



March 11, 2015

ENGROSSED HOUSE BILL No. 1434

DIGEST OF HB 1434 (Updated March 9, 2015 12:03 pm - DI 104)

Citations Affected: IC 10-13; IC 25-23.6; IC 29-3; IC 31-9; IC 31-25; IC 31-26; IC 31-27; IC 31-28; IC 31-33; IC 31-34; IC 31-37.

Synopsis: Department of child services. Makes changes to the child services and juvenile laws concerning the following: (1) Criminal history background checks. (2) Exception of certain governmental employees to licensing or certification requirements of social workers and counselors. (3) The responsibilities of the department of child services. (4) Transitional services plans for certain individuals receiving foster care or collaborative care. (5) Regional service strategic plans. (6) Foster care. (7) Detention of children alleged to be children in needs of services. (8) Case plans for children in need of services. (9) Dispositional decrees and review of disposition decrees concerning children in needs of services. (10) Dispositional decrees and review of dispositional decrees concerning delinquent children. Repeals provisions concerning local plans for the provision of child protection services.

Effective: July 1, 2015.

Mahan, McNamara, Miller D, Summers

(SENATE SPONSORS — HEAD, HOLDMAN, HOUCIN, ARNOLD J)

January 14, 2015, read first time and referred to Committee on Family, Children and Human Affairs.

January 22, 2015, amended, reported — Do Pass.

January 26, 2015, read second time, ordered engrossed. Engrossed.

January 27, 2015, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Family & Children Services.

March 10, 2015, amended, reported favorably — Do Pass.

EH 1434—LS 7178/DI 110



March 11, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1434

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 10-13-3-39, AS AMENDED BY P.L.155-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 39. (a) The department is designated as the
4 authorized agency to receive requests for, process, and disseminate the
5 results of national criminal history background checks that comply with
6 this section and 42 U.S.C. 5119a.
7 (b) A qualified entity may contact the department to request a
8 national criminal history background check on any of the following
9 persons:
10 (1) A person who seeks to be or is employed with the qualified
11 entity. A request under this subdivision must be made not later
12 than three (3) months after the person is initially employed by the
13 qualified entity.
14 (2) A person who seeks to volunteer or is a volunteer with the
15 qualified entity. A request under this subdivision must be made

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- 1 not later than three (3) months after the person initially volunteers
 2 with the qualified entity.
- 3 (3) A person for whom a national criminal history background
 4 check is required under any law relating to the licensing of a
 5 home, center, or other facility for purposes of day care or
 6 residential care of children.
- 7 (4) A person for whom a national criminal history background
 8 check is ~~required~~ **permitted** for purposes of:
- 9 (A) placement of a child in a foster family home, a prospective
 10 adoptive home, or the home of a relative, **legal guardian to**
 11 **whom IC 29-3-8-9 applies**, or other caretaker **under section**
 12 **27.5 of this chapter or IC 31-34; or for purposes of**
- 13 (B) a report concerning an adoption as required by IC 31-19-8;
- 14 (C) **collaborative care host homes and supervised**
 15 **independent living arrangements as provided in**
 16 **IC 31-28-5.8-5.5; or**
- 17 (D) **reunification of a child with a parent, guardian, or**
 18 **custodian as provided in IC 31-34-21-5.5.**
- 19 (5) **A person for whom a national criminal history**
 20 **background check is required for the licensing of a group**
 21 **home, child caring institution, child placing agency, or foster**
 22 **home under IC 31-27.**
- 23 (6) **A person for whom a national criminal history**
 24 **background check is required for determining the individual's**
 25 **suitability as an employee of a contractor of the state under**
 26 **section 38.5(a)(1) of this chapter.**
- 27 (c) A qualified entity must submit a request under subsection (b) in
 28 the form required by the department and provide a set of the person's
 29 fingerprints and any required fees with the request.
- 30 (d) If a qualified entity makes a request in conformity with
 31 subsection (b), the department shall submit the set of fingerprints
 32 provided with the request to the Federal Bureau of Investigation for a
 33 national criminal history background check. The department shall
 34 respond to the request in conformity with:
- 35 (1) the requirements of 42 U.S.C. 5119a; and
- 36 (2) the regulations prescribed by the Attorney General of the
 37 United States under 42 U.S.C. 5119a.
- 38 (e) Subsection (f):
- 39 (1) applies to a qualified entity that:
- 40 (A) is not a school corporation or a special education
 41 cooperative; or
- 42 (B) is a school corporation or a special education cooperative



- 1 and seeks a national criminal history background check for a
 2 volunteer; and
 3 (2) does not apply to a qualified entity that is a:
 4 (A) home health agency licensed under IC 16-27-1; or
 5 (B) personal services agency licensed under IC 16-27-4.
 6 (f) After receiving the results of a national criminal history
 7 background check from the Federal Bureau of Investigation, the
 8 department shall make a determination whether the person who is the
 9 subject of a request has been convicted of:
 10 (1) an offense described in IC 20-26-5-11;
 11 (2) in the case of a foster family home, an offense described in
 12 IC 31-27-4-13(a);
 13 (3) in the case of a prospective adoptive home, an offense
 14 described in IC 31-19-11-1(c);
 15 (4) any other felony; or
 16 (5) any misdemeanor;
 17 and convey the determination to the requesting qualified entity.
 18 (g) This subsection applies to a qualified entity that:
 19 (1) is a school corporation or a special education cooperative; and
 20 (2) seeks a national criminal history background check to
 21 determine whether to employ or continue the employment of a
 22 certificated employee or a noncertificated employee of a school
 23 corporation or an equivalent position with a special education
 24 cooperative.
 25 After receiving the results of a national criminal history background
 26 check from the Federal Bureau of Investigation, the department may
 27 exchange identification records concerning convictions for offenses
 28 described in IC 20-26-5-11 with the school corporation or special
 29 education cooperative solely for purposes of making an employment
 30 determination. The exchange may be made only for the official use of
 31 the officials with authority to make the employment determination. The
 32 exchange is subject to the restrictions on dissemination imposed under
 33 P.L.92-544, (86 Stat. 1115) (1972).
 34 (h) This subsection applies to a qualified entity (as defined in
 35 IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After
 36 receiving the results of a national criminal history background check
 37 from the Federal Bureau of Investigation, the department shall provide
 38 a copy to the public agency. Except as permitted by federal law, the
 39 public agency may not share the information contained in the national
 40 criminal history background check with a private agency.
 41 (i) This subsection applies to a qualified entity that is a:
 42 (1) home health agency licensed under IC 16-27-1; or



1 (2) personal services agency licensed under IC 16-27-4.
 2 After receiving the results of a national criminal history background
 3 check from the Federal Bureau of Investigation, the department shall
 4 make a determination whether the applicant has been convicted of an
 5 offense described in IC 16-27-2-5(a) and convey the determination to
 6 the requesting qualified entity.

7 (j) The department:

8 (1) may permanently retain an applicant's fingerprints submitted
 9 under this section; and

10 (2) shall retain the applicant's fingerprints separately from
 11 fingerprints collected under section 24 of this chapter.

12 SECTION 2. IC 25-23.6-1-3.9, AS AMENDED BY P.L.1-2007,
 13 SECTION 177, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2015]: Sec. 3.9. **(a)** "Governmental employee"
 15 means an individual employed by the office of the secretary of family
 16 and social services, the division of family resources, the division of
 17 mental health and addiction, the division of disability and rehabilitative
 18 services, the division of aging, the department of correction, **the**
 19 **department of child services**, or the state department of health in one
 20 (1) of the following classifications:

21 (1) 2AA3 Behavioral clinician 3.

22 (2) 2AA4 Behavioral clinician 4.

23 (3) 2AA5 Clinical associate 5.

24 (4) 2FL1 Mental health administrator 1.

25 (5) 2FL2 Mental health administrator 2.

26 (6) 2FL3 Mental health administrator 3.

27 (7) 2AN3 Substance abuse counselor 3.

28 (8) 2AN4 Substance abuse counselor 4.

29 (9) 2AN5 Substance abuse counselor 5.

30 (10) 2AH2 Social services specialist 2.

31 (11) 2AH3 Social services specialist 3.

32 (12) 2AH4 Social services specialist 4.

33 (13) 2AI1 Psychiatric services director 1.

34 (14) 2AE2 Psychiatric social services specialist 2.

35 (15) 2AE3 Psychiatric social services specialist 3.

36 **(16) 2AP2 Family case manager 2.**

37 **(17) 2AP3 Family case manager trainee 3.**

38 **(18) 7AP3 Family case manager supervisor 3.**

39 **(19) 7AP4 Family case manager supervisor 4.**

40 **(b) The term includes any employee of the department of child**
 41 **services, regardless of the employee's job title or classification,**
 42 **who, as part of the employee's assigned job, is carrying out the**



1 **duties of the department of child services, as set forth in**
 2 **IC 31-25-2-7 and IC 31-25-2-8.**

3 SECTION 3. IC 25-23.6-4-2, AS AMENDED BY P.L.122-2009,
 4 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2015]: Sec. 2. (a) This article may not be construed to limit
 6 the social work or clinical social work services performed by a person
 7 who does not use a title specified in this article and who is one (1) of
 8 the following:

9 (1) A licensed or certified health care professional acting within
 10 the scope of the person's license or certificate.

11 (2) A student, an intern, or a trainee pursuing a course of study in
 12 medicine, psychology, or a course of study to gain licensure under
 13 this article in an accredited eligible postsecondary educational
 14 institution or training institution accredited by the Council on
 15 Social Work Education, or a graduate accumulating experience
 16 required for licensure if:

17 (A) the services are performed under qualified supervision and
 18 constitute a part of the person's supervised course of study or
 19 other level of supervision; and

20 (B) the student or graduate uses a title that contains the term
 21 "intern", "student", or "trainee".

22 (3) Not a resident of Indiana if the person performed social work
 23 in Indiana for not more than five (5) days in any one (1) month or
 24 more than fifteen (15) days in any one (1) calendar year and the
 25 person is authorized to perform such services under the laws of
 26 the state or country in which the person resides.

27 (4) A rabbi, priest, Christian Science practitioner, minister, or
 28 other member of the clergy.

29 (5) An employee or a volunteer for an organization performing
 30 charitable, religious, or educational functions, providing pastoral
 31 counseling, or other assistance.

32 (6) A person who provides school counseling.

33 (7) A governmental employee ~~who remains in the same job~~
 34 ~~classification or job family of that job classification.~~ **(as defined**
 35 **in IC 25-23.6-1-3.9).**

36 (b) Nothing in this section prohibits a person referred to in
 37 subsection (a) from qualifying for licensure under this article.

38 SECTION 4. IC 29-3-1-2.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2015]: **Sec. 2.5. "Conduct a criminal history check" means to:**

41 **(1) request:**

42 **(A) the state police department to conduct a:**



- 1 (i) fingerprint based criminal history background check
2 of both national and state records data bases concerning
3 a person who is at least eighteen (18) years of age in
4 accordance with IC 10-13-3-27 and IC 10-13-3-39; or
5 (ii) national name based criminal history record check
6 (as defined in IC 10-13-3-12.5) of a person who is at least
7 eighteen (18) years of age as provided under
8 IC 10-13-3-27.5; or
9 (B) if an individual has:
10 (i) a physical disability that prevents fingerprinting and
11 a person approved by the department who is trained to
12 take fingerprints or a qualified medical practitioner (as
13 defined in IC 31-9-2-100.5) verifies that the individual
14 has a disabling condition that prevents fingerprinting; or
15 (ii) low quality fingerprints, as a result of age,
16 occupation, or otherwise, that prevent fingerprint results
17 from being obtained and the individual's fingerprints
18 have been rejected the required number of times by
19 automated fingerprint classification equipment or
20 rejected by a person designated by the Indiana state
21 police department to examine and classify fingerprints;
22 the state police department to conduct a national name
23 based criminal history record check (as defined in
24 IC 10-13-3-12.5) or request the state police department to
25 release or allow inspection of a limited criminal history (as
26 defined in IC 10-13-3-11) and the state police in every state
27 the individual has resided in the past five (5) years to
28 release or allow inspection of the individual's criminal
29 history;
30 (2) collect each substantiated report of child abuse or neglect
31 reported in a jurisdiction where a probation officer, a
32 caseworker, or the department of child services has reason to
33 believe that a person who is fourteen (14) years of age or
34 older, or a person for whom a fingerprint based criminal
35 history background check is required under IC 31, resided
36 within the previous five (5) years;
37 (3) request information concerning any substantiated report
38 of child abuse or neglect relating to a person who is fourteen
39 (14) years of age or older that is contained in a national
40 registry of substantiated cases of child abuse or neglect that
41 is established and maintained by the United States
42 Department of Health and Human Services, to the extent that



1 the information is accessible under 42 U.S.C. 16990 and any
 2 applicable regulations or policies of the Department of Health
 3 and Human Services;

4 (4) conduct a check of the national sex offender registry
 5 maintained by the United States Department of Justice for all
 6 persons who are at least fourteen (14) years of age; and

7 (5) conduct a check of local law enforcement agency records
 8 in every jurisdiction where a person who is at least eighteen
 9 (18) years of age has resided within the previous five (5) years
 10 unless the department of child services or a court grants an
 11 exception to conducting this check.

12 SECTION 5. IC 29-3-5-1.5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2015]: **Sec. 1.5. A petitioner for appointment as a guardian of a
 15 minor in a guardianship to which IC 29-3-8-9 applies shall submit
 16 the necessary information, forms, or consents for the department
 17 of child services to conduct a criminal history check (as defined in
 18 IC 31-9-2-22.5) of the petitioner and any other household members
 19 before the court appoints the guardian under this chapter or
 20 during the guardianship administration.**

21 SECTION 6. IC 31-9-2-8.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2015]: **Sec. 8.5. "Age or developmentally appropriate", for
 24 purposes of IC 31-34 and IC 31-37, means:**

25 (1) activities or items that are generally:

26 (A) accepted as suitable for children of the same
 27 chronological age or level of maturity; or

28 (B) determined to be developmentally appropriate for a
 29 child based on the development of cognitive, emotional,
 30 physical, and behavioral capacities that are typical for an
 31 age or age group; and

32 (2) in the case of a specific child, activities or items that are
 33 suitable for the child based on the developmental stages
 34 attained by the child with respect to the cognitive, emotional,
 35 physical, and behavioral capacities of the child.

36 SECTION 7. IC 31-9-2-22.5, AS AMENDED BY P.L.162-2011,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: **Sec. 22.5. "Conduct a criminal history check", for
 39 purposes of IC 31-19, IC 31-26, IC 31-27, IC 31-28, IC 31-33,
 40 IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:**

41 (1) request:

42 (A) the state police department to conduct a:



- 1 (i) fingerprint based criminal history background check of
 2 both national and state records data bases concerning a
 3 person who is at least eighteen (18) years of age in
 4 accordance with IC 10-13-3-27 and IC 10-13-3-39; or
 5 (ii) national name based criminal history record check (as
 6 defined in IC 10-13-3-12.5) of a person who is at least
 7 eighteen (18) years of age as provided by IC 10-13-3-27.5;
 8 or
 9 (B) if an individual has:
 10 (i) a physical disability that prevents fingerprinting and a
 11 person approved by the department who is trained to take
 12 fingerprints or a qualified medical practitioner (as defined
 13 in IC 31-9-2-100.5) verifies that the individual has a
 14 disabling condition that prevents fingerprinting; or
 15 (ii) low quality fingerprints, as a result of age, occupation, or
 16 otherwise, that prevent fingerprint results from being
 17 obtained and the individual's fingerprints have been rejected
 18 the required number of times by automated fingerprint
 19 classification equipment or rejected by a person designated
 20 by the Indiana state police department to examine and
 21 classify fingerprints;
 22 the state police department to conduct a national name based
 23 criminal history record check (as defined in IC 10-13-3-12.5)
 24 or request the state police department to release or allow
 25 inspection of a limited criminal history (as defined in
 26 IC 10-13-3-11) and the state police in every state the
 27 individual has resided in the past five (5) years to release or
 28 allow inspection of the state's criminal history;
 29 (2) collect each substantiated report of child abuse or neglect
 30 reported in a jurisdiction where a probation officer, a caseworker,
 31 or the department of child services has reason to believe that a
 32 person who is fourteen (14) years of age or older, or a person for
 33 whom a fingerprint based criminal history background check is
 34 required under IC 31, resided within the previous five (5) years;
 35 **and**
 36 (3) request information concerning any substantiated report of
 37 child abuse or neglect relating to a person who is fourteen (14)
 38 years of age or older that is contained in a national registry of
 39 substantiated cases of child abuse or neglect that is established
 40 and maintained by the United States Department of Health and
 41 Human Services, to the extent that the information is accessible
 42 under 42 U.S.C. 16990 and any applicable regulations or policies



1 of the Department of Health and Human Services;

2 **(4) conduct a check of the national sex offender registry**
 3 **maintained by the United States Department of Justice for all**
 4 **persons who are at least fourteen (14) years of age; and**

5 **(5) conduct a check of local law enforcement agency records**
 6 **in every jurisdiction where a person who is at least eighteen**
 7 **(18) years of age has resided within the previous five (5) years**
 8 **unless the department of child services or a court grants an**
 9 **exception to conducting this check.**

10 SECTION 8. IC 31-9-2-46.7, AS AMENDED BY P.L.48-2012,
 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2015]: Sec. 46.7. "Foster care", for purposes of IC 31-25,
 13 IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, and
 14 ~~IC 31-28-5.8~~, **IC 31-34-21-7, IC 31-34-21-7.6, and IC 31-37-22-10**,
 15 means living in:

- 16 (1) a place licensed under IC 31-27 or a comparable law of
 17 another state; or
 18 (2) the home of an adult relative who is not licensed as a foster
 19 family home.

20 SECTION 9. IC 31-9-2-101.5 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2015]: **Sec. 101.5. "Reasonable and prudent**
 23 **parent standard", for purposes of IC 31-27, IC 31-34, and**
 24 **IC 31-37, means the standard characterized by careful and sensible**
 25 **parental decisions that maintain the health, safety, and best**
 26 **interests of a child.**

27 SECTION 10. IC 31-9-2-107, AS AMENDED BY P.L.123-2014,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18,
 30 IC 31-19-22, and IC 31-19-25, means:

- 31 (1) an adoptive or whole blood related parent;
 32 (2) a sibling; or
 33 (3) a child.
 34 (b) "Relative", for purposes of IC 31-34-3, means:
 35 (1) a maternal or paternal grandparent;
 36 (2) an adult aunt or uncle; or
 37 **(3) a parent of a child's sibling if the parent has legal custody**
 38 **of the sibling; or**
 39 ~~(3)~~ **(4) any other adult relative suggested by either parent of a**
 40 **child.**

41 (c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4,
 42 IC 31-34-19, and IC 31-37, means any of the following in relation to a



- 1 child:
- 2 (1) A parent.
- 3 (2) A grandparent.
- 4 (3) A brother.
- 5 (4) A sister.
- 6 (5) A stepparent.
- 7 (6) A stepgrandparent.
- 8 (7) A stepbrother.
- 9 (8) A stepsister.
- 10 (9) A first cousin.
- 11 (10) An uncle.
- 12 (11) An aunt.
- 13 (12) Any other individual with whom a child has an established
- 14 and significant relationship.

15 SECTION 11. IC 31-9-2-117.3, AS AMENDED BY P.L.58-2009,

16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17 JULY 1, 2015]: Sec. 117.3. (a) "Sibling", for purposes of IC 31-19, and

18 IC 31-28-5, and IC 31-34 (except for IC 31-34-3-4.5), means a

19 brother or sister by blood, half-blood, or adoption.

20 (b) "Sibling" for purposes of IC 31-34-3-4.5, means:

- 21 (1) a brother or sister by blood, half-blood, or adoption; and
- 22 (2) any other individual who would be considered a sibling if
- 23 parental rights had not been terminated.

24 SECTION 12. IC 31-9-2-123.5 IS ADDED TO THE INDIANA

25 CODE AS A NEW SECTION TO READ AS FOLLOWS

26 [EFFECTIVE JULY 1, 2015]: Sec. 123.5. "Successful adulthood

27 services", for purposes of IC 31-25 and IC 31-28, means services

28 for youth that are designed to assist youth who will age out of

29 foster care with the skills and abilities necessary or desirable to be

30 self-reliant, including housing and educational support, career

31 exploration, vocational training, job placement and support, daily

32 living skills, budgeting and financial management skills, substance

33 abuse prevention, preventative health activities, and counseling.

34 SECTION 13. IC 31-9-2-123.7 IS ADDED TO THE INDIANA

35 CODE AS A NEW SECTION TO READ AS FOLLOWS

36 [EFFECTIVE JULY 1, 2015]: Sec. 123.7. "Supervised independent

37 living placement", for purposes of IC 31-28-5.8 and

38 IC 31-34-21-7.5, means a living arrangement that provides housing

39 for a youth that is not supervised on site, such as a dormitory, an

40 apartment, or shared housing, and is not a foster home, host home,

41 group home, child caring institution, or private secure facility.

42 SECTION 14. IC 31-9-2-130.3, AS ADDED BY P.L.143-2008,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 130.3. "Transitional services plan", for purposes
3 of IC 31-25-2-21, **IC 31-34-15, and IC 31-37-19**, has the meaning set
4 forth in IC 31-25-2-21(a).

5 SECTION 15. IC 31-25-2-7, AS AMENDED BY P.L.128-2012,
6 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2015]: Sec. 7. (a) The department is responsible for the
8 following:

- 9 (1) Providing child protection services under this article.
10 (2) Providing and administering child abuse and neglect
11 prevention services.
12 (3) Providing and administering child services.
13 (4) Providing and administering family services.
14 (5) Providing family preservation services under IC 31-26-5.
15 (6) Regulating and licensing the following under IC 31-27:
16 (A) Child caring institutions.
17 (B) Foster family homes.
18 (C) Group homes.
19 (D) Child placing agencies.
20 (7) Administering the state's plan for the administration of Title
21 IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).
22 (8) Administering foster care services.
23 (9) Administering **independent living services successful**
24 **adulthood services** (as described in 42 U.S.C. 677 et seq.).
25 (10) Administering adoption **and guardianship** services.
26 (11) Certifying and providing grants to the youth services bureaus
27 under IC 31-26-1.
28 (12) Administering the project safe program.
29 (13) Paying for programs and services as provided under
30 IC 31-40.
31 (14) Obtaining on an annual basis a consumer report, as defined
32 in 42 U.S.C. 1681a(d), for each child at least ~~fifteen~~ **(15) fourteen**
33 **(14)** years of age who is in state foster care.
34 (b) This chapter does not authorize or require the department to:
35 (1) investigate or report on proceedings under IC 31-17-2 relating
36 to a child who is not the subject of an open child in need of
37 services case under IC 31-34; or
38 (2) otherwise monitor child custody or visitation in dissolution of
39 marriage proceedings.
40 (c) This chapter does not authorize or require the department to:
41 (1) conduct home studies; or
42 (2) otherwise participate in guardianship proceedings under



1 IC 29-3;
 2 other than those over which the juvenile court has jurisdiction under
 3 IC 29-3-2-1(c) or IC 31-30-1-1(10).

4 SECTION 16. IC 31-25-2-8, AS AMENDED BY P.L.131-2009,
 5 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 8. (a) The department is the single state agency
 7 responsible for administering the following:

- 8 (1) Title IV-B of the federal Social Security Act under 42 U.S.C.
 9 620 et seq.
 10 (2) Title IV-E of the federal Social Security Act under 42 U.S.C.
 11 670 et seq.
 12 (3) The federal Child Abuse Prevention and Treatment Act under
 13 42 U.S.C. 5106 et seq.
 14 (4) The federal Social Services Block Grant under 42 U.S.C. 1397
 15 et seq.
 16 (5) Any other federal program that provides funds to states for
 17 services related to the prevention of child abuse and neglect, child
 18 welfare services, foster care, ~~independent living~~, **successful**
 19 **adulthood services**, or adoption services.

20 (b) This subsection applies beginning October 1, 2009. Under 42
 21 U.S.C. 671(a)(32), the department shall negotiate in good faith with
 22 any Indian tribe, tribal organization, or tribal consortium in the state
 23 that requests to develop an agreement with the state to administer all
 24 or part of Title IV-E of the federal Social Security Act under 42 U.S.C.
 25 670 et seq., on behalf of Indian children who are under the authority of
 26 the tribe, tribal organization, or tribal consortium.

27 SECTION 17. IC 31-25-2-21, AS AMENDED BY P.L.48-2012,
 28 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 21. (a) As used in this section, "transitional
 30 services plan" means a plan that provides information concerning the
 31 following to an individual described in subsection (b):

- 32 (1) Education.
 33 (2) Employment.
 34 (3) Housing.
 35 (4) Health care.
 36 (5) Development of problem solving skills.
 37 (6) Available local, state, and federal financial assistance.

38 (b) The department shall implement a program that provides a
 39 transitional services plan to the following:

- 40 (1) An individual who has become or will become:
 41 (A) eighteen (18) years of age; or
 42 (B) emancipated;



1 while receiving foster care.

2 (2) An individual who:

3 (A) is at least eighteen (18) but less than twenty (20) years of
4 age; and

5 (B) is receiving collaborative care under IC 31-28-5.8.

6 **(c) A transitional services plan for an individual described in
7 subsection (b) shall contain a document that:**

8 **(1) describes the rights of the individual with respect to:**

9 **(A) education, health, visitation, and court participation;**

10 **(B) the right to be provided with the individual's medical
11 documents and any other medical information; and**

12 **(C) the right to stay safe and avoid exploitation; and**

13 **(2) includes a signed acknowledgment by the individual that
14 the:**

15 **(A) individual has been provided with a copy of the
16 document described in subdivision (1); and**

17 **(B) rights contained in the document have been explained
18 to the individual in an age appropriate manner.**

19 **(d) The individual's child representatives selected by the
20 individual under IC 31-34-15-7 or IC 31-37-19-1.7 may participate
21 in the development of a transitional services plan for the
22 individual.**

23 **(e) (e) The department shall adopt rules under IC 4-22-2, including
24 emergency rules under IC 4-22-2-37.1, necessary to implement the
25 program described in this section.**

26 **SECTION 18. IC 31-26-6-5.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: Sec. 5.5. Each regional services
29 council shall include in the plan a description of how the
30 department will implement the plan in the service region, including
31 the following:**

32 **(1) Organization.**

33 **(2) Staffing.**

34 **(3) Mode of operations.**

35 **(4) Financing of the child protection services.**

36 **(5) The provisions made for the purchase of services.**

37 **(6) Interagency relations.**

38 **SECTION 19. IC 31-26-6-14, AS ADDED BY P.L.146-2008,
39 SECTION 571, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) A regional services council
41 or the regional manager shall transmit copies of the plan, each annual
42 report, each revised plan, and any other report or document described**



1 by rule adopted under section 16 of this chapter, to the following:

- 2 (1) The director.
 3 (2) Each department office in the service region.
 4 (3) Each juvenile court in the service region.
 5 **(4) The community child protection team established under**
 6 **IC 31-33-3-1 of each county that participates in the regional**
 7 **services council.**
 8 **(5) Appropriate public or voluntary agencies, including**
 9 **organizations for the prevention of child abuse or neglect.**

10 (b) A regional services council shall provide to the department a
 11 copy of each plan, annual report, or revised plan transmitted under
 12 subsection (a) to be posted to the department's Internet web site.

13 SECTION 20. IC 31-27-3-18.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2015]: **Sec. 18.5. A licensee shall use the**
 16 **reasonable and prudent parent standard when determining**
 17 **whether to allow a child in foster care to participate in**
 18 **extracurricular, enrichment, cultural, and social activities.**

19 SECTION 21. IC 31-27-4-13, AS AMENDED BY P.L.158-2013,
 20 SECTION 313, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The department shall deny
 22 a license when an applicant fails to meet the requirements for a license.
 23 The department shall deny a license to an applicant who has been
 24 convicted of any of the following felonies:

- 25 (1) Murder (IC 35-42-1-1).
 26 (2) Causing suicide (IC 35-42-1-2).
 27 (3) Assisting suicide (IC 35-42-1-2.5).
 28 (4) Voluntary manslaughter (IC 35-42-1-3).
 29 (5) Reckless homicide (IC 35-42-1-5).
 30 (6) Battery (IC 35-42-2-1) within the past five (5) years.
 31 (7) Domestic battery (IC 35-42-2-1.3).
 32 (8) Aggravated battery (IC 35-42-2-1.5).
 33 (9) Kidnapping (IC 35-42-3-2).
 34 (10) Criminal confinement (IC 35-42-3-3) within the past five (5)
 35 years.
 36 (11) A felony sex offense under IC 35-42-4.
 37 (12) Carjacking (IC 35-42-5-2) (repealed) within the past five (5)
 38 years.
 39 (13) Arson (IC 35-43-1-1) within the past five (5) years.
 40 (14) Incest (IC 35-46-1-3).
 41 (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 42 IC 35-46-1-4(a)(2)).



- 1 (16) Child selling (IC 35-46-1-4(d)).
- 2 (17) A felony involving a weapon under IC 35-47 or IC 35-47.5
- 3 within the past five (5) years.
- 4 (18) A felony relating to controlled substances under IC 35-48-4
- 5 within the past five (5) years.
- 6 (19) An offense relating to material or a performance that is
- 7 harmful to minors or obscene under IC 35-49-3.
- 8 (20) A felony under IC 9-30-5 **within the past five (5) years.**
- 9 (21) A felony that is substantially equivalent to a felony listed in
- 10 subdivisions (1) through (20) for which the conviction was
- 11 entered in another state.
- 12 (b) The department may deny a license to an applicant who:
- 13 (1) has been convicted of a felony that is not listed in subsection
- 14 (a); or
- 15 (2) has had a juvenile adjudication for an act listed in subsection
- 16 (a) that, if committed by an adult, would be a felony.
- 17 (c) The department shall send written notice by certified mail that
- 18 the application has been denied and give the reasons for the denial.
- 19 (d) An administrative hearing concerning the denial of a license
- 20 shall be provided upon written request by the applicant. The request
- 21 must be made not more than thirty (30) days after receiving the written
- 22 notice under subsection (c).
- 23 (e) An administrative hearing shall be held in accordance with
- 24 IC 4-21.5-3.
- 25 SECTION 22. IC 31-27-4-20.5 IS ADDED TO THE INDIANA
- 26 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 27 [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. A licensee shall use the**
- 28 **reasonable and prudent parent standard when determining**
- 29 **whether to allow a child in foster care to participate in**
- 30 **extracurricular, enrichment, cultural, and social activities.**
- 31 SECTION 23. IC 31-27-5-17.5 IS ADDED TO THE INDIANA
- 32 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 33 [EFFECTIVE JULY 1, 2015]: **Sec. 17.5. A licensee shall use the**
- 34 **reasonable and prudent parent standard when determining**
- 35 **whether to allow a child in foster care to participate in**
- 36 **extracurricular, enrichment, cultural, and social activities.**
- 37 SECTION 24. IC 31-27-6-14.5 IS ADDED TO THE INDIANA
- 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 39 [EFFECTIVE JULY 1, 2015]: **Sec. 14.5. A licensee shall use the**
- 40 **reasonable and prudent parent standard when determining**
- 41 **whether to allow a child in foster care to participate in**
- 42 **extracurricular, enrichment, cultural, and social activities.**



1 SECTION 25. IC 31-28-2-4, AS AMENDED BY P.L.128-2012,
 2 SECTION 147, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** The local office shall provide
 4 a copy of the medical treatment records filed under section 2 of this
 5 chapter to the person who provides foster care to a child.

6 **(b) The local office shall provide an individual who:**

7 **(1) is at least eighteen (18) years of age; and**

8 **(2) leaves foster care after receiving foster care for at least six**
 9 **(6) months;**

10 **a copy of the individual's medical treatment records.**

11 SECTION 26. IC 31-28-3-3, AS AMENDED BY P.L.128-2012,
 12 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The local office shall issue
 14 the medical passport to a foster child when the child is placed in foster
 15 care. The passport must remain with the child until: ~~the child is:~~

16 **(1) the child is** returned to the natural parents;

17 **(2) the child is** adopted; or

18 **(3) ~~placed in another permanent plan:~~ a legal guardian is**
 19 **appointed for the child.**

20 **(b) When a child is placed under subsection (a)(1) or (a)(2) or a**
 21 **legal guardian is appointed for a child under subsection (a)(3), the**
 22 **medical passport shall be returned to the local office that issued the**
 23 **passport.**

24 **(c) The local office shall provide the medical passport to the**
 25 **child or the child's legal guardian after the child in need of services**
 26 **case or collaborative care case is closed.**

27 SECTION 27. IC 31-28-5.8-1, AS ADDED BY P.L.48-2012,
 28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 1. As used in this chapter, "collaborative care"
 30 means any services or payments for services that the department
 31 provides for older youth under the terms of a collaborative care
 32 agreement, while the older youth is residing in:

33 **(1) a foster family home licensed under IC 31-27-4 or a**
 34 **comparable law in the state where the home is located;**

35 **(2) a host home under an agreement with the older youth**
 36 **approved by the department;**

37 **(3) a child caring institution licensed under IC 31-27-3;**

38 **(4) a group home licensed under IC 31-27-5; or**

39 **(5) a supervised independent living ~~arrangement~~ placement**
 40 **approved by the department.**

41 SECTION 28. IC 31-28-5.8-5, AS ADDED BY P.L.48-2012,
 42 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 5. (a) An older youth who received foster care
 2 under a court order ~~during the month before~~ **on the day** the individual
 3 ~~became~~ **attains** eighteen (18) years of age is eligible to receive
 4 collaborative care services **under applicable rules of the department**
 5 at any time until the individual becomes twenty (20) years of age.

6 (b) An older youth may request the department to petition a juvenile
 7 court for approval of a collaborative care agreement under this chapter.

8 (c) A court may grant a petition described in subsection (b) if the
 9 court finds, consistent with applicable rules of the department, that the
 10 older youth is:

11 (1) employed;

12 (2) attending school or a vocational or educational certification or
 13 degree program;

14 (3) participating in a program or activity designed to promote, or
 15 remove barriers to, employment; or

16 (4) incapable of performing any of the activities in subdivisions
 17 (1) through (3) due to a medical condition documented by
 18 regularly updated information in the older youth's current case
 19 plan.

20 (d) A child who:

21 (1) is at least seventeen (17) years and six (6) months of age;

22 (2) is receiving foster care under a court order; and

23 (3) expects to be eligible for collaborative care under this chapter
 24 when the child becomes an older youth;

25 may request the department to start the process of planning for
 26 collaborative care under this chapter.

27 SECTION 29. IC 31-28-5.8-5.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. The department may conduct**
 30 **a criminal history check of each person who is currently residing**
 31 **with an older youth in a:**

32 (1) **host home described in section 1(2) of this chapter; or**

33 (2) **supervised independent living placement described in**
 34 **section 1(5) of this chapter.**

35 SECTION 30. IC 31-28-5.8-7 AS ADDED BY P.L.48-2012,
 36 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 7. (a) A court that approves a collaborative care
 38 agreement under this chapter shall conduct periodic reviews during the
 39 term of the agreement. The court shall review the agreement and the
 40 progress made in complying with the provisions of the agreement and
 41 case plan developed under section 6 of this chapter.

42 (b) The court shall conduct each periodic review in a formal court



- 1 hearing.
- 2 (c) The department shall provide a notice of a hearing, as provided
- 3 in IC 31-32-1-4, at least seven (7) days before the date of the hearing
- 4 to the following:
- 5 (1) The older youth.
- 6 (2) The foster parent or any other caretaker with whom the older
- 7 youth is living, if applicable.
- 8 (3) Any caseworker responsible for visitation with the older
- 9 youth.
- 10 (4) Any person or agency identified in the collaborative care
- 11 agreement as a provider of services to the older youth.
- 12 (5) Any person or entity providing ~~independent living services~~
- 13 **successful adulthood services** to the older youth developed
- 14 under IC 31-25-2-7(a)(9) or 465 IAC 2-14.
- 15 (6) A guardian ad litem or court appointed special advocate
- 16 participating with the consent of the older youth.
- 17 (d) A person to whom the department gives notice under subsection
- 18 (c) is entitled to participate in a periodic review hearing as set forth in
- 19 IC 31-34-21-4(d).
- 20 (e) The department shall prepare and submit to the court a written
- 21 progress report for the periodic review hearing. The department shall
- 22 provide a copy of the report with the notice of the hearing provided
- 23 under subsection (c).
- 24 (f) The court must hold a periodic review hearing:
- 25 (1) not later than six (6) months after the date the court grants a
- 26 petition under section 5 of this chapter; and
- 27 (2) at least once every six (6) months until the collaborative care
- 28 agreement is terminated.
- 29 (g) After each periodic review hearing, the court shall enter an order
- 30 that includes findings and conclusions concerning the progress made
- 31 in implementing the collaborative care agreement and case plan of the
- 32 older youth. If a permanency plan has been approved or modified for
- 33 the youth, the court shall also review the permanency plan.
- 34 SECTION 31. IC 31-33-4 IS REPEALED [EFFECTIVE JULY 1,
- 35 2015]. (Local Plan for Provision of Child Protection Services).
- 36 SECTION 32. IC 31-34-3-4.5, AS ADDED BY P.L.131-2009,
- 37 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 4.5. (a) If a child is removed from the child's
- 39 parents under this chapter, within thirty (30) days after the removal of
- 40 the child from the parents the department shall exercise due diligence
- 41 to identify and provide notice of the removal to:
- 42 (1) all adult relatives (as defined in IC 31-9-2-107) of the child,



1 including relatives suggested by either parent as required under
 2 42 U.S.C. 671(a)(29); and
 3 (2) all the child's siblings who are at least eighteen (18) years of
 4 age.

5 (b) The department may not provide notice to a person under
 6 subsection (a) if the department knows or suspects that the person has
 7 caused family or domestic violence.

8 (c) A notice under subsection (a) must:
 9 (1) state that the child has been removed from the parents by the
 10 department;
 11 (2) set forth the options the relative may have under federal, state,
 12 or local laws, including the care and placement of the child and
 13 other options that may be lost if the relative fails to respond to the
 14 notice;
 15 (3) describe the requirements for the relative to become a foster
 16 parent; ~~and~~
 17 (4) describe additional services available to the child placed in
 18 foster care; ~~and~~
 19 **(5) describe how a relative guardian of a child may**
 20 **subsequently enter into an agreement with the department to**
 21 **receive financial assistance through the adoption assistance**
 22 **program or guardianship assistance program.**

23 SECTION 33. IC 31-34-6-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A child alleged to be
 25 a child in need of services may not be held in:

26 (1) a secure **detention** facility; or
 27 (2) a shelter care facility that houses persons charged with,
 28 imprisoned for, or incarcerated for crimes.

29 SECTION 34. IC 31-34-6-3, AS AMENDED BY P.L.146-2008,
 30 SECTION 582, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2015]: Sec. 3. A juvenile court or the
 32 department may not place a child in

33 ~~(1) a community based correctional facility for children;~~
 34 ~~(2) a juvenile detention facility;~~
 35 ~~(3) a secure facility;~~
 36 ~~(4) a secure private facility; or~~
 37 ~~(5) a shelter care facility~~

38 that is located outside the child's county of residence unless placement
 39 of the child in a comparable facility with adequate services located in
 40 the child's county of residence is unavailable or the child's county of
 41 residence does not have an appropriate comparable facility with
 42 adequate services.



1 SECTION 35. IC 31-34-15-2, AS AMENDED BY P.L.145-2006,
 2 SECTION 302, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: Sec. 2. The department, after negotiating
 4 with:

- 5 (1) the child's parent, guardian, or custodian;
 6 (2) **the child, if the child is at least fourteen (14) years of age;**
 7 **and**
 8 (3) **any child representatives selected by the child under**
 9 **section 7 of this chapter;**

10 shall complete a child's case plan not later than sixty (60) days after
 11 (†) the date of the child's first placement or
 12 (‡) the date of a dispositional decree,
 13 whichever ~~comes~~ **occurs** first.

14 SECTION 36. IC 31-34-15-3, AS AMENDED BY P.L.146-2008,
 15 SECTION 595, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2015]: Sec. 3. A copy of the completed case
 17 plan shall be sent, **not later than ten (10) days after the plan's**
 18 **completion,** to:

- 19 (1) the child's parent, guardian, or custodian;
 20 (2) **the child, if the child is at least fourteen (14) years of age;**
 21 (3) **any child representatives selected by the child under**
 22 **section 7 of this chapter;** and ~~to an~~
 23 (4) **any** agency having the legal responsibility or authorization to
 24 care for, treat, or supervise the child. ~~not later than ten (10) days~~
 25 ~~after the plan's completion.~~

26 SECTION 37. IC 31-34-15-4, AS AMENDED BY P.L.128-2012,
 27 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2015]: Sec. 4. A child's case plan must be set
 29 out in a form prescribed by the department that meets the specifications
 30 set by 45 CFR 1356.21. The case plan must include a description and
 31 discussion of the following:

- 32 (1) A permanent plan for the child and an estimated date for
 33 achieving the goal of the plan.
 34 (2) The appropriate placement for the child based on the child's
 35 special needs and best interests.
 36 (3) The least restrictive family-like setting that is close to the
 37 home of the child's parent, custodian, or guardian if out-of-home
 38 placement is recommended. If an out-of-home placement is
 39 appropriate, the local office or department shall consider whether
 40 a child in need of services should be placed with the child's
 41 suitable and willing blood or adoptive relative caretaker,
 42 including a grandparent, an aunt, an uncle, or an adult sibling,



- 1 before considering other out-of-home placements for the child.
- 2 (4) Family services recommended for the child, parent, guardian,
- 3 or custodian.
- 4 (5) Efforts already made to provide family services to the child,
- 5 parent, guardian, or custodian.
- 6 (6) Efforts that will be made to provide family services that are
- 7 ordered by the court.
- 8 (7) A plan for ensuring the educational stability of the child while
- 9 in foster care that includes assurances that the:
- 10 (A) placement of the child in foster care considers the
- 11 appropriateness of the current educational setting of the child
- 12 and the proximity to the school where the child is presently
- 13 enrolled; and
- 14 (B) department has coordinated with local educational
- 15 agencies to ensure:
- 16 (i) the child remains in the school where the child is enrolled
- 17 at the time of removal; or
- 18 (ii) immediate, appropriate enrollment of the child in a
- 19 different school, including arrangements for the transfer of
- 20 the child's school records to the new school, if remaining in
- 21 the same school is not in the best interests of the child.
- 22 **(8) Any age appropriate activities that the child is interested**
- 23 **in pursuing.**
- 24 **(9) If the case plan is for a child in foster care who is at least**
- 25 **fourteen (14) years of age, the following:**
- 26 **(A) A document that describes the rights of the child with**
- 27 **respect to:**
- 28 **(i) education, health, visitation, and court participation;**
- 29 **(ii) the right to be provided with the child's medical**
- 30 **documents and other medical information; and**
- 31 **(iii) the right to stay safe and avoid exploitation.**
- 32 **(B) A signed acknowledgment by the child that the:**
- 33 **(i) child has been provided with a copy of the document**
- 34 **described in clause (A); and**
- 35 **(ii) rights contained in the document have been explained**
- 36 **to the individual in an age appropriate manner.**
- 37 SECTION 38. IC 31-34-15-7 IS ADDED TO THE INDIANA
- 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) A child who is at least**
- 40 **fourteen (14) years of age shall participate in the development of**
- 41 **the child's case plan or transitional services plan.**
- 42 **(b) The child may select not more than two (2) child**



1 representatives to represent the child in the development of the
 2 child's case plan or transitional services plan. A child
 3 representative selected under this section:

4 (1) must be:

5 (A) at least eighteen (18) years of age; and

6 (B) a member of the case planning team; and

7 (2) may not be a foster parent of or caseworker for the child.

8 (c) The child may select one (1) of the child representatives who
 9 is a member of the child's case planning team to also be the child's
 10 adviser and, as necessary, advocate, with respect to the application
 11 of the reasonable and prudent parent standard to the child.

12 (d) The department may reject an individual selected by a child
 13 to be a member of the case planning team at any time if the
 14 department has good cause to believe that the individual would not
 15 act in the best interests of the child.

16 SECTION 39. IC 31-34-20-1, AS AMENDED BY P.L.146-2008,
 17 SECTION 602, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Subject to this section and
 19 section 1.5 of this chapter, if a child is a child in need of services, the
 20 juvenile court may enter one (1) or more of the following dispositional
 21 decrees:

22 (1) Order supervision of the child by the department.

23 (2) Order the child to receive outpatient treatment:

24 (A) at a social service agency or a psychological, a psychiatric,
 25 a medical, or an educational facility; or

26 (B) from an individual practitioner.

27 (3) Remove the child from the child's home and authorize the
 28 department to place the child in another home, ~~or~~ shelter care
 29 facility, **child caring institution, group home, or secure private**
 30 **facility**. Placement under this subdivision includes authorization
 31 to control and discipline the child.

32 (4) Award wardship of the child to the department for
 33 supervision, care, and placement.

34 (5) Partially or completely emancipate the child under section 6
 35 of this chapter.

36 (6) Order the child's parent, guardian, or custodian to complete
 37 services recommended by the department and approved by the
 38 court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.

39 (7) Order a person who is a party to refrain from direct or indirect
 40 contact with the child.

41 (8) Order a perpetrator of child abuse or neglect to refrain from
 42 returning to the child's residence.



1 (b) A juvenile court may not place a child in a home or facility that
2 is located outside Indiana unless:

3 (1) the placement is recommended or approved by the director of
4 the department or the director's designee; or

5 (2) the juvenile court makes written findings based on clear and
6 convincing evidence that:

7 (A) the out-of-state placement is appropriate because there is
8 not a comparable facility with adequate services located in
9 Indiana; or

10 (B) the location of the home or facility is within a distance not
11 greater than fifty (50) miles from the county of residence of
12 the child.

13 (c) If a dispositional decree under this section:

14 (1) orders or approves removal of a child from the child's home or
15 awards wardship of the child to the department; and

16 (2) is the first juvenile court order in the child in need of services
17 proceeding that authorizes or approves removal of the child from
18 the child's parent, guardian, or custodian;

19 the juvenile court shall include in the decree the appropriate findings
20 and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).

21 SECTION 40. IC 31-34-21-7, AS AMENDED BY P.L.72-2008,
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2015]: Sec. 7. (a) The court shall hold a permanency hearing:

24 (1) not more than thirty (30) days after a court finds that
25 reasonable efforts to reunify or preserve a child's family are not
26 required as described in section 5.6 of this chapter;

27 (2) every twelve (12) months after:

28 (A) the date of the original dispositional decree; or

29 (B) a child in need of services was removed from the child's
30 parent, guardian, or custodian;

31 whichever comes first; or

32 (3) more often if ordered by the juvenile court.

33 (b) The court shall:

34 (1) make the determination and findings required by section 5 of
35 this chapter;

36 (2) consider the question of continued jurisdiction and whether
37 the dispositional decree should be modified;

38 (3) consider recommendations of persons listed under section 4
39 of this chapter, before approving a permanency plan under
40 subdivision (5);

41 (4) consult with the child in person, or through an interview with
42 or written statement or report submitted by:



- 1 (A) a guardian ad litem or court appointed special advocate for
 2 the child;
 3 (B) a case manager; or
 4 (C) the person with whom the child is living and who has
 5 primary responsibility for the care and supervision of the
 6 child;
 7 in an age appropriate manner as determined by the court,
 8 regarding the proposed permanency plan;
 9 (5) consider and approve a permanency plan for the child that
 10 complies with the requirements set forth in section 7.5 of this
 11 chapter;
 12 (6) determine whether an existing permanency plan must be
 13 modified; and
 14 (7) examine procedural safeguards used by the department to
 15 protect parental rights.
- 16 (c) If the child is at least sixteen (16) years of age and the proposed
 17 permanency plan provides for **another planned permanent living**
 18 **arrangement**, ~~the transition of the child from foster care to~~
 19 ~~independent living~~, the court shall, **at each permanency hearing, do**
 20 **all the following:**
- 21 (1) Require the department to provide notice of the permanency
 22 hearing to the child, in accordance with section 4(a) of this
 23 chapter. ~~and~~
 24 (2) Provide to the child an opportunity to be heard and to make
 25 recommendations to the court, in accordance with section 4(d) of
 26 this chapter.
 27 **(3) Require the department to document or provide testimony**
 28 **regarding the intensive, ongoing, and, as of the date of the**
 29 **hearing, unsuccessful efforts made by the department to**
 30 **return the child home or secure a placement for the child with**
 31 **a fit and willing relative, legal guardian, or adoptive parent,**
 32 **including efforts through the use of search technology, such as**
 33 **social media, to find biological or adoptive family members**
 34 **for the child.**
 35 **(4) Ask the child about the desired permanency outcome for**
 36 **the child and document the child's response.**
 37 **(5) Make a judicial determination explaining why, as of the**
 38 **date of the hearing, another planned permanent living**
 39 **arrangement is the best permanency plan for the child and**
 40 **provide compelling reasons why it continues to not be in the**
 41 **best interests of the child to:**
 42 (A) return home;



- 1 **(B) be placed for adoption;**
 2 **(C) be placed with a legal guardian; or**
 3 **(D) be placed with a fit and willing relative.**
 4 **(6) Require the department to document or provide testimony**
 5 **regarding the steps the department is taking to ensure that:**
 6 **(A) the child's foster family home, group home, secure**
 7 **private facility, or child caring institution is following the**
 8 **reasonable and prudent parent standard; and**
 9 **(B) the child has regular, ongoing opportunities to engage**
 10 **in age or developmentally appropriate activities, including**
 11 **consulting with the child in an age appropriate manner**
 12 **about the opportunities for the child to participate in the**
 13 **activities.**

14 (d) There is a rebuttable presumption that jurisdiction over the child
 15 in a child in need of services proceeding continues for not longer than
 16 twelve (12) months after the date of the original dispositional decree or
 17 twelve (12) months after the child in need of services was removed
 18 from the child's parent, guardian, or custodian, whichever occurs first.
 19 The state may rebut the presumption and show that jurisdiction should
 20 continue by proving that the objectives of the dispositional decree have
 21 not been accomplished, that a continuation of the decree with or
 22 without any modifications is necessary, and that it is in the child's best
 23 interests for the court to maintain its jurisdiction over the child. If the
 24 department does not sustain its burden for continued jurisdiction, the
 25 court shall:

- 26 (1) direct the department to establish a permanency plan within
 27 thirty (30) days; or
 28 (2) discharge the child and the child's parent, guardian, or
 29 custodian.

30 The court may retain jurisdiction to the extent necessary to carry out
 31 any orders under subdivision (1).

32 SECTION 41. IC 31-34-21-7.5, AS AMENDED BY P.L.158-2013,
 33 SECTION 324, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) Except as provided in
 35 subsection (d), the juvenile court may not approve a permanency plan
 36 under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is
 37 currently residing with a person described in subsection (c)(1)(D) or
 38 (c)(1)(E) or in a residence in which the child would be placed under
 39 subsection (c)(1)(F) has committed an act resulting in a substantiated
 40 report of child abuse or neglect, has a juvenile adjudication for an act
 41 that would be a felony listed in IC 31-27-4-13 if committed by an adult,
 42 or has a conviction for a felony listed in IC 31-27-4-13.



1 (b) Before requesting juvenile court approval of a permanency plan,
 2 the department shall conduct a criminal history check (as defined in
 3 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 4 committed an act resulting in a substantiated report of child abuse or
 5 neglect, has a juvenile adjudication for an act that would be a felony
 6 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
 7 a felony listed in IC 31-27-4-13. However, the department is not
 8 required to conduct a criminal history check under this section if
 9 criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or
 10 IC 31-34-20-1.5 establishes whether a person described in subsection
 11 (a) has committed an act resulting in a substantiated report of child
 12 abuse or neglect, has a juvenile adjudication for an act that would be
 13 a felony listed in IC 31-27-4-13 if committed by an adult, or has a
 14 conviction for a felony listed in IC 31-27-4-13.

15 (c) A permanency plan under this chapter includes the following:

16 (1) The intended permanent or long term arrangements for care
 17 and custody of the child that may include any of the following
 18 arrangements that the department or the court considers most
 19 appropriate and consistent with the best interests of the child:

20 (A) Return to or continuation of existing custodial care within
 21 the home of the child's parent, guardian, or custodian or
 22 placement of the child with the child's noncustodial parent.

23 (B) Initiation of a proceeding for termination of the
 24 parent-child relationship under IC 31-35.

25 (C) Placement of the child for adoption.

26 (D) Placement of the child with a responsible person,
 27 including:

28 (i) an adult sibling;

29 (ii) a grandparent;

30 (iii) an aunt;

31 (iv) an uncle; ~~or~~

32 **(v) a custodial parent of a sibling of the child; or**

33 ~~(v)~~ **(vi) another relative;**

34 who is able and willing to act as the child's permanent
 35 custodian and carry out the responsibilities required by the
 36 permanency plan.

37 (E) Appointment of a legal guardian. The legal guardian
 38 appointed under this section is a caretaker in a judicially
 39 created relationship between the child and caretaker that is
 40 intended to be permanent and self-sustaining as evidenced by
 41 the transfer to the caretaker of the following parental rights
 42 with respect to the child:



- 1 (i) Care, custody, and control of the child.
 2 (ii) Decision making concerning the child's upbringing.
 3 (F) ~~Placement of the child in A supervised independent~~
 4 **living placement or foster care for the child with a**
 5 **permanency plan** of another planned, permanent living
 6 arrangement. **However, a child less than sixteen (16) years**
 7 **of age may not have another planned, permanent living**
 8 **arrangement as the child's permanency plan.**
 9 (2) A time schedule for implementing the applicable provisions
 10 of the permanency plan.
 11 (3) Provisions for temporary or interim arrangements for care and
 12 custody of the child, pending completion of implementation of the
 13 permanency plan.
 14 (4) Other items required to be included in a case plan under
 15 IC 31-34-15 or federal law, consistent with the permanent or long
 16 term arrangements described by the permanency plan.
 17 (d) A juvenile court may approve a permanency plan if:
 18 (1) a person described in subsection (a) has:
 19 (A) committed an act resulting in a substantiated report of
 20 child abuse or neglect;
 21 (B) been convicted of:
 22 (i) battery (IC 35-42-2-1);
 23 (ii) criminal confinement (IC 35-42-3-3) as a felony;
 24 (iii) carjacking (IC 35-42-5-2) (repealed);
 25 (iv) arson (IC 35-43-1-1) as a felony;
 26 (v) a felony involving a weapon under IC 35-47 or a felony
 27 involving controlled explosives under IC 35-47.5;
 28 (vi) a felony relating to controlled substances under
 29 IC 35-48-4;
 30 (vii) a felony under IC 9-30-5; or
 31 (viii) a felony that is substantially equivalent to a felony
 32 listed in items (i) through (vii) for which the conviction was
 33 entered in another state;
 34 if the conviction did not occur within the past five (5) years; or
 35 (C) had a juvenile adjudication for an act listed in
 36 IC 31-27-4-13(a) that, if committed by an adult, would be a
 37 felony; and
 38 (2) the person's commission of the offense, delinquent act, or act
 39 of abuse or neglect described in subdivision (1) is not relevant to
 40 the person's present ability to care for a child, and that approval
 41 of the permanency plan is in the best interest of the child.
 42 However, a court may not approve a permanency plan if the person has



1 been convicted of a felony listed in IC 31-27-4-13 that is not
 2 specifically excluded under subdivision (1)(B), or has a juvenile
 3 adjudication for an act that would be a felony listed in IC 31-27-4-13
 4 if committed by an adult that is not specifically excluded under
 5 subdivision (1)(B).

6 (e) In making its written finding under subsection (d), the court shall
 7 consider the following:

8 (1) The length of time since the person committed the offense,
 9 delinquent act, or act that resulted in the substantiated report of
 10 abuse or neglect.

11 (2) The severity of the offense, delinquent act, or abuse or neglect.

12 (3) Evidence of the person's rehabilitation, including the person's
 13 cooperation with a treatment plan, if applicable.

14 SECTION 42. IC 31-34-21-7.6 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2015]: **Sec. 7.6. (a) This section applies to an
 17 individual who:**

18 **(1) is leaving foster care because the individual is eighteen (18)
 19 years of age or older; and**

20 **(2) has been in foster care for at least six (6) months.**

21 **(b) Before an individual described in subsection (a) leaves foster
 22 care, the department shall provide to the individual all the
 23 following documents that are applicable to the individual:**

24 **(1) An official or certified copy of the individual's United
 25 States birth certificate.**

26 **(2) A Social Security card issued for the individual by the
 27 Social Security Administration.**

28 **(3) Insurance records.**

29 **(4) A copy of the individual's medical records.**

30 **(5) A driver's license or identification card issued by the state.**

31 SECTION 43. IC 31-37-19-1, AS AMENDED BY P.L.147-2012,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a
 34 child is a delinquent child under IC 31-37-2, the juvenile court may
 35 enter one (1) or more of the following dispositional decrees:

36 (1) Order supervision of the child by the probation department.

37 (2) Order the child to receive outpatient treatment:

38 (A) at a social service agency or a psychological, a psychiatric,
 39 a medical, or an educational facility; or

40 (B) from an individual practitioner.

41 (3) Remove the child from the child's home and place the child in
 42 another home or a shelter care facility, **child caring institution,**



- 1 **group home, or secure private facility.** Placement under this
 2 subdivision includes authorization to control and discipline the
 3 child.
- 4 (4) Award wardship to a:
 5 (A) person, other than the department; or
 6 (B) shelter care facility.
- 7 (5) Partially or completely emancipate the child under section 27
 8 of this chapter.
- 9 (6) Order:
 10 (A) the child; or
 11 (B) the child's parent, guardian, or custodian;
 12 to receive family services.
- 13 (7) Order a person who is a party to refrain from direct or indirect
 14 contact with the child.
- 15 (b) If the child is removed from the child's home and placed in a
 16 foster family home or another facility, the juvenile court shall:
 17 (A) approve a permanency plan for the child;
 18 (B) find whether or not reasonable efforts were made to prevent
 19 or eliminate the need for the removal;
 20 (C) designate responsibility for the placement and care of the
 21 child with the probation department; and
 22 (D) find whether it:
 23 (i) serves the best interests of the child to be removed; and
 24 (ii) would be contrary to the health and welfare of the child for
 25 the child to remain in the home.
- 26 (c) If a dispositional decree under this section:
 27 (1) orders or approves removal of a child from the child's home or
 28 awards wardship of the child to a:
 29 (A) person other than the department; or
 30 (B) shelter care facility; and
 31 (2) is the first court order in the delinquent child proceeding that
 32 authorizes or approves removal of the child from the child's
 33 parent, guardian, or custodian;
 34 the court shall include in the decree the appropriate findings and
 35 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).
- 36 (d) If the juvenile court orders supervision of the child by the
 37 probation department under subsection (a)(1), the child or the child's
 38 parent, guardian, or custodian is responsible for any costs resulting
 39 from the participation in a rehabilitative service or educational class
 40 provided by the probation department. Any costs collected for services
 41 provided by the probation department shall be deposited in the county
 42 supplemental juvenile probation services fund.



1 SECTION 44. IC 31-37-19-1.5, AS AMENDED BY P.L.123-2014,
 2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 1.5. (a) This section applies to a delinquent child
 4 if the child is placed in an out-of-home residence or facility that is not
 5 a secure detention facility.

6 (b) The probation department, after negotiating with:

7 (1) the child's parent, guardian, or custodian; **and**

8 **(2) any child representatives selected by the child and**
 9 **approved by the child's probation officer under section 1.7 of**
 10 **this chapter;**

11 shall complete the child's case plan not later than sixty (60) days after
 12 the date of the child's first placement that the probation department
 13 requests to be paid for by the department.

14 (c) A copy of the completed case plan shall be sent, **not later than**
 15 **ten (10) days after the plan's completion,** to:

16 (1) the department; ~~to~~

17 (2) the child's parent, guardian, or custodian;

18 **(3) any child representatives selected by the child and**
 19 **approved by the child's probation officer under section 1.7 of**
 20 **this chapter;** and ~~to an~~

21 **(4) any** agency having the legal responsibility or authorization to
 22 care for, treat, or supervise the child. ~~not later than ten (10) days~~
 23 ~~after the plan's completion.~~

24 (d) A child's case plan must be in a form prescribed by the
 25 department that meets the specifications set by 45 CFR 1356.21, as
 26 amended. The case plan must include a description and discussion of
 27 the following:

28 (1) A permanency plan for the child and an estimated date for
 29 achieving the goal of the plan. **Another planned permanent**
 30 **living arrangement may not be the permanency plan for a**
 31 **child who is less than sixteen (16) years of age.**

32 (2) The appropriate placement for the child based on the child's
 33 special needs and best interests.

34 (3) The least restrictive family-like setting that is close to the
 35 home of the child's parent, custodian, or guardian if out-of-home
 36 placement is implemented or recommended, including
 37 consideration of possible placement with any suitable and willing
 38 relative, before considering other out-of-home placements for the
 39 child.

40 (4) Family services recommended for the child, parent, guardian,
 41 or custodian.

42 (5) Efforts already made to provide family services to the child,



1 parent, guardian, or custodian.

2 (6) Efforts that will be made to provide family services that are
3 ordered by the court.

4 (7) A plan for ensuring the educational stability of the child while
5 in foster care that includes assurances that the:

6 (A) placement of the child in foster care considers the
7 appropriateness of the current educational setting of the child
8 and the proximity to the school where the child is presently
9 enrolled; and

10 (B) department has coordinated with local educational
11 agencies to ensure:

12 (i) the child remains in the school where the child is enrolled
13 at the time of removal; or

14 (ii) immediate, appropriate enrollment of the child in a
15 different school if remaining in the same school is not in the
16 best interests of the child.

17 **(8) Any age appropriate activities that the child is interested
18 in pursuing.**

19 **(9) If the case plan is for a child in foster care who is at least
20 fourteen (14) years of age, the following:**

21 **(A) A document that describes the rights of the child with
22 respect to:**

23 **(i) education, health, visitation, and court participation;**

24 **(ii) the right to be provided with the child's medical
25 documents and other medical information; and**

26 **(iii) the right to stay safe and avoid exploitation.**

27 **(B) A signed acknowledgment by the child that the:**

28 **(i) child has been provided with a copy of the document
29 described in clause (A); and**

30 **(ii) rights contained in the document have been explained
31 to the individual in an age appropriate manner.**

32 (e) Each caretaker of a child, **the child representatives selected by
33 the child and approved by the child's probation officer under
34 section 1.7 of this chapter**, and the probation department shall
35 cooperate in the development of the case plan for the child. The
36 probation department shall discuss with at least one (1) foster parent or
37 other caretaker of a child the role of the substitute caretaker or facility
38 regarding the following:

39 (1) Rehabilitation of the child and the child's parents, guardians,
40 and custodians.

41 (2) Visitation arrangements.

42 (3) Services required to meet the special needs of the child.



1 (f) The case plan must be reviewed and updated by the probation
2 department at least once every one hundred eighty (180) days.

3 SECTION 45. IC 31-37-19-1.7 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. (a) A child who is at least
6 fourteen (14) years of age shall participate in the development of
7 the child's case plan or transitional services plan.**

8 (b) **The child may select not more than two (2) child
9 representatives to represent the child in the development of the
10 child's case plan or transitional services plan. A child
11 representative selected under this section:**

12 (1) **must be:**

13 (A) **at least eighteen (18) years of age; and**

14 (B) **a member of the case planning team;**

15 (2) **may not be a foster parent of or caseworker for the child;
16 and**

17 (3) **must be approved by the child's probation officer.**

18 (c) **The child may select one (1) of the child representatives who
19 is a member of the child's case planning team to also be the child's
20 adviser and, as necessary, advocate, with respect to the application
21 of the reasonable and prudent parent standard to the child.**

22 (d) **The probation officer may reject an individual selected by a
23 child to be a member of the case planning team at any time if the
24 probation officer has good cause to believe that the individual
25 would not act in the best interests of the child.**

26 SECTION 46. IC 31-37-20-2, AS AMENDED BY P.L.146-2008,
27 SECTION 655, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: **Sec. 2. (a) The court shall hold a formal
29 hearing:**

30 (1) **every twelve (12) months after:**

31 (A) **the date of the original dispositional decree; or**

32 (B) **a delinquent child was removed from the child's parent,
33 guardian, or custodian;**

34 **whichever occurs first; or**

35 (2) **more often if ordered by the juvenile court.**

36 (b) **The court shall determine whether the dispositional decree
37 should be modified and whether the present placement is in the best
38 interest of the child. The court, in making the court's determination,
39 may consider the following:**

40 (1) **The services that have been provided or offered to a parent,
41 guardian, or custodian to facilitate a reunion.**

42 (2) **The extent to which the parent, guardian, or custodian has**



- 1 enhanced the ability to fulfill parental obligations.
- 2 (3) The extent to which the parent, guardian, or custodian has
- 3 visited the child, including the reasons for infrequent visitation.
- 4 (4) The extent to which the parent, guardian, or custodian has
- 5 cooperated with the probation department.
- 6 (5) The child's recovery from any injuries suffered before
- 7 removal.
- 8 (6) Whether additional services are required for the child or the
- 9 child's parent, guardian, or custodian and, if so, the nature of the
- 10 services.
- 11 (7) The extent to which the child has been rehabilitated.
- 12 (c) A review of the dispositional decree will be held at least once
- 13 every six (6) months, or more often, if ordered by the court. At the
- 14 review, the court shall determine whether or not the probation
- 15 department has made reasonable efforts to finalize a permanency plan
- 16 for the child, if required under IC 31-37-19-1.5.
- 17 **(d) For children who have a permanency plan of another**
- 18 **planned permanent living arrangement, the court shall:**
- 19 **(1) require the probation officer to document or provide**
- 20 **testimony regarding the intensive, ongoing, and, as of the date**
- 21 **of the hearing, unsuccessful efforts made by the probation**
- 22 **officer to return the child home or secure a placement for the**
- 23 **child with a fit and willing relative, legal guardian, or**
- 24 **adoptive parent, including efforts through the use of search**
- 25 **technology, such as social media, to find biological or adoptive**
- 26 **family members for the child;**
- 27 **(2) ask the child about the desired permanency outcome for**
- 28 **the child and document the child's response;**
- 29 **(3) make a judicial determination explaining why, as of the**
- 30 **date of the hearing, another planned permanent living**
- 31 **arrangement is the best permanency plan for the child and**
- 32 **provide compelling reasons why it continues to not be in the**
- 33 **best interests of the child to:**
- 34 **(A) return home;**
- 35 **(B) be placed for adoption;**
- 36 **(C) be placed with a legal guardian; or**
- 37 **(D) be placed with a fit and willing relative; and**
- 38 **(4) require the probation officer to document or provide**
- 39 **testimony regarding the steps the probation officer is taking**
- 40 **to ensure that:**
- 41 **(A) the child's foster family home, group home, secure**
- 42 **private facility, or child caring institution is following the**



1 **reasonable and prudent parent standard; and**
 2 **(B) the child has regular, ongoing opportunities to engage**
 3 **in age or developmentally appropriate activities, including**
 4 **by consulting with the child in an age appropriate manner**
 5 **about the opportunities of the child to participate in the**
 6 **activities.**

7 SECTION 47. IC 31-37-20-8 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) This section applies to an**
 10 **individual who:**

11 **(1) is leaving foster care because the individual is at least**
 12 **eighteen (18) years of age; and**

13 **(2) has been in foster care for at least six (6) months.**

14 **(b) Before an individual described in subsection (a) leaves foster**
 15 **care, the department shall provide to the individual the following**
 16 **documents that are applicable to the individual:**

17 **(1) An official or certified copy of the individual's United**
 18 **States birth certificate.**

19 **(2) A Social Security card issued for the individual by the**
 20 **Social Security Administration.**

21 **(3) Insurance records for the individual.**

22 **(4) A copy of the individual's medical records.**

23 **(5) The individual's driver's license or identification card**
 24 **issued by the state.**

25 SECTION 48. IC 31-37-22-4.5, AS AMENDED BY P.L.123-2014,
 26 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: **Sec. 4.5. (a) This section applies to a delinquent child**
 28 **if the child is placed in an out-of-home residence or facility that is not**
 29 **a secure detention facility.**

30 **(b) The probation department, after negotiating with:**

31 **(1) the child's parent, guardian, or custodian; and**

32 **(2) any child representatives selected by the child and**
 33 **approved by the child's probation officer under**
 34 **IC 31-37-19-1.7;**

35 shall complete the child's case plan not later than sixty (60) days after
 36 the date of the child's first placement that the probation department
 37 requests to be paid for by the department.

38 **(c) A copy of the completed case plan shall be sent, not later than**
 39 **ten (10) days after the date of the completion of the plan, to:**

40 **(1) the department; to**

41 **(2) the child's parent, guardian, or custodian;**

42 **(3) the child, if the child is at least fourteen (14) years of age;**



1 **(4) any child representatives selected by the child and**
 2 **approved by the child's probation officer under**
 3 **IC 31-37-19-1.7; and to an**

4 **(5) any agency having the legal responsibility or authorization to**
 5 **care for, treat, or supervise the child. not later than ten (10) days**
 6 **after the plan's completion.**

7 (d) A child's case plan must be in a form prescribed by the
 8 department that meets the specifications set by 45 CFR 1356.21, as
 9 amended. The case plan must include a description and discussion of
 10 the following:

11 (1) A permanency plan for the child and an estimated date for
 12 achieving the goal of the plan. **However, a child who is less than**
 13 **sixteen (16) years of age may not have another planned,**
 14 **permanent living arrangement as the child's permanency**
 15 **plan.**

16 (2) The appropriate placement for the child based on the child's
 17 special needs and best interests.

18 (3) The least restrictive family like setting that is close to the
 19 home of the child's parent, custodian, or guardian if out-of-home
 20 placement is implemented or recommended, including
 21 consideration of possible placement with any suitable and willing
 22 relative, before considering other out-of-home placements for the
 23 child.

24 (4) Family services recommended for the child, parent, guardian,
 25 or custodian.

26 (5) Efforts already made to provide family services to the child,
 27 parent, guardian, or custodian.

28 (6) Efforts that will be made to provide family services that are
 29 ordered by the court.

30 (7) A plan for ensuring the educational stability of the child while
 31 in foster care that includes assurances that the:

32 (A) placement of the child in foster care considers the
 33 appropriateness of the current educational setting of the child
 34 and the proximity to the school where the child presently is
 35 enrolled; and

36 (B) department has coordinated with local educational
 37 agencies to ensure:

38 (i) the child remains in the school where the child is enrolled
 39 at the time of removal; or

40 (ii) immediate and appropriate enrollment of the child in a
 41 different school, including arrangements for the transfer of
 42 the child's school records to the new school, if remaining in



- 1 the same school is not in the best interests of the child.
- 2 **(8) Any age appropriate activities that the child is interested**
- 3 **in pursuing.**
- 4 **(9) If the case plan is for a child in foster care who is at least**
- 5 **fourteen (14) years of age, the following:**
- 6 **(A) A document that describes the rights of the child with**
- 7 **respect to:**
- 8 **(i) education, health, visitation, and court participation;**
- 9 **(ii) the right to be provided with the child's medical**
- 10 **documents and other medical information; and**
- 11 **(iii) the right to stay safe and avoid exploitation.**
- 12 **(B) A signed acknowledgment by the child that the:**
- 13 **(i) child has been provided with a copy of the document**
- 14 **described in clause (A); and**
- 15 **(ii) rights contained in the document have been explained**
- 16 **to the individual in an age appropriate manner.**
- 17 (e) The probation department and each caretaker of a child shall
- 18 cooperate in the development of the case plan for the child. The
- 19 probation department shall discuss with at least one (1) foster parent or
- 20 other caretaker of a child the role of the substitute caretaker or facility
- 21 regarding the following:
- 22 (1) Rehabilitation of the child and the child's parents, guardians,
- 23 and custodians.
- 24 (2) Visitation arrangements.
- 25 (3) Services required to meet the special needs of the child.
- 26 (f) The case plan must be reviewed and updated by the probation
- 27 department at least once every one hundred eighty (180) days.
- 28 SECTION 49. IC 31-37-22-10 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2015]: **Sec. 10. (a) This section applies to an**
- 31 **individual who:**
- 32 **(1) is leaving foster care because the individual is eighteen (18)**
- 33 **years of age or older; and**
- 34 **(2) has been in foster care for at least six (6) months.**
- 35 **(b) Before an individual described in subsection (a) leaves foster**
- 36 **care, the department shall provide to the individual all the**
- 37 **following documents that are applicable to the individual:**
- 38 **(1) An official or certified copy of the individual's United**
- 39 **States birth certificate.**
- 40 **(2) A Social Security card issued for the individual by the**
- 41 **Social Security Administration.**
- 42 **(3) Insurance records.**



- 1 **(4) A copy of the individual's medical records.**
- 2 **(5) A driver's license or identification card issued by the state.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 18, after "services" insert "**or a court**".

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 6. IC 31-9-2-58.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 58.2. "Independent living", for purposes of IC 31-28-5.8, IC 31-34-20, and IC 31-37-19, means a living arrangement that provides housing for a youth that is not supervised on site, such as a dormitory, apartment, or shared housing, and is not a foster home, host home, group home, child caring institution, or private secure facility."**

Page 8, line 26, after "adulthood" insert "**services**".

Page 9, line 21, delete "adulthood," and insert "**adulthood services**".

Page 10, delete lines 37 through 38, begin a new line block indented and insert:

"(5) The provisions made for the purchase of services.

(6) Interagency relations."

Page 12, delete lines 22 through 35.

Page 13, line 9, after "promote" insert ",".

Page 13, line 10, after "to" insert ",".

Page 13, line 28, delete "successful adulthood" and insert "**independent living**".

Page 14, line 8, after "adulthood" insert "**services**".

Page 17, line 41, delete "be" and insert "**be:**

(A) at least eighteen (18) years of age; and

(B)".

Page 20, line 11, delete "arrangement or" and insert "**arrangement**".

Page 20, line 11, strike "the transition of the child from foster care to".

Page 20, line 12, strike "independent living".

Page 28, line 3, delete "be" and insert "**be:**

(A) at least eighteen (18) years of age; and

(B)".

Page 30, line 25, delete "be placed in" and insert "**have**".



Page 30, line 26, delete "arrangement." and insert "**arrangement as the child's permanency plan.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1434 as introduced.)

FRIZZELL

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 10, after "relative" insert ", **legal guardian to whom IC 29-3-8-9 applies,**".

Page 2, line 10, delete ";" and insert "**under section 27.5 of this chapter or IC 31-34;**".

Page 2, between lines 17 and 18, begin a new line block indented and insert:

"(5) A person for whom a national criminal history background check is required for the licensing of a group home, child caring institution, child placing agency, or foster home under IC 31-27.

(6) A person for whom a national criminal history background check is required for determining the individual's suitability as an employee of a contractor of the state under section 38.5(a)(1) of this chapter."

Page 4, line 5, after "3.9." insert "(a)".

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"(b) The term includes any employee of the department of child services, regardless of the employee's job title or classification, who, as part of the employee's assigned job, is carrying out the duties of the department of child services, as set forth in IC 31-25-2-7 and IC 31-25-2-8.

SECTION 3. IC 25-23.6-4-2, AS AMENDED BY P.L.122-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.

(6) A person who provides school counseling.

(7) A governmental employee ~~who remains in the same job classification or job family of that job classification.~~ **(as defined in IC 25-23.6-1-3.9).**

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 4. IC 29-3-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. "Conduct a criminal history check" means to:**

(1) request:

(A) the state police department to conduct a:

(i) 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 provided under IC 10-13-3-27.5; or

(B) if an individual has:

(i) a physical disability that prevents fingerprinting and a person approved by the department who is trained to take fingerprints or a qualified medical practitioner (as defined in IC 31-9-2-100.5) verifies that the individual has a disabling condition that prevents fingerprinting; or

(ii) low quality fingerprints, as a result of age, occupation, or otherwise, that prevent fingerprint results from being obtained and the individual's fingerprints have been rejected the required number of times by automated fingerprint classification equipment or rejected by a person designated by the Indiana state police department to examine and classify fingerprints; the state police department to conduct a national name based criminal history record check (as defined in IC 10-13-3-12.5) or request the state police department to release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and the state police in every state the individual has resided in the past five (5) years to release or allow inspection of the individual's criminal history;

(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 who is fourteen (14) years of age or older, or a person for whom a fingerprint based criminal history background check is required under IC 31, resided within the previous five (5) years;

(3) request information concerning any substantiated report of child abuse or neglect relating to a person who is fourteen (14) years of age or older 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;

(4) conduct a check of the national sex offender registry



maintained by the United States Department of Justice for all persons who are at least fourteen (14) years of age; and (5) conduct a check of local law enforcement agency records in every jurisdiction where a person who is at least eighteen (18) years of age has resided within the previous five (5) years unless the department of child services or a court grants an exception to conducting this check.

SECTION 5. IC 29-3-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. A petitioner for appointment as a guardian of a minor in a guardianship to which IC 29-3-8-9 applies shall submit the necessary information, forms, or consents for the department of child services to conduct a criminal history check (as defined in IC 31-9-2-22.5) of the petitioner and any other household members before the court appoints the guardian under this chapter or during the guardianship administration."**

Page 6, line 24, strike "IC 31-28-5.8,".

Page 6, delete lines 30 through 37.

Page 8, line 2, delete "adulthood"," and insert "**adulthood services**",."

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 15. IC 31-9-2-123.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 123.7. "Supervised independent living placement", for purposes of IC 31-28-5.8 and IC 31-34-21-7.5, means a living arrangement that provides housing for a youth that is not supervised on site, such as a dormitory, an apartment, or shared housing, and is not a foster home, host home, group home, child caring institution, or private secure facility."**

Page 10, line 30, after "IC 31-34-15-7" insert "**or IC 31-37-19-1.7**".

Page 11, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 20. IC 31-27-4-13, AS AMENDED BY P.L.158-2013, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **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) within the past five (5) years.
 - (7) Domestic battery (IC 35-42-2-1.3).
 - (8) Aggravated battery (IC 35-42-2-1.5).
 - (9) Kidnapping (IC 35-42-3-2).
 - (10) Criminal confinement (IC 35-42-3-3) within the past five (5) years.
 - (11) A felony sex offense under IC 35-42-4.
 - (12) Carjacking (IC 35-42-5-2) (repealed) within the past five (5) years.
 - (13) Arson (IC 35-43-1-1) within the past five (5) years.
 - (14) Incest (IC 35-46-1-3).
 - (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
 - (16) Child selling (IC 35-46-1-4(d)).
 - (17) A felony involving a weapon under IC 35-47 or IC 35-47.5 within the past five (5) years.
 - (18) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.
 - (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
 - (20) A felony under IC 9-30-5 **within the past five (5) years.**
 - (21) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (20) for which the conviction was entered in another state.
- (b) The department may deny a license to an applicant who:
- (1) has been convicted of a felony that is not listed in subsection (a); or
 - (2) has had a juvenile adjudication for an act listed in subsection (a) that, if committed by an adult, would be a felony.
- (c) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.
- (d) 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 (c).
- (e) An administrative hearing shall be held in accordance with IC 4-21.5-3."

Page 12, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 23. IC 31-28-5.8-1, AS ADDED BY P.L.48-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "collaborative care" means any services or payments for services that the department



provides for older youth under the terms of a collaborative care agreement, while the older youth is residing in:

- (1) a foster family home licensed under IC 31-27-4 or a comparable law in the state where the home is located;
- (2) a host home under an agreement with the older youth approved by the department;
- (3) a child caring institution licensed under IC 31-27-3;
- (4) a group home licensed under IC 31-27-5; or
- (5) a supervised independent living **arrangement placement** approved by the department."

Page 13, line 22, delete "arrangement" and insert "**placement**".

Page 20, line 35, after "to" insert "**document or**".

Page 22, line 34, strike "Placement of the child in" and insert "**A supervised independent living placement or foster care for the child with a permanency plan of**".

Page 24, line 9, delete ", if the".

Page 24, line 10, delete "individual is eligible to receive,".

Page 24, line 10, delete ":" and insert "**that are applicable to the individual:**".

Page 24, line 15, delete "Health or insurance" and insert "**Insurance**".

Page 28, line 9, delete "department" and insert "**probation officer**".

Page 28, line 11, delete "department" and insert "**probation officer**".

Page 28, delete lines 41 through 42.

Page 29, delete lines 1 through 29.

Page 29, between lines 34 and 35, begin a new paragraph and insert:

"(d) For children who have a permanency plan of another planned permanent living arrangement, the court shall:

- (1) require the probation officer to document or provide testimony regarding the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the probation officer to return the child home or secure a placement for the child with a fit and willing relative, legal guardian, or adoptive parent, including efforts through the use of search technology, such as social media, to find biological or adoptive family members for the child;**
- (2) ask the child about the desired permanency outcome for the child and document the child's response;**
- (3) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and**



provide compelling reasons why it continues to not be in the best interests of the child to:

- (A) return home;
 - (B) be placed for adoption;
 - (C) be placed with a legal guardian; or
 - (D) be placed with a fit and willing relative; and
- (4) require the probation officer to document or provide testimony regarding the steps the probation officer is taking to ensure that:

- (A) the child's foster family home, group home, secure private facility, or child caring institution is following the reasonable and prudent parent standard; and
- (B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including by consulting with the child in an age appropriate manner about the opportunities of the child to participate in the activities.

SECTION 45. IC 31-37-20-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) This section applies to an individual who:**

- (1) is leaving foster care because the individual is at least eighteen (18) years of age; and
- (2) has been in foster care for at least six (6) months.

(b) Before an individual described in subsection (a) leaves foster care, the department shall provide to the individual the following documents that are applicable to the individual:

- (1) An official or certified copy of the individual's United States birth certificate.
- (2) A Social Security card issued for the individual by the Social Security Administration.
- (3) Insurance records for the individual.
- (4) A copy of the individual's medical records.
- (5) The individual's driver's license or identification card issued by the state."

Page 32, line 4, delete ", if the".

Page 32, line 5, delete "individual is eligible to receive,".

Page 32, line 5, delete ":" and insert "**that are applicable to the individual:**".



Page 32, line 10, delete "Health or insurance" and insert "**Insurance**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1434 as printed January 23, 2015.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 0.

