

Sec. 2. The department shall establish and maintain a centralized, computerized child protection index to organize and access data regarding substantiated reports of child abuse and neglect that the department receives from throughout Indiana under this article.

Sec. 3. In addition to the equipment needed to establish, operate, and maintain the index, the index must include the following components:

(1) One (1) computer to be purchased for every two (2) child welfare caseworkers.

(2) Automated risk assessment in which a child welfare caseworker or supervisor is able to review a substantiated child abuse or neglect case to determine prior case history during the intake, investigation, assessment, and case management processes.

(3) The capability to allow supervisors to monitor child abuse and neglect cases and reports relating to the cases.

(4) The automated production of standard reports to enable the automated compilation of information gathered

on forms used by child welfare caseworkers to report the information and results of child abuse and neglect cases. The index must also provide for the automation of other data for planning and evaluation as determined by the department.

(5) The capability of same day notification and transfer of statistical information to the department regarding new and closed child abuse and neglect cases.

(6) The enabling of child welfare supervisors to review a child abuse or neglect determination at any point after the investigation is initially classified as substantiated abuse or neglect, to confirm the status of the case, and to allow for the consolidated management of cases.

(7) The capability for adjusting the index's programming at a later date if additional reporting requirements occur.

(8) A word processing capability to allow case notes to be recorded with each substantiated child abuse and neglect case.

Sec. 4. (a) In addition to the components described in section 3 of this chapter, the index must have the capability to maintain a case history file.

(b) Whenever a person enters a new child abuse or neglect report into the index, the index must have the capability to automatically search for reports that match the name of the:

(1) perpetrator;

(2) victim; or

(3) person who is legally responsible for the victim's welfare;

with the persons named in the new report as described in this chapter.

(c) If the index identifies a previous, substantiated report, the index must have the capability to transfer the report to the county where the new report originated not later than twenty-four (24) hours after receipt of the new report. If a previous, matching report is located, a case history extract must be made available to the assigned caseworker.

Sec. 5. (a) Subject to the accessibility to files provided in subsection (b), at least ten (10) levels of security for confidentiality in the index must be maintained.

(b) The index must have a comprehensive system of limited access to information as follows:

(1) The index must be accessed only by the entry of an operator identification number and a password.

(2) A child welfare caseworker must be allowed to access only:

(A) cases that are assigned to the caseworker; and

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A).

(3) A child welfare supervisor may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker who reports to the supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A) or (B).

(D) Cases that are unassigned.

(4) To preserve confidentiality in the workplace, child welfare managers, as designated by the department, may access any case, except restricted cases involving:

(A) a state employee; or

(B) the immediate family member of a state employee;

who has access to the index. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is restricted to:

(A) users designated by the department as administrators; and

(B) the administrator's level of access as determined by the department.

(6) Ancillary programs that may be designed for the index may not be executed in a manner that would circumvent the index's log-on security measures.

(7) Certain index functions must be accessible only to index operators with specified levels of authorization as determined by the department.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the department.

Sec. 6. The department shall store data regarding child abuse or neglect reports in a manner that allows the data to be retrieved based on the following, if known:

(1) The child's name.

(2) The child's date of birth.

(3) The alleged perpetrator's name.

(4) The child's mother's name.

(5) The child's father's name.

(6) The name of a sibling of the child.

(7) The name of the child's guardian or custodian if applicable.

Sec. 7. The department may adopt rules under IC 4-22-2 to ensure that the confidentiality of and access to reports of child abuse or neglect are maintained as provided in this chapter.

Sec. 8. (a) This section does not apply to substantiated reports if a court has determined that a child is a child in need of services based on:

(1) a report of child abuse or neglect that names the perpetrator as the individual who committed the child abuse or neglect; or

(2) facts presented to the court at a hearing in a child in need of services case commenced under IC 31-34 that are consistent with the facts and conclusions stated in the report, if the department approved the substantiated report after the court's determination.

(b) Not later than thirty (30) days after the department enters a substantiated child abuse or neglect report into the index, the department shall notify:

(1) the parent, guardian, or custodian of the child who is named in the report as the victim of the child abuse or neglect; and

(2) any person identified as the perpetrator, if other than the child's parent, guardian, or custodian;

that the department has entered the report into the index.

(c) The department shall state the following in a notice to the perpetrator of a substantiated report under subsection (b):

(1) The report has been classified as substantiated.

(2) The perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the perpetrator does not agree with the classification of the report unless a court is in the process of making a determination.

(3) The perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the department not more than thirty (30) days after the notice is served on the perpetrator as provided in IC 4-21.5-3-1(b). Time shall be computed as provided in IC 4-21.5-3-2.

(d) If the perpetrator fails to request an administrative hearing within the time specified in subsection (c)(3), the perpetrator named in a substantiated report may request an administrative hearing to contest the classification of the report if the perpetrator demonstrates that the failure to request an administrative hearing was due to excusable neglect or fraud. The Indiana Rules of Civil Procedure provide the standard for excusable neglect or fraud.

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

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

(c) During an administrative hearing under this section, the administrative hearing officer shall consider hearsay evidence to be competent evidence and may not exclude hearsay based on the technical rules of evidence. However, a determination may not be based solely on evidence that is hearsay.

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

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

(f) The administrative hearing shall be closed.

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

Sec. 10. The department shall administer the index in a manner that enables the department to do the following:

(1) Immediately identify and locate prior reports of child abuse or neglect through the use of the department's:

(A) computerized tracking system; and

(B) automated risk assessment system.

(2) Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse or neglect.

(3) Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the department shall make available to the public upon request.

(4) Serve as a resource for the evaluation, management, and planning of preventive and remedial services to children who have been subject to child abuse or neglect.

Sec. 11. (a) If a court having jurisdiction over a child in need of services case under IC 31-34 has determined or is anticipated to determine whether:

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

(2) child abuse or neglect occurred; or

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

the determination of the court is binding.

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

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

(1) the alleged child abuse or neglect did not occur; or

(2) the person was not a perpetrator of the alleged child abuse or neglect.

Sec. 12. (a) If criminal charges are filed against a perpetrator based on the same facts and circumstances on which the department classified a child abuse or neglect report as substantiated, any administrative hearing requested by the perpetrator under this chapter shall be stayed pending disposition of the criminal charges.

(b) If the criminal charges result in the conviction of the perpetrator and the facts that provided a necessary element for the conviction also provided the basis for the substantiated report under IC 31-33-8-12, the person named in the report as a perpetrator of child abuse or neglect is not entitled to an administrative hearing under this chapter.

Sec. 13. The department shall adopt rules under IC 4-22-2:

(1) to provide procedures not inconsistent with section 9 of this chapter by which any person identified as a perpetrator in a substantiated report of child abuse or neglect that is entered into the child protection index may request and obtain an administrative hearing as provided in this chapter;

(2) to establish procedures for the conduct of the administrative hearing; and

(3) to establish provisions for administrative review by the department of a proposed or approved substantiated report, before or after an administrative hearing is available or conducted.

Sec. 14. The department shall immediately amend or expunge from the index a substantiated report containing an inaccuracy

arising from an administrative or a clerical error.

Sec. 15. (a) The department shall expunge a substantiated report contained within the index as follows:

(1) Not later than ten (10) working days after any of the following occurs:

(A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.

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

(C) A court having juvenile jurisdiction enters an order for expungement of the report under IC 31-33-7-6.5.

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

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

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

(2) an administrative hearing officer under this chapter;

finds that the person was not a perpetrator of the child abuse or neglect that occurred.

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

(d) The department shall expunge an indicated report contained in the index at the time specified in IC 31-33-8-12.

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

Sec. 16. (a) A person or an organization may have access to information contained in the index as follows:

(1) A law enforcement agency may have access to a substantiated report for purposes of investigating or criminally prosecuting a person identified as a perpetrator of child abuse or neglect.

(2) A child care provider, upon submitting a written consent for release of information signed by an individual who:

(A) is employed by or who has applied for employment with the child care provider;

(B) has volunteered to provide services to the child care provider in a capacity that would place the individual in direct contact, on a regular and continuous basis, with children who are or will be under the direct supervision of the child care provider; or

(C) is at least eighteen (18) years of age and resides in the home of the child care provider;

may have access to any information relating to a substantiated report of child abuse or neglect that names the employee, applicant, volunteer, or household resident as the perpetrator of child abuse or neglect.

(3) A person may have access to any information that is contained in the index pertaining to the person, with protection for the identity of:

(A) a person who reports the child abuse or neglect; and

(B) any other appropriate person.

(4) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may have access to information contained in the index.

(5) Representatives of the division of family resources designated by the director of the division may have access to and use any information relating to a substantiated report of child abuse or neglect that would constitute a basis for denial or revocation of a license for a child care center under IC 12-17.2-4 or a child care home under IC 12-17.2-5.

(6) Representatives of the department designated by the director may have access to and use any information relating to a substantiated report of child abuse or neglect that would constitute a basis for denial or revocation of a license for a child caring institution, foster family home, group home, or child placing agency under IC 31-27.

(7) Any representative of the department, a court having juvenile jurisdiction, and any party in a case under IC 31-34 or IC 31-37 may have access to and use any information relating to a substantiated report of child abuse or neglect in connection with a determination of an appropriate out of home placement for a child under any applicable provision of IC 31-34 or IC 31-37 that requires a criminal history check (as described in IC 31-9-2-22.5) concerning any person.

(8) The department shall provide any information contained in a substantiated report of child abuse or neglect that is included in the index to an authorized agency of another state that requests information concerning a prospective foster or adoptive parent, or any other adult living in the home of a prospective foster or adoptive parent, in accordance with 42 U.S.C. 671(a)(20)(C).

(9) The department shall transmit or provide to a national index of substantiated cases of child abuse or neglect established in accordance with 42 U.S.C. 16990:

(A) a copy of any substantiated report and related information entered into the index; and

(B) information concerning expungement or amendment of any substantiated report as provided in section 14 or 15 of this chapter.

(10) To determine the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3), the division of family resources may use information contained in the index concerning whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming an individual described in IC 12-17.2-3.5-4.1(a) as a perpetrator.

(b) Except as provided in this section or in rules adopted under subsection (c), the department may not disclose information used in connection with the department's activities under this section.

(c) The department shall adopt rules under IC 4-22-2 relating to the procedure for disclosure of information described in this section.

Sec. 17. (a) If a court grants a name change under IC 34-28-2 (or IC 34-4-6 before its repeal) to a person:

(1) against whom an allegation of child abuse or neglect has been substantiated; and

(2) whose name is maintained within the index in accordance with this chapter;

the person must notify the department regarding the name change not more than ten (10) business days after the court enters a decree changing the person's name.

(b) The notice under subsection (a) must include a copy of the decree of the court that changes the name of the person, certified under the seal of the clerk of court.

Sec. 18. On July 1, 2007, all substantiated reports and other documents relating to child abuse or neglect cases contained in the child abuse registry under IC 31-33-17 (before its repeal) and the automated child protection system under IC 31-33-20 (before its repeal) shall be transferred to and be included in the child protection index. The department shall maintain and administer all reports and documents transferred to and included in the child protection index as provided in this chapter.

SECTION 68. IC 31-34-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** If a child taken into custody under IC 31-34-2 is not released, a detention hearing shall be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and ~~legal holidays,~~ **any day on which a legal holiday is observed for state employees as provided under IC 1-1-9,** after the child is taken into custody. If the detention hearing is not held, the child shall be released. Notice of the time, place, and purpose of the detention hearing shall be given to the following:

(1) The child.

(2) The child's parent, guardian, or custodian if the person can be located.

(3) Each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-34-4.

(b) The court shall:

(1) provide a person who is required to be notified under subsection (a)(2) or (a)(3) an opportunity to be heard; and

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

at the detention hearing.

SECTION 69. IC 31-34-5-1.5, AS AMENDED BY P.L.145-2006, SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section applies to a child taken into custody under IC 31-34-2.5.

(b) The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and ~~legal holidays.~~ **any day on which a legal holiday is observed for state employees as provided under IC 1-1-9.**

(c) The department may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention hearing.

(d) The department shall notify each foster parent or other caretaker with whom the child has been temporarily placed under IC 31-34-2.5 of the detention hearing. The court shall:

(1) provide a person who is required to be notified under this subsection an opportunity to be heard; and

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

at the detention hearing.

SECTION 70. IC 31-34-10-2, AS AMENDED BY P.L.129-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

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

(1) The child.

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

(3) Any other person necessary for the proceedings.

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

(d) If the child has been detained following a detention hearing under IC 31-34-5, an initial hearing shall be scheduled and held not later than seven (7) days after the date of the detention order, excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided under IC 1-1-9.

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

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

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

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

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

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

(1) provide a:

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

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

an opportunity to be heard; and

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

at the initial hearing.

SECTION 71. IC 31-34-11-1, AS AMENDED BY P.L.146-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b), unless the allegations of a petition have been admitted, the juvenile court shall complete a factfinding hearing not more than sixty (60) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.

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

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

SECTION 72. IC 31-34-19-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. (a) The department shall provide notice of the date, time, place, and purpose of the dispositional hearing under this chapter to each:**

(1) party or person for whom a summons is required to be issued under IC 31-34-10-2; and

(2) foster parent or other caretaker with whom the child is placed for temporary care;

at the time the dispositional hearing is scheduled.

(b) The court shall:

(1) provide a person required to be notified under subsection (a) an opportunity to be heard; and

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

at the dispositional hearing.

SECTION 73. IC 31-34-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; ~~and~~

(3) person representing the interests of the state; **and**

(4) foster parent or other caretaker who is entitled to notice of the dispositional hearing under section 1.3 of this chapter;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

SECTION 74. IC 31-34-21-7, AS AMENDED BY P.L.145-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The court shall hold a permanency hearing:

(1) not more than thirty (30) days after a court finds that reasonable efforts to reunify or preserve a child's family are not required as described in section 5.6 of this chapter;

(2) every twelve (12) months after:

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

(B) a child in need of services was removed from the child's parent, guardian, or custodian;

whichever comes first; or

(3) more often if ordered by the juvenile court.

(b) The court shall:

(1) make the determination and findings required by section 5 of this chapter;

(2) consider the question of continued jurisdiction and whether the dispositional decree should be modified;

(3) consider recommendations of persons listed under section 4 of this chapter, before approving a permanency plan under subdivision ~~(4);~~ **(5);**

(4) consult with the child in person, or through an interview with or written statement or report submitted by:

(A) a guardian ad litem or court appointed special advocate for the child;

(B) a case manager; or

(C) the person with whom the child is living and who has primary responsibility for the care and supervision of the child;

in an age appropriate manner as determined by the court, regarding the proposed permanency plan;

~~(4)~~ **(5)** consider and approve a permanency plan for the child that complies with the requirements set forth in section 7.5 of this chapter;

~~(5)~~ **(6)** determine whether an existing permanency plan must be modified; and

~~(6)~~ **(7)** examine procedural safeguards used by the department to protect parental rights.

(c) If the child is at least sixteen (16) years of age and the proposed permanency plan provides for the transition of the child from foster care to independent living, the court shall:

(1) require the department to send notice of the permanency hearing to the child, in accordance with section 4(a) of this chapter; and

(2) provide to the child an opportunity to be heard and to make recommendations to the court, in accordance with section 4(c) of this chapter.

~~(c)~~ **(d)** There is a rebuttable presumption that jurisdiction over the child in a child in need of services proceeding continues for not longer than twelve (12) months after the date of the original dispositional decree or twelve (12) months after the child in need of services was removed from the child's parent, guardian, or custodian, whichever occurs first. The state may rebut the presumption and show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished, that a continuation of the decree with or without any modifications is necessary, and that it is in the child's best interests for the court to maintain its jurisdiction over the child. If the department does not sustain its burden for continued jurisdiction, the court shall:

(1) direct the department to establish a permanency plan within thirty (30) days; or

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

The court may retain jurisdiction to the extent necessary to carry out any orders under subdivision (1).

SECTION 75. IC 31-34-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Before a case review under IC 31-34-21-2 or hearing under IC 31-34-21-7, the probation department or the ~~county office of family and children~~ **department** shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), the probation department or the ~~county office of family and children~~ **department** shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, the probation department or the ~~county office of family and children~~ **department** shall prepare a modification report containing the information required by IC 31-34-18 and request a formal court hearing.

SECTION 76. IC 31-34-22-2, AS AMENDED BY P.L.146-2006, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child, and the child's parent, foster parent, guardian, guardian ad litem, court appointed special advocate, ~~or~~ custodian, **or any other person who is entitled to receive notice of the periodic case review or permanency hearing under IC 31-34-21-4** within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to ~~the child or the child's parent, foster parent, guardian, or custodian,~~ **any person entitled to receive a report under subsection (a),** the court is not required to make the report available to the person as required in subsection (a). However, the court shall provide a copy of the report to the following:

(1) Each attorney or guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, foster parent, guardian, or custodian.

~~(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.~~

SECTION 77. IC 31-34-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, ~~or~~ custodian, **or any other person who is entitled to receive a report under section 2 of this chapter,** a factual summary of the report may be admitted.

(c) The **following shall be given a fair opportunity to controvert any part of the report admitted into evidence:**

(1) **The** child.

(2) **The** child's parent, guardian, or custodian. ~~and~~

(3) **The** person representing the interests of the state.

(4) Any other person who is entitled to receive a report under section 2 of this chapter.

~~shall be given a fair opportunity to controvert any part of the report admitted into evidence.~~

SECTION 78. IC 31-34-23-4, AS AMENDED BY P.L.129-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, court appointed special advocate, or custodian is requesting the modification. **Notice of any hearing under this chapter shall be given in accordance with IC 31-34-19-1.3.**

SECTION 79. IC 31-34-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The team may adopt as its plan an existing plan for provision of family

preservation services, as defined in ~~IC 12-7-2-82.3,~~ **IC 31-9-2-44.8,** that:

(1) is in effect in the county;

(2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:

(A) dependency, abuse, or neglect;

(B) emotional disturbance; or

(C) delinquency adjudication; and

(3) addresses all of the objectives described in this section.

SECTION 80. IC 31-34-24-18, AS AMENDED BY P.L.234-2005, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The

~~(1)~~ juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8, ~~and~~

~~(2) department of child services, in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13,~~

shall consider and use to the extent feasible any available services described in ~~an early intervention~~ **a** plan approved under this chapter.

SECTION 81. IC 31-37-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** Notice of the time, place, and purpose of a detention hearing shall be given to:

(1) the child; ~~and~~

(2) the child's parent, guardian, or custodian if the person can be located; **and**

(3) each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5.

(b) The court shall:

(1) provide a person who is required to be notified under subsection (a)(2) or (a)(3) an opportunity to be heard; and

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

at the detention hearing.

SECTION 82. IC 31-37-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

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

(1) The child.

(2) The child's parent, guardian, custodian, or guardian ad litem.

(3) Any other person necessary for the proceedings.

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

(d) The prosecuting attorney or the probation department of the juvenile court shall provide notice of the time, place, and purpose of the initial hearing scheduled or held under this section to each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5 or IC 31-37-7. The court shall:

(1) provide a:

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

(B) person required to be notified under this subsection;

an opportunity to be heard; and

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

at the initial hearing.

SECTION 83. IC 31-37-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** Unless the allegations of a petition have been admitted, the juvenile court shall hold a factfinding hearing.

(b) If the factfinding hearing is not held immediately after the initial hearing as provided under IC 31-37-12-9, the prosecuting attorney or probation department of the juvenile court shall provide notice of any factfinding hearing to each foster parent or other caretaker with whom the child has been placed for temporary care. The court shall provide a person required to be notified under this subsection an opportunity to be heard at the factfinding hearing.

SECTION 84. IC 31-37-18-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. (a) The prosecuting attorney or probation department of the juvenile court shall provide notice of the date, time, place, and purpose of the dispositional hearing under this chapter to each:**

(1) party or person for whom a summons is required to be issued under IC 31-37-12-2; and

(2) foster parent or other caretaker with whom the child is placed for temporary care;

at the time the dispositional hearing is scheduled.

(b) The court shall:

(1) provide a person who is required to be notified under subsection (a) an opportunity to be heard; and

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

at the dispositional hearing.

SECTION 85. IC 31-37-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The **following shall be given a fair opportunity to controvert any part of the report admitted into evidence:**

(1) **The** child.

(2) **The** child's parent, guardian, or custodian. ~~and~~

(3) **The** person representing the interests of the state.

(4) A foster parent or other caretaker who is entitled to notice of the dispositional hearing under section 1.3 of this chapter.

~~shall be given a fair opportunity to controvert any part of the report~~

~~admitted into evidence.~~

SECTION 86. IC 31-37-20-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) At least ten (10) days before a hearing under section 2 or 3 of this chapter, the probation department shall send notice of the hearing to each of the following:**

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) The child or an attorney who has entered an appearance on behalf of the child.

(4) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(5) Any other person who:

(A) the probation department has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 31-27 to provide care for the child.

(6) Any other suitable relative or person whom the probation department knows has had a significant or caretaking relationship to the child.

(b) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a hearing under section 2 or 3 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the delinquency proceeding and the persons described in subsection (a), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross-examine any of the witnesses at the hearing.

(c) This section does not exempt the probation department from sending a notice of the review to each party to the delinquency proceeding.

(d) The court shall continue the hearing if, at the time set for the hearing, the probation department has not provided the court with a signed verification that any person required to be notified under this section has been notified in the manner stated in the verification, unless the person appears for the hearing.

SECTION 87. IC 31-37-21-2, AS AMENDED BY P.L.146-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;

shall be made available to the child, and the child's parent, foster parent, guardian, guardian ad litem, custodian, ~~or~~ court appointed special advocate, **or any other person who is entitled to receive notice under IC 31-37-20-4.5** within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to ~~the child or the child's parent, foster parent, guardian, or custodian,~~ **any person who is entitled to receive a report under subsection (a),** the court is not required to make the report available to the person as required under subsection (a). However, the court shall provide a copy of the report to the following:

(1) Each attorney or a guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) A court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, foster parent, guardian, or custodian.

~~(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.~~

SECTION 88. IC 31-37-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, ~~or~~ custodian, **or any other person who is entitled to receive a report under section 2 of this chapter,** a factual summary of the report may be admitted.

(c) The **following shall be given a fair opportunity to controvert any part of the report admitted into evidence:**

(1) **The** child.

(2) **The** child's parent, guardian, or custodian. ~~and~~

(3) **The** person representing the interests of the state.

(4) Any other person who is entitled to receive a report under section 2 of this chapter;

~~shall be given a fair opportunity to controvert any part of the report admitted into evidence.~~

SECTION 89. IC 31-37-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If a hearing is required, IC 31-37-17 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification. **Notice of any hearing under this chapter shall be given in accordance with IC 31-37-18-1.3.**

SECTION 90. IC 31-37-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The team may adopt as its plan an existing plan for provision of family preservation services, as defined in ~~IC 12-7-2-82.3,~~ **IC 31-9-2-44.8,** that:

(1) is in effect in the county;

(2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:

(A) dependency, abuse, or neglect;

(B) emotional disturbance; or

(C) delinquency adjudication; and

(3) addresses all of the objectives described in this section.

SECTION 91. IC 31-37-24-18, AS AMENDED BY P.L.234-2005, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The:

~~(1)~~ juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8, ~~and~~

~~(2) department of child services, in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13,~~

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

SECTION 92. IC 34-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; and

(iv) forms relating to workplace violence restraining orders under IC 34-26-6;

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, or a workplace violence restraining order;

(E) a notice of termination for an order for protection, a no contact order, or a workplace violence restraining order; and

(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, or a workplace violence restraining order:

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.

PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;

(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR

(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:

(1) the forms adopted under subsection (a);

(2) all other forms required to petition for an order for protection, including forms:

(A) necessary for service; and

(B) required under **IC 31-21 (or** IC 31-17-3 **before its repeal);** and

(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil

damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

(1) verified or under oath under Trial Rule 11; and

(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

SECTION 93. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 12-7-2-82.3; IC 31-9-2-23; IC 31-9-2-32; IC 31-9-2-33; IC 31-9-2-34; IC 31-9-2-35; IC 31-9-2-59; IC 31-9-2-81; IC 31-9-2-128; IC 31-17-3; IC 31-33-8-14; IC 31-33-12; IC 31-33-13; IC 31-33-17; IC 31-33-19; IC 31-33-20; IC 31-34-8-4.

SECTION 94. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding IC 31-33-26-13 and IC 31-33-26-16(c), both as added by this act, the department of child services is not required to adopt rules described under those statutes until July 1, 2011.**

(b) Notwithstanding IC 31-33-26-13, as added by this act, the department of child services shall adopt written policies governing administrative reviews and hearings relating to substantiated determinations of child abuse or neglect under IC 31-33-26-9, as added by this act, including the availability of judicial review of final decisions of the department of child services under IC 4-21.5-5. Rules adopted by the department under IC 31-33-26-13, as added by this act, supersede written policies governing the same subject.

(c) Notwithstanding IC 31-33-26-16(c), as added by this act, the department of child services shall adopt written policies governing the disclosure of information under IC 31-33-26-16, as added by this act. Rules adopted by the department of child services governing the disclosure of information under IC 31-33-26-16, as added by this act, supersede written policies governing the same subject.

(d) This SECTION expires July 2, 2011.

SECTION 95. **An emergency is declared for this act.**

(Reference is to ESB 328 as reprinted April 10, 2007.)

Lawson, Chair	Welch
Sipes	Bell
Senate Conferees	House Conferees

Roll Call 472: yeas 43, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 329–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 329 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-31-6-11, AS AMENDED BY P.L.145-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2; and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5)

business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 2. IC 4-33-8.5-3, AS AMENDED BY P.L.145-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2, and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 3. IC 6-8.1-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) **Except as provided in subsection (n),** the department shall establish, administer, and make available a centralized debt collection program for use by state agencies to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by state agencies. The department's collection facilities shall be available for use by other state agencies only when resources are available to the department.

(b) The commissioner shall prescribe the appropriate form and manner in which collection information is to be submitted to the department.

(c) The debt must be delinquent and not subject to litigation, claim, appeal, or review under the appropriate remedies of a state agency.

(d) The department has the authority to collect for the state or claimant agency (as defined in IC 6-8.1-9.5-1) delinquent accounts, charges, fees, loans, taxes, or other indebtedness due the state or claimant agency that has a formal agreement with the department for central debt collection.

(e) The formal agreement must provide that the information provided to the department be sufficient to establish the obligation in court and to render the agreement as a legal judgment on behalf of the state. After transferring a file for collection to the department for collection, the claimant agency shall terminate all collection procedures and be available to provide assistance to the department. Upon receipt of a file for collection, the department shall comply with all applicable state and federal laws governing collection of the debt.

(f) The department may use a claimant agency's statutory authority to collect the claimant agency's delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to the claimant agency.

(g) The department's right to credit against taxes due may not be impaired by any right granted the department or other state agency under this section.

(h) The department of state revenue may charge the claimant agency a fee not to exceed fifteen percent (15%) of any funds the department collects for a claimant agency. Notwithstanding any law concerning delinquent accounts, charges, fees, loans, taxes, or other indebtedness, the fifteen percent (15%) fee shall be added to the amount due to the state or claimant agency when the collection is made.

(i) Fees collected under subsection (h) shall be retained by the department after the debt is collected for the claimant agency and are appropriated to the department for use by the department in administering this section.

(j) The department shall transfer any funds collected from a debtor to the claimant agency within thirty (30) days after the end of the month in which the funds were collected.

(k) When a claimant agency requests collection by the department, the claimant agency shall provide the department with:

(1) the full name;

(2) the Social Security number or federal identification number, or both;

(3) the last known mailing address; and

(4) additional information that the department may request;

concerning the debtor.

(l) The department shall establish a minimum amount that the department will attempt to collect for the claimant agency.

(m) The commissioner shall report, not later than March 1 for the previous calendar year, to the governor, the budget director, and the legislative council concerning the implementation of the centralized debt collection program, the number of debts, the dollar amounts of debts collected, and an estimate of the future costs and benefits that may be associated with the collection program. A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(n) The department may not assess a fee to a state agency or a custodial parent for seeking a setoff to a state or federal income tax refund for past due child support.

SECTION 4. IC 6-8.1-9.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The department of revenue may charge the claimant agency a fee of fifteen percent (15%) of any funds it sets off under this chapter as a collection fee for its services. The department must bill the claimant agency in order to collect this fee. **However, the department may not assess a fee to a state agency or custodial parent for seeking a setoff to a state or federal income tax refund for past due child support.**

SECTION 5. IC 9-25-6-20, AS AMENDED BY P.L.145-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:

(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

(A) to and from the obligor's regular place of employment;

(B) in the course of the obligor's regular employment;

(C) to and from the obligor's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.

SECTION 6. IC 14-11-3-4, AS AMENDED BY P.L.145-2006, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Upon receiving an order from the bureau under IC 31-25-4-32(j), the director shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2; and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau under IC 31-25-4-34(e), the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the director shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the notice required under subsection (b) is mailed, the director shall suspend the person's license.

(d) The director may not reinstate a license placed on probation or suspended under this section until the director receives a notice

from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 7. IC 25-1-1.2-8, AS AMENDED BY P.L.145-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2; and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 8. IC 27-1-15.6-29, AS AMENDED BY P.L.145-2006, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the commissioner shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to a license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2; and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(d), the commissioner shall send a notice to the person who is the subject of the order stating the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice was mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice by the bureau (Title IV-D agency) under IC 31-25-4-32(i) that the person whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the notice required under subsection (b) is mailed, the commissioner shall suspend the person's license.

(d) The commissioner may not reinstate any license placed on probation or suspended under this section until the commissioner receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 9. IC 27-10-3-20, AS AMENDED BY P.L.145-2006, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the commissioner shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;** or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**

~~(C) request the activation of an income withholding order under IC 31-16-15-2; and~~

~~(D)~~ **(C)** request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(d), the commissioner shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice from the bureau (Title IV-D agency) under IC 31-25-4-32(i) that the person whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

within twenty (20) days after the notice required under subsection (b) is mailed, the commissioner shall suspend the person's license.

(d) The commissioner may not reinstate any license placed on probation or suspended under this section until the commissioner receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, ~~and requested the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5.**

SECTION 10. IC 31-9-2-10.8, AS ADDED BY P.L.145-2006, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.8. "Bureau", for purposes of **IC 31-16-15 and** IC 31-25 has the meaning set forth in IC 31-25-4-1.

SECTION 11. IC 31-9-2-85 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 85. (a) "Obligee", for purposes of **IC 31-16-15 and** IC 31-16-16, means a person who is entitled to receive a payment under a support order.

(b) "Obligee" or "petitioner", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

SECTION 12. IC 31-9-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 125. (a) "Support order", for purposes of **IC 31-16-15 and** IC 31-16-16, means any judgment, decree, or order of child support, **including medical support,** issued by a court, in Indiana or another state, that has jurisdiction over the support order. The term includes orders issued under IC 31-14 through IC 31-17.

(b) "Support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-24.

SECTION 13. IC 31-9-2-130.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 130.2. "Title IV-D case", for purposes of IC 31-16-15, means a case arising under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).**

SECTION 14. IC 31-9-2-135, AS ADDED BY P.L.145-2006, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 135. **(a)** "Warrant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an instrument that is:

(1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

(b) "Warrant", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-21.

SECTION 15. IC 31-14-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Upon application for enforcement of a support order, the court may:

(1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) for the unpaid amount;

(2) issue an income withholding order as provided in ~~IC 31-16-15-1,~~ **IC 31-16-15-0.5;** or

(3) ~~activate~~ **implement** an existing income withholding order as provided in ~~IC 31-16-15-5 or IC 31-16-15-6.~~ **IC 31-16-15-2.**

SECTION 16. IC 31-14-12-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) This section does not apply to a support order entered in a Title IV-D case.

(b) A custodial parent may, under IC 31-16-12.5, seek a setoff of the state income tax refund of a child support obligor against whom a child support order was entered under IC 31-14-11.

(c) A custodial parent may not be charged a fee to seek a setoff of a state income tax refund as described in subsection (b).

SECTION 17. IC 31-14-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. Notwithstanding section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j), IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the repeal of IC 31-6-6.1-16) if:

(1) the person pays the child support arrearage in full; or

(2) an income withholding order under IC 31-16-15 (or IC 31-2-10 before its repeal) is ~~activated~~ **implemented** and a payment plan to pay the arrearage is established.

SECTION 18. IC 31-16-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A child support order ~~may also~~ **must** include ~~where appropriate, basic health and hospitalization insurance coverage for the child.~~ **an order for medical support to be provided by either or both parents.**

~~(b) If, however, the Title IV-D agency initiates action to establish a support obligation and petitions the court to include basic health and hospitalization insurance coverage in the support order, the court shall include a provision addressing insurance coverage for the child.~~

~~(c) In an action initiated by the Title IV-D agency or other parties, the court may order the parent who is ordered to pay child support to provide the insurance coverage for the child if the insurance coverage:~~

~~(1) is available to the parent ordered to pay child support or the dependents of the parent as part of the parent's employee benefit plan; or~~

~~(2) is available at reasonable cost to the parent ordered to pay child support.~~

(b) An order for medical support under this section shall be enforced under 42 U.S.C. 666(a)(19).

SECTION 19. IC 31-16-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** Provisions of an order with respect to child support or an order for maintenance (ordered under IC 31-16-7-1 or IC 31-1-11.5-9(c) before ~~its~~ **their** repeal) may be modified or revoked.

(b) Except as provided in section 2 of this chapter, modification may be made only:

(1) upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable; or

(2) upon a showing that:

(A) a party has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from the amount that would be ordered by applying the child support guidelines; and

(B) the order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.

(c) Modification under this section is subject to IC 31-25-4-17(a)(6).

SECTION 20. IC 31-16-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. Upon application to the court for enforcement of an order for support, the court may:

(1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) against the person obligated to pay support;

(2) issue an income withholding order as provided in ~~IC 31-16-15-1,~~ **IC 31-16-15-0.5;** or

(3) ~~activate~~ **implement** an income withholding order as provided in ~~IC 31-16-15-5 or IC 31-16-15-6.~~ **IC 31-16-15-2.**

SECTION 21. IC 31-16-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. Notwithstanding section 7, 8, 9, or 10 of this chapter, the court may stay the issuance of an order under section 7, 8, 9, or 10 of this chapter (or IC 31-1-11.5-13(j), IC 31-1-11.5-13(k), IC 31-1-11.5-13(l), or IC 31-1-11.5-13(m) before the repeal of IC 31-1-11.5-13) if:

(1) the person pays the child support arrearage in full; or

(2) an income withholding order under IC 31-16-15 (or IC 31-2-10 before its repeal) is ~~activated~~ **implemented** and a payment plan to pay the arrearage is established.

SECTION 22. IC 31-16-12.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. A custodial parent may not be charged a fee to seek a setoff of a state income tax refund.**

SECTION 23. IC 31-16-15-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. (a) Except as provided in subsection (c), in any Title IV-D proceeding in which a court has ordered, modified, or enforced periodic payments of child support, the court shall order that child support payments be immediately withheld from the income of the obligor in an amount necessary to comply with the support order, including amounts for current child support obligations, child support arrearage, medical support, interest, and fees.**

(b) Except as provided in subsection (c), a court or Title IV-D agency shall implement an order for immediate income withholding under subsection (a):

(1) if the address of the obligor's income payor is known, not more than fifteen (15) calendar days after the date of the issuance of a support order; or

(2) if the address of the obligor's income payor is not known, not more than fifteen (15) calendar days after the date the address of the obligor's income payor becomes known.

(c) A court may stay implementation of an income withholding order only if one (1) or more of the following occurs:

(1) One (1) of the parties demonstrates and the court finds good cause not to order immediate income withholding by finding all of the following:

(A) A stay of implementation of the income withholding order is in the best interests of the child.

(B) The obligor has a history of substantially uninterrupted, full, and timely child support payments,

other than payments made through an income withholding order or another mandatory process of previously ordered child support, during the previous twelve (12) months.

(C) The court issues a written finding that an income withholding order would cause an extraordinary hardship on the obligor.

(2) The parties submit a written agreement that:

(A) meets the requirements under subsection (d); and

(B) is approved by the court.

(d) A written agreement described in subsection (c)(2) must meet the following requirements:

(1) Contain the following:

(A) A statement that an income withholding order is not implemented immediately but that an income withholding order will be implemented if the:

(i) obligor's child support and arrearage payments become delinquent; or

(ii) obligor requests implementation of the income withholding order.

(B) A detailed description of an alternative payment arrangement between the parties to ensure the timely payment of child support.

(2) Contain a provision that the obligor shall provide current information to the court concerning the following:

(A) The name, address, and telephone number of the obligor's place of employment.

(B) Any health coverage available to the obligor as a benefit of employment or maintained by the obligor, including information on the:

(i) name of the carrier (as defined in IC 27-8-10-1);

(ii) health insurance policy, certificate, or contract number; and

(iii) if applicable, names and birth dates of the persons for whose benefit the obligor maintains health coverage under the health insurance policy, certificate, or contract.

(e) If possible, the court shall specify the date on which a stay of implementation of the income withholding order terminates automatically.

(f) In Title IV-D cases in which periodic payments of child support are ordered, modified, or enforced, the court shall order the obligor to inform the Title IV-D agency of the:

(1) name and address of the obligor's current income payor;

(2) obligor's access to health insurance coverage; and

(3) if applicable, obligor's health insurance policy information.

SECTION 24. IC 31-16-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A court ~~acting under section 1(d)(1) or 1(d)(2) of this chapter shall activate the immediate income withholding order under section 5 or 6 of this chapter~~ **shall lift a stay of implementation of an income withholding order granted under section 0.5(c) of this chapter** upon occurrence of ~~either~~ **one (1) or more** of the following:

(1) The obligor's support payment becomes delinquent.

(2) The obligor requests ~~that the withholding order become activated.~~ **implementation of the income withholding order.**

SECTION 25. IC 31-16-15-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) If, in a Title IV-D case, an income withholding order has not been issued with a support order under section 0.5 of this chapter, a Title IV-D agency may:**

(1) issue an income withholding order with the support order; and

(2) after providing notice under section 3.5 of this chapter, implement the income withholding order unless the court:

(A) stays the implementation of the income withholding order under section 0.5(c) of this chapter; and

(B) provides a written finding of the stay in the support order.

(b) In a Title IV-D case in which the implementation of an income withholding order was stayed under section 0.5(c) of this chapter, the Title IV-D agency may:

(1) after providing notice under section 3.5 of this chapter, lift the stay if the obligor's child support and arrearage payments are delinquent; or

(2) lift the stay if the obligor requests implementation of the income withholding order.

(c) In a Title IV-D case, if:

(1) an income withholding order was stayed under section 0.5(c) of this chapter; and

(2) an obligor requests the implementation of the income withholding order;

the Title IV-D agency is not required to give notice under section 3.5 of this chapter before implementing the income withholding order.

(d) An income withholding order issued under subsection (a):

(1) has the same force and effect; and

(2) is enforceable in the same manner;

as an income withholding order issued by a court.

(e) The total amount required to be withheld under an income withholding order implemented under this section is the sum of:

(1) the obligor's current child support obligation; plus

(2) the amount of arrearage payment ordered by the court; plus

(3) an additional amount as determined under subsection (f) for:

(A) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or

(B) any additional arrearage that:

(i) has not been adjudicated; and

(ii) accrues since the last adjudication of arrearage by the court.

(f) If an obligor subject to an income withholding order is in arrears, unless otherwise ordered by a court, the Title IV-D agency or its agent may increase the weekly amount withheld as follows:

(1) If the arrearages are at least five hundred dollars ($500) and less than three thousand dollars ($3,000), an additional amount of up to twenty dollars ($20).

(2) If the arrearages are at least three thousand dollars ($3,000) and less than five thousand dollars ($5,000), an additional amount of up to twenty-five dollars ($25).

(3) If the arrearages are at least five thousand dollars ($5,000) and less than ten thousand dollars ($10,000), an additional amount of up to thirty dollars ($30).

(4) If the arrearages are at least ten thousand dollars ($10,000) and less than fifteen thousand dollars ($15,000), an additional amount of up to thirty-five dollars ($35).

(5) If the arrearages are at least fifteen thousand dollars ($15,000) and less than twenty thousand dollars ($20,000), an additional amount of up to forty dollars ($40).

(6) If the arrearages are at least twenty thousand dollars ($20,000) and less than twenty-five thousand dollars ($25,000), an additional amount of up to forty-five dollars ($45).

(7) If the arrearages are at least twenty-five thousand dollars ($25,000), an additional amount of up to fifty dollars ($50).

(g) A court is not bound by and is not required to consider the additional amounts described in subsection (f) when ordering, modifying, or enforcing periodic payments of child support.

SECTION 26. IC 31-16-15-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.6. An income withholding order issued under this chapter remains in effect until a child support obligation, including current child support, child support arrearage, medical support, interest, and fees, is paid in full.**

SECTION 27. IC 31-16-15-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. (a) The bureau shall:**

(1) prescribe standard forms for:

(A) an income withholding order; and

(B) a notice form; and

(2) make the forms listed in subdivision (1) available to:

(A) a court;

(B) a private attorney;

(C) an obligor; and

(D) an obligee.

(b) An income withholding order under this chapter must be issued in a form substantially similar to the form prescribed under subsection (a)(1)(A).

SECTION 28. IC 31-16-15-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) Except as provided under section 2.5(c) of this chapter, a Title IV-D agency shall issue a notice of intent to withhold income to an obligor before the Title IV-D agency implements an income withholding order under section 2.5 of this chapter. The notice is sufficient for all future income withholding until the child support obligation is fully satisfied.**

(b) The notice under subsection (a) must contain the following:

(1) A statement that an income withholding order will be sent to all current and future income payors.

(2) If applicable, the amount of child support that the obligor is in arrears.

(3) A statement that the income shall be:

(A) withheld by a current and future income payor from the obligor's income for the payment of child support; and

(B) forwarded to the state central collection unit with a statement identifying the:

(i) cause number for the obligee;

(ii) name of the obligor;

(iii) name of the obligee with the applicable income withheld for each obligee forwarded from the income payor;

(iv) Social Security number of each obligee; and

(v) Indiana support enforcement tracking system (ISETS) number for each obligee.

(4) A statement that the total amount of income to be withheld by the Title IV-D agency under the income withholding order is the sum of:

(A) the obligor's current child support obligation; plus

(B) the amount of any arrearage payment ordered by the court; plus

(C) an additional amount as determined under section 2.5(f) of this chapter for:

(i) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or

(ii) any additional arrearage that has not been adjudicated and accrues since the last adjudication of arrearage by the court; plus

(D) a fee of two dollars ($2), which must be paid at the income payor's option to the income payor each time the income payor forwards income to the state central collection unit.

(5) A statement that:

(A) the total amount withheld under the income withholding order may not exceed the maximum amount permitted under 15 U.S.C. 1673(b);

(B) the income withholding order applies to the receipt of any current or subsequent income from a current or future income payor;

(C) the obligor may contest the Title IV-D agency's determination to implement an income withholding order by making written application to the Title IV-D agency not more than twenty (20) days after the date the notice under this section is mailed to the obligor;

(D) the only basis for contesting the implementation of an income withholding order is a mistake of fact;

(E) if the obligor contests the Title IV-D agency's determination to implement the income withholding order, the Title IV-D agency shall schedule an

administrative hearing;

(F) if the obligor does not contest the Title IV-D agency's determination to implement an income withholding order within the period of time required under section 4.3 of this chapter, the Title IV-D agency shall implement the income withholding order;

(G) an income payor shall:

(i) begin withholding income not later than the first pay date after fourteen (14) days following the date the income withholding order is received by the income payor; and

(ii) report to the state central collection unit the date on which the income was withheld from the obligor's income;

(H) if an income payor is required to withhold income from more than one (1) obligor, the income payor may combine the withheld amount of income into a single payment for all obligors who are required to make payments to the state central collection unit if the income payor identifies the part of the single payment that is attributable to each individual obligor;

(I) if the obligor has:

(i) more than one (1) income withholding order against the obligor; and

(ii) insufficient disposable earnings to pay the amount of income withholding for all income withholding orders;

an income payor shall distribute the withheld income pro rata among the persons entitled to receive income under the income withholding orders, giving priority to a current income withholding order;

(J) an income payor shall honor all withholdings to the extent that the total amount withheld does not exceed limits imposed under 15 U.S.C. 1673(b);

(K) the income withholding order is binding upon the income payor until further notice by the Title IV-D agency;

(L) an income payor that:

(i) discharges the obligor from employment;

(ii) refuses to employ the obligor;

(iii) takes disciplinary action against the obligor employed by the income payor; or

(iv) otherwise discriminates against the obligor;

because of the existence of an income withholding order or the obligations imposed upon the income payor by the income withholding order is subject to a penalty not to exceed five thousand dollars ($5,000) payable to the state and recoverable in a civil action;

(M) if an income payor fails to withhold income in accordance with the income withholding order, the income payor is liable for:

(i) the accumulated amount the income payor should have withheld from the obligor's income; and

(ii) any interest, attorney's fees, and costs;

(N) an income withholding order under this chapter has priority over any secured or unsecured claim on income, except for claims for federal, state, and local taxes; and

(O) the income payor must notify the Title IV-D agency if the obligor:

(i) ceases employment with; or

(ii) no longer receives income from;

the income payor, not later than ten (10) days after the date the obligor's employment or income ceases, and provide the obligor's last known address and the name and address of the obligor's new income payor, if known, to the Title IV-D agency.

(c) If the Title IV-D agency issues a notice of intent to withhold income to the obligor under this section, the Title IV-D agency is not required to provide further notice to continue to implement or amend the income withholding order unless the income withholding order is stayed by the court under section 0.5(c) of this chapter.

SECTION 29. IC 31-16-15-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.3. (a) An obligor may contest a Title IV-D agency's determination to implement an income withholding order under section 2.5 of this chapter by making a written application to the Title IV-D agency not more than twenty (20) days after the date the notice is mailed to the obligor.**

(b) The only basis on which an obligor may contest the implementation of an income withholding order under section 2.5 of this chapter is mistake of fact.

(c) If an obligor does not contest the implementation of an income withholding order within the period described in subsection (a), the Title IV-D agency shall send the income withholding order to the income payor not more than fifteen (15) calendar days after:

(1) the last date that the obligor has to contest the implementation of an income withholding order under subsection (a); or

(2) if the income payor's address is not known on the date described under subdivision (1), the date the Title IV-D agency obtains the income payor's address.

(d) A Title IV-D agency shall:

(1) not more than twenty-five (25) days after an obligor makes written application to contest an income withholding order under subsection (a), hold a hearing to review the Title IV-D agency's determination to implement the income withholding order; and

(2) make a determination on the implementation of the income withholding order at the hearing.

(e) If the Title IV-D agency implements an income withholding order after a hearing under this section, the Title IV-D agency shall provide the income withholding order to each income payor as provided under section 6.5 of this chapter.

SECTION 30. IC 31-16-15-4.5, AS AMENDED BY P.L.145-2006, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. **(a)** The ~~child~~

~~support~~ bureau ~~of the department~~ shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:

(1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or

(2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.

(b) Upon receipt of the notice under subsection (a), the employer shall:

(1) respond to the notice in a timely fashion; and

(2) abide by the terms of establishing insurance coverage as required by the notice.

SECTION 31. IC 31-16-15-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. (a) An obligor or an obligee may file a petition to lift a stay of implementation of an income withholding order.**

(b) If an obligee files a petition under subsection (a), the court shall:

(1) set a date for a hearing on the petition; and

(2) send a written notice of the hearing to lift the stay of implementation of the income withholding order to the obligor in accordance with subsection (c).

The court must set a date for the hearing that is not more than twenty (20) days after the date the petition is filed.

(c) The notice under subsection (b)(2) must include the following:

(1) A statement as to whether the obligor is delinquent in the payment of child support.

(2) If applicable, the amount of child support the obligor is in arrears.

(3) A statement that if the petition is granted, the obligor's income shall be:

(A) withheld by the court for the payment of child support; and

(B) forwarded to the state central collection unit with a statement identifying:

(i) the cause number for each obligee;

(ii) the name of each obligor;

(iii) the name of each obligee with the amount of the withheld income forwarded by the income payor;

(iv) the Social Security number of each obligor; and

(v) the Indiana support enforcement tracking system (ISETS) number for each obligee.

(4) The following statements:

(A) That the total amount of income to be withheld under an income withholding order from the obligor's income is the sum of:

(i) the obligor's current child support obligation; plus

(ii) the amount of arrearage payment ordered by the court; plus

(iii) a fee of two dollars ($2), which must be paid at the income payor's option to the income payor each time the income payor forwards income to the state central collection unit.

(B) That the total amount of income withheld may not exceed the maximum amount permitted by 15 U.S.C. 1673(b).

(C) That the income withholding order applies to the receipt of any current or subsequent income.

(D) That the only basis for contesting the petition to lift the stay of implementation of the income withholding order is a mistake of fact.

(E) That an obligor may contest the court's lifting the stay of the income withholding order by appearing at the hearing scheduled by the court on the petition to lift the stay.

(F) That if the obligor does not appear at the hearing, the court shall implement the income withholding order.

(G) That an income payor shall:

(i) begin withholding income not later than the first pay date after fourteen (14) days following the date the income withholding order is received by the income payor; and

(ii) report to the state central collection unit the date on which the income was withheld from the obligor's income.

(H) That if an income payor is required to withhold income from more than one (1) obligor, the income payor may combine the withheld amount of income into a single payment for all obligors who are required to make payments to the state central collection unit if the income payor identifies the part of the single payment that is attributable to each individual obligor.

(I) That if an obligor has:

(i) more than one (1) income withholding order against the obligor; and

(ii) insufficient disposable earnings to pay the amount of income withholding for all income withholding orders;

the income payor shall distribute the withheld income pro rata among the persons entitled to receive income under the income withholding orders, giving priority to a current income withholding order.

(J) That an income payor shall honor all withholding to the extent that the total amount withheld does not exceed limits imposed under 15 U.S.C. 1673(b).

(K) That the income withholding is binding upon the income payor until further notice by the court.

(L) That an income payor that:

(i) discharges the obligor from employment;

(ii) refuses to employ the obligor;

(iii) takes disciplinary action against the obligor employed by the income payor; or

(iv) otherwise discriminates against the obligor;

because of the existence of an income withholding order or the obligations imposed upon the income payor by

the income withholding order, is subject to a penalty not to exceed five thousand dollars ($5,000) payable to the state and recoverable in a civil action.

(M) That if the income payor fails to withhold income in accordance with the income withholding order, the income payor is liable for:

(i) the accumulated amount the income payor should have withheld from the obligor's income; and

(ii) any interest, attorney's fees, and costs.

(N) That an income withholding order under this chapter has priority over any secured or unsecured claim on income, except for claims for federal, state, and local taxes.

(O) That the income payor must notify the court if the obligor:

(i) ceases employment with; or

(ii) no longer receives income from;

the income payor not later than ten (10) days after the date the obligor's employment or income ceases and provide the obligor's last known address and the name and address of the obligor's new income payor, if known, to the court.

(d) At a hearing under this section, the court shall grant the petition to lift the stay of implementation of the income withholding order if the obligor has failed to comply with the provisions of the support order, unless the court finds that the conditions under section 0.5(c)(2) of this chapter have been met.

(e) If the obligor files a petition to lift the stay of implementation of the income withholding order:

(1) a hearing is not required; and

(2) the court shall grant the petition.

(f) If the court grants the petition to lift the stay of implementation of the income withholding order, the court shall:

(1) implement the income withholding order; and

(2) send the income withholding order to the obligor's income payor.

SECTION 32. IC 31-16-15-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A court or Title IV-D agency may serve an income withholding order on an income payor by:**

(1) first class mail;

(2) facsimile transmission; or

(3) other electronic means approved by the Title IV-D agency.

SECTION 33. IC 31-16-15-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.5. (a) An income payor that is required to withhold income under this chapter shall:**

(1) forward income withheld for the payment of current or past due child support as directed by an income withholding order to the state central collection unit at the time that an obligor is paid;

(2) include a statement that identifies the:

(A) cause number for each obligee;

(B) Indiana support enforcement tracking system (ISETS) case number for each obligee;

(C) name of each obligor and the obligor's Social Security number; and

(D) name of each obligee with the amount of the withheld income forwarded by the income payor; and

(3) begin withholding income not later than the first pay date after fourteen (14) days following the date the order for income withholding is received by the income payor.

(b) An income payor may retain, in addition to the amount of income forwarded to the state central collection unit, a fee of not more than two dollars ($2) each time the income payor forwards income to the state central collection unit. If an income payor retains a fee under this subsection, the income payor shall reduce the amount of income withheld for the payment of current and past due child support, if necessary to avoid exceeding the maximum amount permitted to be withheld under 15 U.S.C. 1673(b).

SECTION 34. IC 31-16-15-16, AS AMENDED BY P.L.148-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Except as provided in subsection (b), if the income payor is required to withhold income from more than one (1) obligor under this chapter, the income payor may

~~(1)~~ combine in a single payment the withheld amounts for all obligors who have been ordered to pay to the state central collection unit established by ~~IC 31-33-1.5-8 and~~ **IC 31-25-3-1**

~~(2)~~ **if the income payor** separately ~~identify~~ **identifies** the part of the single payment that is attributable to each individual obligor.

(b) If the income payor:

(1) is required to withhold income from more than one (1) obligor under this chapter; and

(2) employs more than fifty (50) employees;

the income payor shall make payments to the state central collection unit established by ~~IC 31-33-1.5-8~~ **IC 31-25-3-1** through electronic funds transfer or through electronic or Internet access made available by the state central collection unit.

(c) The department of child services shall assess a civil penalty of twenty-five dollars ($25) per obligor per pay period against an income payor that:

(1) is required to make a payment under subsection (b); and

(2) does not make the payment through electronic funds transfer or other means described in subsection (b).

The department shall deposit the penalties into the state general fund.

SECTION 35. IC 31-16-15-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. If:

(1) there is more than one (1) order for withholding against a single obligor under this chapter; and

(2) the obligor has insufficient disposable earnings to pay the amount required by all the orders;

the income payor shall distribute the withheld earnings pro rata

among the ~~entities~~ **persons** entitled to receive earnings under the orders and shall honor all withholdings to the extent that the total amount withheld does not exceed the limits imposed under 15 U.S.C. 1673(b).

SECTION 36. IC 31-16-15-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The income payor shall:

(1) notify:

(A) the Title IV-D agency in a case arising under section ~~3 or 5~~ **2.5** of this chapter; or

(B) the court in a case arising under section ~~1 or 6~~ **0.5, 2, or 5.5** of this chapter;

when the obligor ceases to receive income not later than ten (10) days after the employment or income ceases; and

(2) provide:

(A) the obligor's last known address; and

(B) the name and address of the obligor's new income payor if known.

SECTION 37. IC 31-16-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) If an obligor:

(1) is entitled to net income in the form of:

(A) severance pay;

(B) accumulated sick pay;

(C) vacation pay;

(D) accumulated commissions;

(E) a bonus payment **in addition to regular earned income;** or

(F) other lump sum payment; and

(2) owes an amount of child support that is in arrears;

the income payor shall withhold the amount in arrears or the product computed under subsection (b), whichever is less, up to the maximum permitted under 15 U.S.C. 1673(b).

(b) The income payor shall multiply:

(1) the amount of support the obligor is required to pay each week; by

(2) the number of weeks represented by the lump sum payment.

SECTION 38. IC 31-16-15-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) An income withholding order under section ~~1~~ **0.5 or 2.5** of this chapter (or IC 31-2-10-7 before its repeal) terminates when both of the following occur:

(1) The duty to support a child ceases under IC 31-14 or IC 31-16-2 through IC 31-16-12.

(2) No child support arrearage exists.

(b) ~~Activation of income withholding terminates~~ **A court or Title IV-D agency may terminate income withholding** when the whereabouts of the child and the child's custodial parent are unknown, preventing the forwarding of child support payments.

SECTION 39. IC 31-16-15-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. **(a)** If an income payor fails to forward the money required by an income withholding order, ~~as set forth in the notice described in section 10 of this chapter,~~ **the Title IV-D agency shall send the income payor, by certified mail, a notice of failure to comply. If the income payor fails to forward the money required by an income withholding order within thirty (30) days after receipt of the notice of failure to comply,** the income payor is liable for the amount the income payor fails to forward.

(b) An income payor described in subsection (a) is liable to the:

(1) obligee for the amount of income not paid in compliance with the income withholding order, including an amount the obligor is required to pay for health insurance coverage; and

(2) obligor for:

(A) the amount of income withheld and not paid as required under the income withholding order;

(B) an amount equal to the interest that accrues according to the interest percentage that accrues on judgments; and

(C) reasonable attorney's fees and court costs.

(c) An income payor that:

(1) receives an income withholding order from a court or Title IV-D agency; and

(2) fails to comply with the income withholding order;

may be liable for contempt of court.

(d) If an obligor has filed a claim for worker's compensation, the income payor of the obligor shall send a copy of the income withholding order to the income payor's insurance carrier if the income payor has an insurance carrier with whom the claim has been filed in order to continue the ordered withholding of income.

SECTION 40. IC 31-16-15-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. ~~(a) If an obligor is:~~

~~(1) discharged from employment;~~

~~(2) refused employment; or~~

~~(3) disciplined;~~

~~because the income payor is required to withhold income of the obligor under this chapter, the obligor is entitled to recover an amount of not less than one hundred dollars ($100).~~

~~(b) The obligor may collect the money described in subsection (a) by filing a civil action against the income payor in a circuit or superior court.~~

(a) An income payor that:

(1) discharges from employment an obligor;

(2) refuses to employ an obligor;

(3) takes disciplinary action against an obligor employed by the income payor; or

(4) otherwise discriminates against an obligor;

because of the existence of an income withholding order or the obligations imposed upon the income payor by the income withholding order, is subject to a penalty not to exceed five thousand dollars ($5,000) payable to the state and recoverable in a civil action. An obligor or the Title IV-D agency may bring an action to enforce a penalty under this subsection.

~~(c)~~ **(b)** The collection of money under this section does not

affect:

(1) the obligor's right to damages under IC 24-4.5-5-202; or

(2) any other legal remedy available to the obligor;

because of discharge from employment, refusal of employment, or disciplinary action.

SECTION 41. IC 31-16-15-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. ~~(a)~~ If the Title IV-D agency or the court becomes aware that the obligor has a new income payor after income withholding has been ~~activated under section 5 or 6 of this chapter.~~ **implemented:**

(1) **if** the **order is an income withholding order implemented under section 2.5 of this chapter, the** Title IV-D agency; ~~in a case arising under section 5 of this chapter;~~ or

(2) **if the order is an income withholding order implemented under section 0.5 of this chapter or an income withholding order implemented after a stay has been lifted under section 5.5 of this chapter,** the court ~~in a case arising under section 6 of this chapter;~~ **or the Title IV-D agency;**

shall send ~~a notice~~ **the income withholding order** to the new income payor. ~~that the withholding is binding on the new income payor.~~

~~(b) The notice sent under subsection (a) must comply with section 10 of this chapter.~~

SECTION 42. IC 31-16-15-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29. (a) The registration of a foreign support order as provided in IC 31-18-6 is sufficient for the implementation of an income withholding order by the Title IV-D agency.**

(b) The Title IV-D agency shall issue a notice in accordance with section 3.5 of this chapter of the implementation of a foreign support order to the obligor.

SECTION 43. IC 31-16-15-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30. A Title IV-D agency or an agent of a Title IV-D agency acting within the scope of the agent's employment is not subject to any civil liability for income withheld and paid to an obligee, the Title IV-D agency, or the state central collection unit in accordance with an income withholding order.**

SECTION 44. IC 31-25-3-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. The bureau established by section 1 of this chapter or an agent of the bureau may issue a subpoena under Indiana Trial Rule 45 to obtain any financial or other information needed to establish, modify, or enforce a child support order.**

SECTION 45. IC 31-25-4-17, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) The bureau shall do the following:

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining a support order, including an order for health insurance coverage under:

(A) IC 27-8-23;

(B) IC 31-14-11-3; or

(C) IC 31-16-6-4;

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement income withholding in any Title IV-D case:

(A) with an arrearage; and

(B) without an order issued by a court or an administrative agency.

(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.

(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

(1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.

(2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.

(3) Payment to the state in an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the recipient's family; or

(B) the amount assigned to the state by the recipient under IC 12-14-7-1.

(4) Payment of support payment arrearages owed to the recipient.

(5) Payment of any other support payments payable to the recipient.

(c) Whenever the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) **Except as provided in section 19.5 of this chapter,** whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the

individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

SECTION 46. IC 31-25-4-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. (a) If a Title IV-D agency collects at least five hundred dollars ($500) of child support payments on behalf of an individual who has never received Title IV-A assistance, the Title IV-D agency shall collect a fee in accordance with 42 U.S.C. 654(6). The Title IV-D agency may collect the fee by issuance and implementation of an income withholding order.**

(b) The Title IV-D agency shall collect the fee described in subsection (a) from one (1) of the following:

(1) Any amount of child support payments that exceeds five hundred dollars ($500) collected on behalf of the individual who applied for the services of collecting the child support payments.

(2) The parent who owes the child support obligation being enforced by the Title IV-D agency.

(3) State funds appropriated for the purpose of paying a fee under subsection (a).

SECTION 47. IC 31-25-4-31, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) The bureau shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

(1) hold one (1) or more accounts with the financial institution; and

(2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

(1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

(A) name; and

(B) either Social Security number or tax identification number; or

(2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution.

(d) The information required under subsection (b) must:

(1) be provided on a quarterly basis; and

(2) include the:

(A) name;

(B) address of record; and

(C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

(1) individual; and

(2) financial institution holding the account.

(f) The notice under section (e) must inform the individual that:

(1) the individual's account in a financial institution is subject to a child support lien; and

(2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

(g) The bureau shall hold a hearing under 470 IAC 1-4. The department's final action following a hearing held under this ~~subdivision~~ **subsection** is subject to judicial review as provided in 470 IAC 1-4.

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

(1) a financial institution; or

(2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

(1) one hundred twenty (120) days after issuance;

(2) the date the asset on which the lien is issued is surrendered; or

(3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or

(2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:

(A) the state's lien; and

(B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally

scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the bureau;

(2) blocking or surrendering any of an individual's assets in response to a lien imposed by:

(A) the bureau under this section; or

(B) a person or entity acting on behalf of the bureau; or

(3) any other action taken in good faith to comply with this section.

(n) The department shall pay a financial institution performing the data match required by this section a reasonable fee for providing the service that does not exceed the actual cost incurred by the financial institution.

(o) This section does not prevent the bureau or its agents from encumbering an obligor's account with a financial institution by any other remedy available for the enforcement of a child support order.

SECTION 48. IC 31-25-4-32, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:

(1) Specifies that the obligor is delinquent.

(2) Describes the amount of child support that the obligor is in arrears.

(3) States that unless the obligor:

(A) pays the obligor's child support arrearage in full;

(B) ~~requests the activation of an income withholding order under IC 31-16-15-2 and~~ establishes a payment plan with the Title IV-D agency to pay the arrearage, **which includes an income withholding order;** or

(C) requests a hearing under section 33 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) ~~Request the activation of an income withholding order under IC 31-16-15-2 and~~ Establish a payment plan with the Title IV-D agency to pay the arrearage, **which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**

(C) Request a hearing under section 33 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board or department that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the department of education established by IC 20-19-3-1 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;

(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;

(F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

(G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses).

(ii) IC 14-22-14 (Lake Michigan commercial fishing license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full; **and**

(B) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~and~~ **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**

~~(C) request the activation of an income withholding order under IC 31-16-15-2.~~

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) Whenever the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~or request the activation of~~ **which includes** an income withholding order under ~~IC 31-16-15,~~ **IC 31-16-15-2 or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) Whenever the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~or request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage, ~~and request the activation of~~ **which includes** an income withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or

(3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 49. IC 33-37-5-6, AS AMENDED BY P.L.148-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk or the state central collection unit.

(b) The clerk or the state central collection unit shall collect a fee in addition to support and maintenance payments. The fee is ~~thirty dollars ($30)~~ **fifty-five dollars ($55)** for each calendar year.

(c) The fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), if a fee is collected under this section by the clerk, the clerk shall forward the fee to the county auditor in accordance with IC 33-37-7-12(a). If a fee is collected under this section by the

central collection unit, the fee shall be deposited in the state general fund.

(f) Income payors required to withhold income under IC 31-16-15 shall pay the annual fee required by subsection (b) through the income withholding procedures described in ~~IC 31-16-15-1.~~ **IC 31-16-15.**

SECTION 50. IC 34-30-2-133.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 133.2. IC 31-16-15-30 (Concerning a Title IV-D agency or an agent of a Title IV-D agency for withholding income paid to an obligee, the Title IV-D agency, or the state central collection unit in accordance with an income withholding order).**

SECTION 51. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 31-16-15-1; IC 31-16-15-3; IC 31-16-15-4; IC 31-16-15-5; IC 31-16-15-6; IC 31-16-15-7; IC 31-16-15-8; IC 31-16-15-9; IC 31-16-15-10; IC 31-16-15-11; IC 31-16-15-12; IC 31-16-15-13; IC 31-16-15-14; IC 31-16-15-15; IC 31-16-15-21; IC 31-16-15-24.

(Reference is to ESB 329 as reprinted April 10, 2007.)

Lawson, Chair	Welch
Simpson	Bell
Senate Conferees	House Conferees

Roll Call 473: yeas 42, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1067–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1067 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 3. IC 5-10.2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 9. Sudan Divestment

Sec. 1. As used in this chapter, "active business operations" means all business operations that are not inactive business operations.

Sec. 2. As used in this chapter, "board" refers to the following:

(1) The board of trustees of the Indiana state teachers' retirement fund.

(2) The board of trustees of the public employees' retirement fund.

Sec. 3. As used in this chapter, "business operations" means engaging in any commerce in any form in Sudan.

Sec. 4. (a) As used in this chapter, "company" means any of the following:

(1) A sole proprietorship.

(2) An organization.

(3) An association.

(4) A corporation.

(5) A partnership.

(6) A joint venture.

(7) A limited partnership.

(8) A limited liability partnership.

(9) A limited liability company.

(10) A business association.

(b) The term includes all wholly owned subsidiaries, majority owned subsidiaries, parent companies, and affiliates of such entities or business associations that exist for profit making purposes.

Sec. 5. For purposes of this chapter, a company is "complicit in the Darfur genocide" if the company took any actions during the preceding twenty (20) month period that directly support or promote the genocidal campaign in the Darfur region of Sudan, including any of the following:

(1) Preventing Darfur's victimized population from communicating with each other.

(2) Encouraging Sudanese citizens to speak out against an internationally approved security force in Darfur.

(3) Actively working to deny, cover up, or alter the record on human rights abuses in Darfur.

Sec. 6. As used in this chapter, "cost of divestment" means the sum of the following:

(1) The costs associated with the sale, redemption, divestment, or withdrawal of an investment.

(2) The costs associated with the acquisition and maintenance of a replacement investment.

(3) A cost not described in subdivision (1) or (2) that is incurred by the fund in connection with a divestment transaction.

Sec. 7. As used in this chapter, "direct holdings" means all securities of a company held directly by the fund or in an account in which the fund owns all shares or interests.

Sec. 8. As used in this chapter, "fund" refers to the following:

(1) The Indiana state teachers' retirement fund.

(2) The public employees' retirement fund.

Sec. 9. (a) As used in this chapter, "government of Sudan" refers to the government in Khartoum, Sudan, that is led by the National Congress Party (formally known as the National Islamic Front) or any successor government formed on or after October 13, 2006, including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan.

(b) The term does not include the regional government of southern Sudan.

Sec. 10. As used in this chapter, "inactive business operations" means the mere continued holding or renewal of rights to property previously operated to generate revenues but not presently deployed for such purpose.

Sec. 11. As used in this chapter, "indirect holdings" means all securities of a company:

(1) held in an account or a fund; and

(2) managed by one (1) or more persons not employed by the fund, in which the fund owns shares or interests together with other investors not subject to this chapter.

Sec. 12. As used in this chapter, "marginalized populations of Sudan" includes the following:

(1) The part of the population in the Darfur region that has been genocidally victimized.

(2) The part of the population of southern Sudan victimized by Sudan's north-south civil war.

(3) The Beja, Rashidiya, and other similarly underserved groups of eastern Sudan.

(4) The Nubian and other similarly underserved groups in Sudan's Abyei, southern Blue Nile, and Nuba mountain regions.

(5) The Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.

Sec. 13. (a) As used in this chapter, "military equipment" means weapons, arms, or military defense supplies provided directly or indirectly to any force actively participating in the conflict in Sudan. The term includes any equipment that readily may be used for military purposes, including:

(1) radar systems; or

(2) military grade transport vehicles.

(b) The term does not include weapons, arms, or military defense supplies sold to peacekeeping forces that may be dispatched to Sudan by the United Nations or the African Union.

Sec. 14. (a) As used in this chapter, "mineral extraction activities" means the exploration, extraction, processing, transporting, or wholesale sale of elemental minerals or associated metals or oxides, including:

(1) gold;

(2) copper;

(3) chromium;

(4) chromite;

(5) diamonds;

(6) iron;

(7) iron ore;

(8) silver;

(9) tungsten;

(10) uranium; and

(11) zinc.

(b) The term includes the facilitation of mineral extraction activities, including the provision of supplies or services in support of mineral extraction activities.

Sec. 15. (a) As used in this chapter, "oil related activities" includes:

(1) the export of oil;

(2) the extraction of or production of oil;

(3) the exploration for oil;

(4) the ownership of rights to oil blocks;

(5) the refining or processing of oil;

(6) the transportation of oil;

(7) the selling or trading of oil; or

(8) the construction or maintenance of a pipeline, a refinery, or another oil field infrastructure.

(b) The term includes the facilitation of oil related activities, including the provision of supplies or services in support of oil related activities. The mere retail sale of gasoline and related consumer products is not considered an oil related activity.

Sec. 16. As used in this chapter, "power production activities" means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the government of Sudan whose purpose is to facilitate power generation and delivery. The term includes the following:

(1) Establishing power generating plants or hydroelectric dams.

(2) Selling or installing components for power generating plants or hydroelectric dams.

(3) Providing service contracts related to the installation or maintenance of power generating plants or hydroelectric dams.

(4) Facilitating power production activities, including providing supplies or services in support of power production activities.

Sec. 17. As used in this chapter, "research firm" means a reputable, neutral third party research firm not controlled by the fund.

Sec. 18. (a) As used in this chapter, "scrutinized company" means a company that meets any of the following criteria:

(1) Both of the following apply to the company:

(A) The company has business operations that involve contracts with or the provision of supplies or services to:

(i) the government of Sudan;

(ii) companies in which the government of Sudan has any direct or indirect equity share;

(iii) consortiums or projects commissioned by the government of Sudan; or

(iv) companies involved in consortiums or projects commissioned by the government of Sudan.

(B) Either:

(i) more than ten percent (10%) of the company's revenues or assets linked to Sudan involve oil related activities or mineral extraction activities, and less than seventy-five percent (75%) of the company's oil related or mineral extracting revenues or assets linked to Sudan involve contracts with the regional government of southern Sudan or a project or consortium created exclusively by the regional government, and the company has failed to take substantial action; or

(ii) more than ten percent (10%) of the company's revenues or assets linked to Sudan involve power production activities and less than seventy-five percent (75%) of the company's power production

activities include projects that are intended to provide power or electricity to the marginalized populations of Sudan, and the company has failed to take substantial action.

(2) The company is complicit in the Darfur genocide.

(3) The company supplies military equipment within Sudan, unless the company implements safeguards to prevent the use of the equipment by forces actively participating in armed conflict in Sudan. This subdivision does not apply to companies involved in the sale of military equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization.

(b) The term does not include a social development company that is not complicit in the Darfur genocide.

Sec. 19. As used in this chapter, "social development company" means a company whose primary purpose in Sudan is to provide humanitarian goods or services, including:

(1) medicine or medical equipment;

(2) agricultural supplies or infrastructure;

(3) educational opportunities;

(4) journalism related activities;

(5) information or informational materials;

(6) spiritual related activities;

(7) services that are clerical or reporting in nature;

(8) food;

(9) clothing; or

(10) general consumer goods that are unrelated to oil related activities, mineral extraction activities, or power production activities.

Sec. 20. As used in this chapter, "substantial action" means:

(1) adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one (1) year and to refrain from any new business operations;

(2) undertaking significant humanitarian efforts on behalf of one (1) or more marginalized populations of Sudan; or

(3) materially improving conditions for the genocidally victimized population in Darfur through engagement with the government of Sudan.

Sec. 21. (a) Not later than March 30, 2008, each board shall make a good faith effort to identify all scrutinized companies in which the fund administered by the board has direct or indirect holdings.

(b) In carrying out its responsibilities under subsection (a), and at the board's discretion, each board may use existing research or contract with a research firm.

(c) A board or a research firm with which the board contracts under subsection (b) may take any of the following actions:

(1) Review publicly available information regarding companies with business operations in Sudan.

(2) Contact other institutional investors that invest in companies with business operations in Sudan.

(3) Contact asset managers contracted by the fund that invest in companies with business operations in Sudan.

(d) Not later than the first meeting of the board after March 30, 2008, each board shall compile the names of all scrutinized companies into a scrutinized company list and indicate whether each scrutinized company has active or inactive business operations in Sudan.

(e) Each board shall update its scrutinized company list at least on an annual basis based on evolving information from sources described in subsections (b) and (c).

Sec. 22. After a board creates or updates the scrutinized company list under section 21 of this chapter, the board shall immediately identify the companies on the scrutinized company list in which the fund administered by the board has direct or indirect holdings.

Sec. 23. (a) Each fund shall send to each scrutinized company:

(1) that is identified under section 22 of this chapter as one in which the fund has direct or indirect holdings; and

(2) that has only inactive business operations;

a written notice concerning the contents of this chapter and a statement encouraging the company to continue to refrain from initiating active business operations in Sudan until the company is able to avoid scrutinized business operations altogether.

(b) The fund shall continue to correspond on a semiannual basis with scrutinized companies in which the fund has direct or indirect holdings and that have only inactive business operations.

Sec. 24. (a) Each fund shall send to each scrutinized company:

(1) that is identified under section 22 of this chapter as one in which the fund has direct or indirect holdings; and

(2) that has active business operations;

a written notice concerning the contents of this chapter and a statement indicating that the the fund's holdings in the company may become subject to divestment by the fund.

(b) A notice sent under this section shall:

(1) offer the company the opportunity to clarify the company's Sudan related activities; and

(2) encourage the company, within ninety (90) days after the date of the written notice, to either:

(A) cease its scrutinized business operations; or

(B) convert the company's operations to inactive business operations in order to avoid divestment by the fund of the fund's holdings in the company.

Sec. 25. (a) If, within ninety (90) days after a fund's first engagement with a company under section 24 of this chapter, the company ceases scrutinized business operations, the company shall be removed from the fund's scrutinized company list and the provisions of sections 26, 27, 28, and 29 of this chapter shall cease to apply to the company unless the company resumes scrutinized business operations.

(b) If, within ninety (90) days after a fund first engages with a company under section 24 of this chapter, the company converts its scrutinized active business operations to inactive business operations, the company shall be subject to the provisions of section 23 of this chapter.

Sec. 26. (a) Except as provided in sections 28 and 29 of this chapter, if, after ninety (90) days after a fund's first engagement with a company under section 24 of this chapter, the company continues to have scrutinized active business operations, the fund shall sell, redeem, divest, or withdraw all publicly traded securities of the company that are held by the fund, as follows:

(1) At least fifty percent (50%) of such assets shall be removed from the fund's assets under management within nine (9) months after the company's appearance on the scrutinized company list.

(2) One hundred percent (100%) of such assets shall be removed from the fund's assets under management within fifteen (15) months after the company's appearance on the scrutinized company list.

(b) If a company that ceased scrutinized active business operations following engagement under section 24 of this chapter resumes scrutinized active business operations, and only while the company continues to have active business operations, the company shall immediately be placed back on the scrutinized company list. A fund that has holdings in the company shall sell, redeem, divest, or withdraw all publicly traded securities of the company as provided in subsection (a) based on the date the company is placed back on the scrutinized company list. The fund shall send a written notice to the company indicating that the company was placed back on the scrutinized company list and is subject to divestment.

(c) A board is not required to divest the board's holdings in a passively managed commingled fund that includes a scrutinized company with active business operations in Sudan if the estimated cost of divestment of the commingled fund is greater than ten percent (10%) of the total value of the scrutinized companies with active business operations held in the commingled fund. The board shall include any commingled fund that includes a scrutinized company that is exempted from divestment under this subsection in the board's report submitted to the legislative council under section 31 of this chapter.

Sec. 27. Except as provided in sections 28 and 29 of this chapter, a fund shall not acquire securities of companies on the scrutinized company list that have active business operations.

Sec. 28. If the government of the United States affirmatively declares any company on the scrutinized company list with active business operations in Sudan to be excluded from any federal sanctions relating to Sudan, the company is not subject to divestment or investment prohibition under this chapter.

Sec. 29. Notwithstanding any provision to the contrary, sections 26 and 27 of this chapter do not apply to indirect holdings in actively managed investment funds. However, if a fund has indirect holdings in actively managed investment funds containing the securities of scrutinized companies with active business operations, the fund shall submit letters to the managers of the investment funds requesting that the managers remove the scrutinized companies with active business operations from the fund or create a similar actively managed fund with indirect holdings without scrutinized companies with active business operations. If the manager creates a similar fund, the fund shall replace all applicable investments with investments in the similar fund in a period consistent with prudent investing standards.

Sec. 30. This chapter does not apply to private equity funds.

Sec. 31. (a) On or before November 1, 2007, and thereafter as directed by the legislative council, the board shall submit a report in an electronic format under IC 5-14-6 to the legislative council for distribution to the members of the general assembly.

(b) The report must include at least the following information, as of the date of the report:

(1) A copy of the scrutinized company list.

(2) A summary of correspondence with companies engaged by the fund under sections 23 and 24 of this chapter.

(3) All investments sold, redeemed, divested, or withdrawn in compliance with section 26 of this chapter.

(4) All commingled funds that are exempted from divestment under section 26 of this chapter.

(5) All prohibited investments under section 27 of this chapter.

(6) Any progress made under section 29 of this chapter.

Sec. 32. This chapter expires on the earliest of the following:

(1) Twelve (12) months after the date the government of Sudan halts the genocide in Darfur as determined by the Congress of the United States and the United States Department of State.

(2) The date the United States revokes its current sanctions against the government of Sudan.

(3) The date Congress or the President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of foreign policy for the United States.

(4) The date Congress or the President of the United States declares that the government of Sudan:

(A) has honored its commitments to cease attacks on civilians;

(B) demobilizes and demilitarizes the Janjaweed and associated militias;

(C) grants free and unfettered access for deliveries of humanitarian assistance; and

(D) allows for the safe and voluntary return of refugees and international displaced persons.

Sec. 33. With respect to actions taken in compliance with this chapter, including all good faith determinations regarding companies on the scrutinized company list, the fund shall be exempt from any conflicting statutory or common law obligations, including any obligations with respect to choice of asset managers, investment funds, or investments for fund securities portfolios.

Sec. 34. (a) Notwithstanding any provision to the contrary, the fund shall be permitted to cease divesting and to reinvest in

certain scrutinized companies on the scrutinized company list with active business operations in Sudan if evidence shows that the value for all assets under management by the fund becomes equal to or less than ninety-nine and five-tenths percent (99.5%) of the value of all assets under management by the fund, including the companies divested under section 26 of this chapter.

(b) As provided by this section, any cessation of divestment or reinvestment shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in subsection (a).

(c) For any cessation of divestment, reinvestment, and subsequent ongoing investment authorized by this section, the fund shall submit a report in an electronic format under IC 5-14-6 to the legislative council for distribution to the members of the general assembly in advance of any initial reinvestment. The report shall be updated annually thereafter as applicable, setting forth the reasons and justifications for the decision to cease divestment, reinvest, or remain invested with companies with scrutinized active business operations. This section does not apply to companies that have ceased to have scrutinized business operations.

Sec. 35. (a) Both:

(1) the state and its officers, agents, and employees; and

(2) the fund and its board members, executive director, officers, agents, and employees;

are immune from civil liability for any act or omission related to the removal of an asset from the fund under this chapter.

(b) In addition to the immunity provided under subsection (a), both:

(1) the officers, agents, and employees of the state; and

(2) the board members, executive director, officers, agents, and employees of the fund;

are entitled to indemnification from the fund for all losses, costs, and expenses, including reasonable attorney's fees, associated with defending against any claim or suit relating to an act authorized under this chapter.

Sec. 36. The provisions of this chapter are severable in the manner provided in IC 1-1-1-8(b).

SECTION 4. IC 34-30-2-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.3. IC 5-10.2-9-33 (Concerning the state and certain public pension funds for divestment of fund assets authorized by law).**

SECTION 5. [EFFECTIVE JULY 1, 2007] **(a) This SECTION applies to IC 5-10.2-9, as added by this act.**

(b) The definitions in IC 5-10.2 apply throughout this SECTION.

(c) The general assembly finds the following:

(1) Mandatory divestment by the funds of the funds' holdings in certain companies is a measure that should be employed only under extraordinary circumstances.

(2) The Congress and President of the United States have declared that genocide is occurring in the Darfur region of Sudan.

(3) The Sudan crisis represents the first time the government of the United States has labeled ongoing atrocities a genocide.

(4) The situation in Sudan is unique and constitutes the extraordinary circumstances necessary for mandatory divestment by the funds of the funds' holdings in scrutinized companies with active business operations in Sudan.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1067 as reprinted April 6, 2007.)

Crooks, Chair	Kruse
Noe	Broden
House Conferees	Senate Conferees

Roll Call 474: yeas 43, nays 0. Report adopted.

SENATE MOTION

Madam President: I move that Senator Meeks be removed as first sponsor of Engrossed House Bill 1067 and that Senator Kruse be substituted therefor.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Jackman, Kenley, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of Engrossed House Bill 1067.

KRUSE

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1347:

Advisor:

Stevenson

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1256.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1324.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 84 and the same is herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 31 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 339:

Advisor:
Stevenson

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 559:

Conferees:
Bardon and Ripley
Advisors:
Pflum and Bardon

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed House Bill 1116–1.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed Senate Bills 94–1, 534–1, and 568–1.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 134 and that said Motion be withdrawn.

MILLER

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 26, 2007, I signed the following enrolled acts into law: SEA 68, 88, 93, 114, 155, 180, 229, 312, 316, 327, 331, 357, 371, 408, and 445.

MITCHELL E. DANIELS, JR.
Governor

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Friday, April 27, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:54 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate