

STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

05-15

**EXECUTIVE ORDER** \_\_\_\_\_

**FOR:** CREATION OF THE INDIANA DEPARTMENT OF CHILD SERVICES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

**WHEREAS,** Public Law 9-1991, effective July 1, 1991, established, among other things, the Office of the Secretary of Family and Social Services (FSSA), the Office of Medicaid Policy and Planning, and certain family and social services advisory bodies;

**WHEREAS,** Public Law 9-1991 also provided to the Secretary of FSSA, subject to approval of the Governor, the authority to appoint directors of each division of FSSA;

**WHEREAS,** Executive Order 99-8, which continued FSSA as a state agency in 1999, recognized the constitutional power of the Governor to create administrative agencies by executive order (*see also* Executive Order 89-12; Executive Order 91-2; and IC 4-1-7.1-3);

**WHEREAS,** the Division of Family and Children (DFC), which is a division of FSSA that is established under IC 12-13-1-1, *et seq.*, is generally responsible for services regarding child protection, child support, child development, foster care, adoption, paternity matters, Food Stamps, the temporary assistance for needy families (TANF) program, and child care licensing, among others;

**WHEREAS,** Indiana's future depends on its ability to provide children of the State with a healthy and supportive environment in which to live and grow and to prevent child abuse and neglect whenever possible;

**WHEREAS,** it has become clear that FSSA has become too large to effectively provide essential child protection services, foster care services, adoption services, independent living services, and child support services through the existing FSSA and DFC structure to our State's families and children;

**WHEREAS,** Indiana's families and children would be better served by a free-standing state agency dedicated, as its sole mission, to the administration of child protection services, foster care services, adoption services, independent living services, and child support services;

**WHEREAS,** the proper administration of these services is a matter of life and death for many children in our State;

**WHEREAS,** the Governor has proposed legislation to the General Assembly that would codify the measures described in this Executive Order; and

**WHEREAS,** it is appropriate and necessary to give immediate effect to actions designed to address the need and implement the reforms described in this Executive Order;

**NOW, THEREFORE, I, Mitchell E. Daniels, Jr.,** by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana Department of Child Services (DCS) is hereby created as a state agency.
2. The Governor shall appoint a Director of the DCS who shall serve at the pleasure of the Governor and report directly to the Governor.
3. Those services and programs currently being administered by FSSA and the DFC that relate to child protection services, foster care services, adoption services, independent living services, and child support services through bureaus established within the DFC under Title 12 of the Indiana Code that are commonly referred to as the "Bureau of Family Protection and Preservation" and the "Bureau of Child Support" shall be transferred to and administered by DCS.
4. Consistent with the foregoing, the Secretary of FSSA and the Director of DCS are hereby authorized and directed to enter into such inter-agency agreements or memoranda of understanding and to take such other actions as may be necessary in order to provide for DCS's administration, to the fullest extent permitted by law, of the programs to be transferred to DCS pursuant to this Executive Order and for the continued funding for such programs through FSSA's budget until the enactment of legislation by the General Assembly to codify the creation of DCS and the other reforms described herein.

5. All DFC programs and services not being transferred to the DCS shall remain at FSSA and shall continue to be administered by the DFC, which shall be renamed the Division of Family Resources (DFR). The Secretary of FSSA shall appoint, subject to the approval of the Governor, a Director of the DFR.
6. All reporting requirements to the Budget Committee and the General Assembly that were previously required of the Secretary of FSSA or the Director of the DFC regarding child protection services, foster care services, adoption services, independent living services, or child support services shall now be the obligations of the Director of DCS.
7. The Director of DCS shall provide to the Governor copies of all reports that are required to be submitted to the Budget Committee and the General Assembly.
8. The Director of DCS shall provide quarterly reports to the Governor that assess the state of child abuse and neglect, foster care services, adoption services, independent living services, and child support enforcement and collection efforts in the State.
9. The Director of DCS shall have such other powers, duties, and responsibilities as may be set forth by statute upon enactment of legislation or as may be designated from time to time by the Governor consistent with the exercise of executive authority under the Constitution and laws of the State.
10. All rules adopted prior to the effectiveness of this Executive Order pertaining to FSSA or the DFC regarding child protection services, foster care services, adoption services, independent living services, or child support services shall now pertain to DCS for those same purposes to the fullest extent permitted by law.
11. This Executive Order shall expire upon the enactment of legislation by the General Assembly to codify the measures described in this Executive Order.



*Todd Rokita*

ATTEST: Todd Rokita  
Secretary of State

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 11<sup>th</sup> day of January, 2005.

*M. Daniels, Jr.*  
Mitchell E. Daniels, Jr.  
Governor of Indiana