

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.

HOUSE ENROLLED ACT No. 1434

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:

SECTION 1. IC 10-13-3-39, AS AMENDED BY P.L.155-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

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

- (1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.
- (2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.
- (3) A person for whom a national criminal history background check is required under any law relating to the licensing of a

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home, center, or other facility for purposes of day care or residential care of children.

(4) A person for whom a national criminal history background check is ~~required~~ **permitted** for purposes of:

(A) placement of a child in a foster family home, a prospective adoptive home, or the home of a relative, **legal guardian to whom IC 29-3-8-9 applies**, or other caretaker **under section 27.5 of this chapter or IC 31-34**; ~~or for purposes of~~

(B) a report concerning an adoption as required by IC 31-19-8;

(C) **collaborative care host homes and supervised independent living arrangements as provided in IC 31-28-5.8-5.5**; or

(D) **reunification of a child with a parent, guardian, or custodian as provided in IC 31-34-21-5.5**.

(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.**

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

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

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

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

(e) Subsection (f):

(1) applies to a qualified entity that:

(A) is not a school corporation or a special education cooperative; or

(B) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer; and

(2) does not apply to a qualified entity that is a:

(A) home health agency licensed under IC 16-27-1; or



(B) personal services agency licensed under IC 16-27-4.

(f) After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the person who is the subject of a request has been convicted of:

- (1) an offense described in IC 20-26-5-11;
- (2) in the case of a foster family home, an offense described in IC 31-27-4-13(a);
- (3) in the case of a prospective adoptive home, an offense described in IC 31-19-11-1(c);
- (4) any other felony; or
- (5) any misdemeanor;

and convey the determination to the requesting qualified entity.

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

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

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

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

(i) This subsection applies to a qualified entity that is a:

- (1) home health agency licensed under IC 16-27-1; or
- (2) personal services agency licensed under IC 16-27-4.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an



offense described in IC 16-27-2-5(a) and convey the determination to the requesting qualified entity.

(j) The department:

- (1) may permanently retain an applicant's fingerprints submitted under this section; and
- (2) shall retain the applicant's fingerprints separately from fingerprints collected under section 24 of this chapter.

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

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3.
- (16) 2AP2 Family case manager 2.**
- (17) 2AP3 Family case manager trainee 3.**
- (18) 7AP3 Family case manager supervisor 3.**
- (19) 7AP4 Family case manager supervisor 4.**

(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.**

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

- (1) activities or items that are generally:**
 - (A) accepted as suitable for children of the same chronological age or level of maturity; or**
 - (B) determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and**
- (2) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.**

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

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

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

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

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

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

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

- (1) A parent.
- (2) A grandparent.
- (3) A brother.

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

SECTION 11. IC 31-9-2-117.3, AS AMENDED BY P.L.58-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 117.3. (a) "Sibling", for purposes of IC 31-19, and IC 31-28-5, and IC 31-34 (except for IC 31-34-3-4.5), means a brother or sister by blood, half-blood, or adoption.

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

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

SECTION 12. IC 31-9-2-123.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 123.5. "Successful adulthood services", for purposes of IC 31-25 and IC 31-28, means services for youth that are designed to assist youth who will age out of foster care with the skills and abilities necessary or desirable to be self-reliant, including housing and educational support, career exploration, vocational training, job placement and support, daily living skills, budgeting and financial management skills, substance abuse prevention, preventative health activities, and counseling.

SECTION 13. 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 arrangement", 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.

SECTION 14. IC 31-9-2-130.3, AS ADDED BY P.L.143-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 130.3. "Transitional services plan", for purposes of IC 31-25-2-21, IC 31-34-15, and IC 31-37-19, has the meaning set forth in IC 31-25-2-21(a).



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

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

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

SECTION 16. IC 31-25-2-8, AS AMENDED BY SEA 171-2015,

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SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The department is the single state agency responsible for administering the following:

- (1) Title IV-B of the federal Social Security Act under 42 U.S.C. 621 et seq.
- (2) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.
- (3) The federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106 et seq.
- (4) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.
- (5) Any other federal program that provides funds to states for services related to the prevention of child abuse and neglect, child welfare services, foster care, ~~independent living~~, **successful adulthood services**, or adoption services.

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

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

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

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

- (1) An individual who has become or will become:
 - (A) eighteen (18) years of age; or
 - (B) emancipated;
 while receiving foster care.
- (2) An individual who:
 - (A) is at least eighteen (18) but less than twenty (20) years of age; and



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

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

- (1) describes the rights of the individual with respect to:**
 - (A) education, health, visitation, and court participation;**
 - (B) the right to be provided with the individual's medical documents and any other medical information; and**
 - (C) the right to stay safe and avoid exploitation; and**
- (2) includes a signed acknowledgment by the individual that the:**

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

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

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

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

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

- (1) Organization.**
- (2) Staffing.**
- (3) Mode of operations.**
- (4) Financing of the child protection services.**
- (5) The provisions made for the purchase of services.**
- (6) Interagency relations.**

SECTION 19. IC 31-26-6-14, AS ADDED BY P.L.146-2008, SECTION 571, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) A regional services council or the regional manager shall transmit copies of the plan, each annual report, each revised plan, and any other report or document described by rule adopted under section 16 of this chapter, to the following:

- (1) The director.**
- (2) Each department office in the service region.**
- (3) Each juvenile court in the service region.**

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(4) The community child protection team established under IC 31-33-3-1 of each county that participates in the regional services council.

(5) Appropriate public or voluntary agencies, including organizations for the prevention of child abuse or neglect.

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

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

SECTION 21. 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.

SECTION 22. IC 31-27-4-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. A licensee shall use the reasonable and prudent parent standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.**

SECTION 23. IC 31-27-5-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 17.5. A licensee shall use the reasonable and prudent parent standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.**

SECTION 24. IC 31-27-6-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 14.5. A licensee shall use the reasonable and prudent parent standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.**

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

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chapter to the person who provides foster care to a child.

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

- (1) is at least eighteen (18) years of age; and**
- (2) leaves foster care after receiving foster care for at least six (6) months;**

a copy of the individual's medical treatment records.

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

- (1) **the child is** returned to the natural parents;
- (2) **the child is** adopted; or
- (3) ~~placed in another permanent plan:~~ **a legal guardian is appointed for the child.**

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

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

SECTION 27. 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 approved by the department.

SECTION 28. IC 31-28-5.8-5, AS ADDED BY P.L.48-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) An older youth who received foster care under a court order ~~during the month before~~ **on the day** the individual ~~became~~ **attains** eighteen (18) years of age is eligible to receive collaborative care services **under applicable rules of the department**



at any time until the individual becomes twenty (20) years of age.

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

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

- (1) employed;
- (2) attending school or a vocational or educational certification or degree program;
- (3) participating in a program or activity designed to promote, or remove barriers to, employment; or
- (4) incapable of performing any of the activities in subdivisions (1) through (3) due to a medical condition documented by regularly updated information in the older youth's current case plan.

(d) A child who:

- (1) is at least seventeen (17) years and six (6) months of age;
- (2) is receiving foster care under a court order; and
- (3) expects to be eligible for collaborative care under this chapter when the child becomes an older youth;

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

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

- (1) host home described in section 1(2) of this chapter; or**
- (2) supervised independent living arrangement described in section 1(5) of this chapter.**

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

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

(c) The department shall provide a notice of a hearing, as provided in IC 31-32-1-4, at least seven (7) days before the date of the hearing to the following:



- (1) The older youth.
 - (2) The foster parent or any other caretaker with whom the older youth is living, if applicable.
 - (3) Any caseworker responsible for visitation with the older youth.
 - (4) Any person or agency identified in the collaborative care agreement as a provider of services to the older youth.
 - (5) Any person or entity providing **independent living services successful adulthood services** to the older youth developed under IC 31-25-2-7(a)(9) or 465 IAC 2-14.
 - (6) A guardian ad litem or court appointed special advocate participating with the consent of the older youth.
- (d) A person to whom the department gives notice under subsection (c) is entitled to participate in a periodic review hearing as set forth in IC 31-34-21-4(d).
- (e) The department shall prepare and submit to the court a written progress report for the periodic review hearing. The department shall provide a copy of the report with the notice of the hearing provided under subsection (c).
- (f) The court must hold a periodic review hearing:
- (1) not later than six (6) months after the date the court grants a petition under section 5 of this chapter; and
 - (2) at least once every six (6) months until the collaborative care agreement is terminated.
- (g) After each periodic review hearing, the court shall enter an order that includes findings and conclusions concerning the progress made in implementing the collaborative care agreement and case plan of the older youth. If a permanency plan has been approved or modified for the youth, the court shall also review the permanency plan.

SECTION 31. IC 31-33-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Local Plan for Provision of Child Protection Services).

SECTION 32. IC 31-34-3-4.5, AS ADDED BY P.L.131-2009, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) If a child is removed from the child's parents under this chapter, within thirty (30) days after the removal of the child from the parents the department shall exercise due diligence to identify and provide notice of the removal to:

- (1) all adult relatives (as defined in IC 31-9-2-107) of the child, including relatives suggested by either parent as required under 42 U.S.C. 671(a)(29); and
- (2) all the child's siblings who are at least eighteen (18) years of age.



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

(c) A notice under subsection (a) must:

- (1) state that the child has been removed from the parents by the department;
- (2) set forth the options the relative may have under federal, state, or local laws, including the care and placement of the child and other options that may be lost if the relative fails to respond to the notice;
- (3) describe the requirements for the relative to become a foster parent; **and**
- (4) describe additional services available to the child placed in foster care; **and**
- (5) describe how a relative guardian of a child may subsequently enter into an agreement with the department to receive financial assistance through the adoption assistance program or guardianship assistance program.**

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

- (1) a secure **detention** facility; **or**
- (2) a community based correctional facility for children;**
- (3) a juvenile detention facility; or**
- ~~(2)~~ **(4)** a shelter care facility that houses persons charged with, imprisoned for, or incarcerated for crimes.

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

- ~~(1)~~ **(1)** a **community based correctional facility for children;**
- ~~(2)~~ **(2)** a **juvenile detention facility;**
- ~~(3)~~ **(3)** a **secure facility;**
- ~~(4)~~ **(4)** a **secure private facility; or**
- ~~(5)~~ **(5)** a **shelter care facility**

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

SECTION 35. IC 31-34-15-2, AS AMENDED BY P.L.145-2006, SECTION 302, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2015]: Sec. 2. The department, after negotiating with:

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

shall complete a child's case plan not later than sixty (60) days after

- (+) the date of the child's first placement or
- (2) the date of a dispositional decree,

whichever ~~comes~~ **occurs** first.

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

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

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

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



or custodian.

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

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

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

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

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

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

(ii) immediate, appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

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

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

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

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

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

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

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

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

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

SECTION 38. IC 31-34-15-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) For a child who is at least fourteen (14) years of age, the department shall consult with the child in the development of the child's case plan or transitional services plan. If the department determines that the child is unable to participate effectively in the development of a case plan or transitional services plan due to a physical, mental, emotional, or**



intellectual disability, the department may excuse the child from this requirement by documenting in the plan the reasons for the child's inability to participate in the development of the applicable plan. If the child refuses to participate in the development of the applicable plan for reasons other than a physical, mental, emotional, or intellectual disability, the department shall record the refusal and document efforts made to obtain the child's input or participation in the development of the applicable plan.

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

(1) must be:

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

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

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

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

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

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

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

(2) Order the child to receive outpatient treatment:

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

(B) from an individual practitioner.

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

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



- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order the child's parent, guardian, or custodian to complete services recommended by the department and approved by the court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.
- (b) A juvenile court may not place a child in a home or facility that is located outside Indiana unless:
 - (1) the placement is recommended or approved by the director of the department or the director's designee; or
 - (2) the juvenile court makes written findings based on clear and convincing evidence that:
 - (A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or
 - (B) the location of the home or facility is within a distance not greater than fifty (50) miles from the county of residence of the child.
- (c) If a dispositional decree under this section:
 - (1) orders or approves removal of a child from the child's home or awards wardship of the child to the department; and
 - (2) is the first juvenile court order in the child in need of services proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;
 the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).

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

- (1) not more than thirty (30) days after a court finds that reasonable efforts to reunify or preserve a child's family are not required as described in section 5.6 of this chapter;
- (2) every twelve (12) months after:
 - (A) the date of the original dispositional decree; or
 - (B) a child in need of services was removed from the child's parent, guardian, or custodian;
 whichever comes first; or
- (3) more often if ordered by the juvenile court.
- (b) The court shall:



- (1) make the determination and findings required by section 5 of this chapter;
- (2) consider the question of continued jurisdiction and whether the dispositional decree should be modified;
- (3) consider recommendations of persons listed under section 4 of this chapter, before approving a permanency plan under subdivision (5);
- (4) consult with the child in person, or through an interview with or written statement or report submitted by:
 - (A) a guardian ad litem or court appointed special advocate for the child;
 - (B) a case manager; or
 - (C) the person with whom the child is living and who has primary responsibility for the care and supervision of the child;

in an age appropriate manner as determined by the court, regarding the proposed permanency plan;

- (5) consider and approve a permanency plan for the child that complies with the requirements set forth in section 7.5 of this chapter;
 - (6) determine whether an existing permanency plan must be modified; and
 - (7) examine procedural safeguards used by the department to protect parental rights.
- (c) If the child is at least sixteen (16) years of age and the proposed permanency plan provides for **another planned permanent living arrangement**, ~~the transition of the child from foster care to independent living~~, the court shall, **at each permanency hearing, do all the following:**
- (1) Require the department to provide notice of the permanency hearing to the child, in accordance with section 4(a) of this chapter. ~~and~~
 - (2) Provide to the child an opportunity to be heard and to make recommendations to the court, in accordance with section 4(d) of this chapter.
 - (3) **Require the department to document or provide testimony regarding the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the department 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.

(4) Ask the child about the desired permanency outcome for the child and document the child's response.

(5) 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.

(6) Require the department to document or provide testimony regarding the steps the department 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 consulting with the child in an age appropriate manner about the opportunities for the child to participate in the activities.

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

(1) direct the department to establish a permanency plan within thirty (30) days; or

(2) discharge the child and the child's parent, guardian, or custodian.

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

SECTION 41. IC 31-34-21-7.5, AS AMENDED BY P.L.158-2013, SECTION 324, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

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

- (c) A permanency plan under this chapter includes the following:
- (1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:
 - (A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.
 - (B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.
 - (C) Placement of the child for adoption.
 - (D) Placement of the child with a responsible person, including:
 - (i) an adult sibling;
 - (ii) a grandparent;
 - (iii) an aunt;
 - (iv) an uncle; ~~or~~
 - (v) a custodial parent of a sibling of the child; or**
 - ~~(vi)~~ **(vi)** another relative;



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

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

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

(F) **Placement of the child in A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.**

- (2) A time schedule for implementing the applicable provisions of the permanency plan.
 - (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
 - (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
- (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) battery (IC 35-42-2-1);
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iii) carjacking (IC 35-42-5-2) (repealed);
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) a felony involving a weapon under IC 35-47 or a felony involving controlled explosives under IC 35-47.5;
 - (vi) a felony relating to controlled substances under IC 35-48-4;
 - (vii) a felony under IC 9-30-5; or
 - (viii) a felony that is substantially equivalent to a felony listed in items (i) through (vii) for which the conviction was entered in another state;



if the conviction did not occur within the past five (5) years; or
 (C) had a juvenile adjudication for an act listed in
 IC 31-27-4-13(a) that, if committed by an adult, would be a
 felony; and

(2) the person's commission of the offense, delinquent act, or act
 of abuse or neglect described in subdivision (1) is not relevant to
 the person's present ability to care for a child, and that approval
 of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has
 been convicted of a felony listed in IC 31-27-4-13 that is not
 specifically excluded under subdivision (1)(B), or has a juvenile
 adjudication for an act that would be a felony listed in IC 31-27-4-13
 if committed by an adult that is not specifically excluded under
 subdivision (1)(B).

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

- (1) The length of time since the person committed the offense,
 delinquent act, or act that resulted in the substantiated report of
 abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's
 cooperation with a treatment plan, if applicable.

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

- (1) is leaving foster care because the individual is eighteen (18)
 years of age or older; 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 all 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.**
- (4) A copy of the individual's medical records.**
- (5) A driver's license or identification card issued by the state.**

SECTION 43. IC 31-37-19-1, AS AMENDED BY P.L.147-2012,
 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2015]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a



child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department.
 - (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
 - (3) Remove the child from the child's home and place the child in another home or a shelter care facility, **child caring institution, group home, or secure private facility**. Placement under this subdivision includes authorization to control and discipline the child.
 - (4) Award wardship to a:
 - (A) person, other than the department; or
 - (B) shelter care facility.
 - (5) Partially or completely emancipate the child under section 27 of this chapter.
 - (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services.
 - (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:
- (A) approve a permanency plan for the child;
 - (B) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;
 - (C) designate responsibility for the placement and care of the child with the probation department; and
 - (D) find whether it:
 - (i) serves the best interests of the child to be removed; and
 - (ii) would be contrary to the health and welfare of the child for the child to remain in the home.
- (c) If a dispositional decree under this section:
- (1) orders or approves removal of a child from the child's home or awards wardship of the child to a:
 - (A) person other than the department; or
 - (B) shelter care facility; and
 - (2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;



the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

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

(b) The probation department, after negotiating with:

- (1) the child's parent, guardian, or custodian; **and**
- (2) **any child representatives selected by the child and approved by the child's probation officer under section 1.7 of this chapter;**

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

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

- (1) the department; ~~to~~
- (2) the child's parent, guardian, or custodian;
- (3) **any child representatives selected by the child and approved by the child's probation officer under section 1.7 of this chapter;** and ~~to an~~
- (4) **any** agency having the legal responsibility or authorization to care for, treat, or supervise the child. ~~not later than ten (10) days after the plan's completion.~~

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

- (1) A permanency plan for the child and an estimated date for achieving the goal of the plan. **Another planned permanent living arrangement may not be the permanency plan for a child who is less than sixteen (16) years of age.**
- (2) The appropriate placement for the child based on the child's special needs and best interests.



- (3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, before considering other out-of-home placements for the child.
- (4) Family services recommended for the child, parent, guardian, or custodian.
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.
- (6) Efforts that will be made to provide family services that are ordered by the court.
- (7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:
- (A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and
 - (B) department has coordinated with local educational agencies to ensure:
 - (i) the child remains in the school where the child is enrolled at the time of removal; or
 - (ii) immediate, appropriate enrollment of the child in a different school if remaining in the same school is not in the best interests of the child.
- (8) Any age appropriate activities that the child is interested in pursuing.**
- (9) If the case plan is for a child in foster care who is at least fourteen (14) years of age, the following:**
- (A) A document that describes the rights of the child with respect to:**
 - (i) education, health, visitation, and court participation;**
 - (ii) the right to be provided with the child's medical documents and other medical information; and**
 - (iii) the right to stay safe and avoid exploitation.**
 - (B) A signed acknowledgment by the child that the:**
 - (i) child has been provided with a copy of the document described in clause (A); and**
 - (ii) rights contained in the document have been explained to the individual in an age appropriate manner.**
- (e) Each caretaker of a child, **the child representatives selected by the child and approved by the child's probation officer under**



section 1.7 of this chapter, and the probation department shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

- (1) Rehabilitation of the child and the child's parents, guardians, and custodians.
- (2) Visitation arrangements.
- (3) Services required to meet the special needs of the child.

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

SECTION 45. IC 31-37-19-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. (a) For a child who is at least fourteen (14) years of age, the department shall consult with the child in the development of the child's case plan or transitional services plan. If the department determines that the child is unable to participate effectively in the development of a case plan or transitional services plan due to a physical, mental, emotional, or intellectual disability, the department may excuse the child from this requirement by documenting in the plan the reasons for the child's inability to participate in the development of the applicable plan. If the child refuses to participate in the development of the applicable plan for reasons other than a physical, mental, emotional, or intellectual disability, the department shall record the refusal and document efforts made to obtain the child's input or participation in the development of the applicable plan.**

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

- (1) must be:**
 - (A) at least eighteen (18) years of age; and**
 - (B) a member of the case planning team;**
- (2) may not be a foster parent of or caseworker for the child; and**
- (3) must be approved by the child's probation officer.**

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

(d) The probation officer may reject an individual selected by a



child to be a member of the case planning team at any time if the probation officer has good cause to believe that the individual would not act in the best interests of the child.

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

- (1) every twelve (12) months after:
 - (A) the date of the original dispositional decree; or
 - (B) a delinquent child was removed from the child's parent, guardian, or custodian;
 whichever occurs first; or
- (2) more often if ordered by the juvenile court.

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

- (1) The services that have been provided or offered to a parent, guardian, or custodian to facilitate a reunion.
- (2) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.
- (3) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.
- (4) The extent to which the parent, guardian, or custodian has cooperated with the probation department.
- (5) The child's recovery from any injuries suffered before removal.
- (6) Whether additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of the services.
- (7) The extent to which the child has been rehabilitated.

(c) A review of the dispositional decree will be held at least once every six (6) months, or more often, if ordered by the court. At the review, the court shall determine whether or not the probation department has made reasonable efforts to finalize a permanency plan for the child, if required under IC 31-37-19-1.5.

(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 47. 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.

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

(b) The probation department, after negotiating with:

- (1) the child's parent, guardian, or custodian; **and**
- (2) **any child representatives selected by the child and approved by the child's probation officer under IC 31-37-19-1.7;**

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

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

- (1) the department; ~~to~~
- (2) the child's parent, guardian, or custodian;
- (3) **the child, if the child is at least fourteen (14) years of age;**
- (4) **any child representatives selected by the child and approved by the child's probation officer under IC 31-37-19-1.7;** and ~~to an~~
- (5) **any agency having the legal responsibility or authorization to care for, treat, or supervise the child. not later than ten (10) days after the plan's completion.**

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

- (1) A permanency plan for the child and an estimated date for achieving the goal of the plan. **However, a child who is less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.**
- (2) The appropriate placement for the child based on the child's special needs and best interests.
- (3) The least restrictive family like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, before considering other out-of-home placements for the



child.

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

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

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

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

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

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

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

(ii) immediate and appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

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

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

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

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

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

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

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

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

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

(e) The probation department and each caretaker of a child shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians,



and custodians.

(2) Visitation arrangements.

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

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

SECTION 49. IC 31-37-22-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10. (a) This section applies to an individual who:**

(1) is leaving foster care because the individual is eighteen (18) years of age or older; 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 all 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.

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

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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1434 — Concur

