

HOUSE BILL No. 1434

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3-39; IC 25-23.6-1-3.9; IC 31-9-2; IC 31-25-2; IC 31-26-6; IC 31-27; IC 31-28; IC 31-33-4; 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**

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



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 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



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 or other caretaker; ~~or~~
11 ~~for purposes of~~

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

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

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

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

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

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

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

29 (e) Subsection (f):

30 (1) applies to a qualified entity that:

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

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

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

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

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

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



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



- 1 (2) shall retain the applicant's fingerprints separately from
 2 fingerprints collected under section 24 of this chapter.
- 3 SECTION 2. IC 25-23.6-1-3.9, AS AMENDED BY P.L.1-2007,
 4 SECTION 177, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2015]: Sec. 3.9. "Governmental employee"
 6 means an individual employed by the office of the secretary of family
 7 and social services, the division of family resources, the division of
 8 mental health and addiction, the division of disability and rehabilitative
 9 services, the division of aging, the department of correction, **the**
 10 **department of child services**, or the state department of health in one
 11 (1) of the following classifications:
- 12 (1) 2AA3 Behavioral clinician 3.
 - 13 (2) 2AA4 Behavioral clinician 4.
 - 14 (3) 2AA5 Clinical associate 5.
 - 15 (4) 2FL1 Mental health administrator 1.
 - 16 (5) 2FL2 Mental health administrator 2.
 - 17 (6) 2FL3 Mental health administrator 3.
 - 18 (7) 2AN3 Substance abuse counselor 3.
 - 19 (8) 2AN4 Substance abuse counselor 4.
 - 20 (9) 2AN5 Substance abuse counselor 5.
 - 21 (10) 2AH2 Social services specialist 2.
 - 22 (11) 2AH3 Social services specialist 3.
 - 23 (12) 2AH4 Social services specialist 4.
 - 24 (13) 2AI1 Psychiatric services director 1.
 - 25 (14) 2AE2 Psychiatric social services specialist 2.
 - 26 (15) 2AE3 Psychiatric social services specialist 3.
 - 27 **(16) 2AP2 Family case manager 2.**
 - 28 **(17) 2AP3 Family case manager trainee 3.**
 - 29 **(18) 7AP3 Family case manager supervisor 3.**
 - 30 **(19) 7AP4 Family case manager supervisor 4.**
- 31 SECTION 3. IC 31-9-2-8.5 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2015]: Sec. 8.5. "Age or developmentally appropriate", for
 34 purposes of IC 31-34 and IC 31-37, means:
- 35 (1) activities or items that are generally:
 - 36 (A) accepted as suitable for children of the same
 - 37 chronological age or level of maturity; or
 - 38 (B) determined to be developmentally appropriate for a
 - 39 child based on the development of cognitive, emotional,
 - 40 physical, and behavioral capacities that are typical for an
 - 41 age or age group; and
 - 42 (2) in the case of a specific child, activities or items that are



1 **suitable for the child based on the developmental stages**
 2 **attained by the child with respect to the cognitive, emotional,**
 3 **physical, and behavioral capacities of the child.**

4 SECTION 4. IC 31-9-2-22.5, AS AMENDED BY P.L.162-2011,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 22.5. "Conduct a criminal history check", for
 7 purposes of IC 31-19, IC 31-26, IC 31-27, **IC 31-28**, IC 31-33,
 8 IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

9 (1) request:

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

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

15 (ii) national name based criminal history record check (as
 16 defined in IC 10-13-3-12.5) of a person who is at least
 17 eighteen (18) years of age as provided by IC 10-13-3-27.5;
 18 or

19 (B) if an individual has:

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

25 (ii) low quality fingerprints, as a result of age, occupation, or
 26 otherwise, that prevent fingerprint results from being
 27 obtained and the individual's fingerprints have been rejected
 28 the required number of times by automated fingerprint
 29 classification equipment or rejected by a person designated
 30 by the Indiana state police department to examine and
 31 classify fingerprints;

32 the state police department to conduct a national name based
 33 criminal history record check (as defined in IC 10-13-3-12.5)
 34 or request the state police department to release or allow
 35 inspection of a limited criminal history (as defined in
 36 IC 10-13-3-11) and the state police in every state the
 37 individual has resided in the past five (5) years to release or
 38 allow inspection of the state's criminal history;

39 (2) collect each substantiated report of child abuse or neglect
 40 reported in a jurisdiction where a probation officer, a caseworker,
 41 or the department of child services has reason to believe that a
 42 person who is fourteen (14) years of age or older, or a person for



1 whom a fingerprint based criminal history background check is
 2 required under IC 31, resided within the previous five (5) years;
 3 **and**

4 (3) request information concerning any substantiated report of
 5 child abuse or neglect relating to a person who is fourteen (14)
 6 years of age or older that is contained in a national registry of
 7 substantiated cases of child abuse or neglect that is established
 8 and maintained by the United States Department of Health and
 9 Human Services, to the extent that the information is accessible
 10 under 42 U.S.C. 16990 and any applicable regulations or policies
 11 of the Department of Health and Human Services;

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

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

20 SECTION 5. IC 31-9-2-46.7, AS AMENDED BY P.L.48-2012,
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 46.7. "Foster care", for purposes of IC 31-25,
 23 IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, **and**
 24 **IC 31-28-5.8, IC 31-34-21-7, IC 31-34-21-7.6, and IC 31-37-22-10,**
 25 means living in:

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

30 SECTION 6. IC 31-9-2-101.5 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2015]: **Sec. 101.5. "Reasonable and prudent**
 33 **parent standard", for purposes of IC 31-27, IC 31-34, and**
 34 **IC 31-37, means the standard characterized by careful and sensible**
 35 **parental decisions that maintain the health, safety, and best**
 36 **interests of a child.**

37 SECTION 7. IC 31-9-2-107, AS AMENDED BY P.L.123-2014,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18,
 40 IC 31-19-22, and IC 31-19-25, means:

- 41 (1) an adoptive or whole blood related parent;
 42 (2) a sibling; or



- 1 (3) a child.
- 2 (b) "Relative", for purposes of IC 31-34-3, means:
- 3 (1) a maternal or paternal grandparent;
- 4 (2) an adult aunt or uncle; ~~or~~
- 5 **(3) a parent of a child's sibling if the parent has legal custody**
- 6 **of the sibling; or**
- 7 ~~(3)~~ **(4)** any other adult relative suggested by either parent of a
- 8 child.
- 9 (c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4,
- 10 IC 31-34-19, and IC 31-37, means any of the following in relation to a
- 11 child:
- 12 (1) A parent.
- 13 (2) A grandparent.
- 14 (3) A brother.
- 15 (4) A sister.
- 16 (5) A stepparent.
- 17 (6) A stepgrandparent.
- 18 (7) A stepbrother.
- 19 (8) A stepsister.
- 20 (9) A first cousin.
- 21 (10) An uncle.
- 22 (11) An aunt.
- 23 (12) Any other individual with whom a child has an established
- 24 and significant relationship.
- 25 SECTION 8. IC 31-9-2-117.3, AS AMENDED BY P.L.58-2009,
- 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2015]: Sec. 117.3. **(a)** "Sibling", for purposes of IC 31-19, ~~and~~
- 28 IC 31-28-5, **and IC 31-34 (except for IC 31-34-3-4.5)**, means a
- 29 brother or sister by blood, half-blood, or adoption.
- 30 **(b) "Sibling" for purposes of IC 31-34-3-4.5, means:**
- 31 **(1) a brother or sister by blood, half-blood, or adoption; and**
- 32 **(2) any other individual who would be considered a sibling if**
- 33 **parental rights had not been terminated.**
- 34 SECTION 9. IC 31-9-2-123.5 IS ADDED TO THE INDIANA
- 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2015]: **Sec. 123.5. "Successful adulthood",**
- 37 **for purposes of IC 31-25 and IC 31-28, means services for youth**
- 38 **that are designed to assist youth who will age out of foster care**
- 39 **with the skills and abilities necessary or desirable to be self-reliant,**
- 40 **including housing and educational support, career exploration,**
- 41 **vocational training, job placement and support, daily living skills,**
- 42 **budgeting and financial management skills, substance abuse**



1 **prevention, preventative health activities, and counseling.**

2 SECTION 10. IC 31-9-2-130.3, AS ADDED BY P.L.143-2008,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 130.3. "Transitional services plan", for purposes
5 of IC 31-25-2-21, **IC 31-34-15, and IC 31-37-19**, has the meaning set
6 forth in IC 31-25-2-21(a).

7 SECTION 11. IC 31-25-2-7, AS AMENDED BY P.L.128-2012,
8 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 7. (a) The department is responsible for the
10 following:

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



- 1 (1) conduct home studies; or
 2 (2) otherwise participate in guardianship proceedings under
 3 IC 29-3;
 4 other than those over which the juvenile court has jurisdiction under
 5 IC 29-3-2-1(c) or IC 31-30-1-1(10).

6 SECTION 12. IC 31-25-2-8, AS AMENDED BY P.L.131-2009,
 7 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 8. (a) The department is the single state agency
 9 responsible for administering the following:

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

22 (b) This subsection applies beginning October 1, 2009. Under 42
 23 U.S.C. 671(a)(32), the department shall negotiate in good faith with
 24 any Indian tribe, tribal organization, or tribal consortium in the state
 25 that requests to develop an agreement with the state to administer all
 26 or part of Title IV-E of the federal Social Security Act under 42 U.S.C.
 27 670 et seq., on behalf of Indian children who are under the authority of
 28 the tribe, tribal organization, or tribal consortium.

29 SECTION 13. IC 31-25-2-21, AS AMENDED BY P.L.48-2012,
 30 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 21. (a) As used in this section, "transitional
 32 services plan" means a plan that provides information concerning the
 33 following to an individual described in subsection (b):

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

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

- 42 (1) An individual who has become or will become:



- 1 (A) eighteen (18) years of age; or
- 2 (B) emancipated;
- 3 while receiving foster care.
- 4 (2) An individual who:
- 5 (A) is at least eighteen (18) but less than twenty (20) years of
- 6 age; and
- 7 (B) is receiving collaborative care under IC 31-28-5.8.
- 8 **(c) A transitional services plan for an individual described in**
- 9 **subsection (b) shall contain a document that:**
- 10 **(1) describes the rights of the individual with respect to:**
- 11 **(A) education, health, visitation, and court participation;**
- 12 **(B) the right to be provided with the individual's medical**
- 13 **documents and any other medical information; and**
- 14 **(C) the right to stay safe and avoid exploitation; and**
- 15 **(2) includes a signed acknowledgment by the individual that**
- 16 **the:**
- 17 **(A) individual has been provided with a copy of the**
- 18 **document described in subdivision (1); and**
- 19 **(B) rights contained in the document have been explained**
- 20 **to the individual in an age appropriate manner.**
- 21 **(d) The individual's child representatives selected by the**
- 22 **individual under IC 31-34-15-7 may participate in the development**
- 23 **of a transitional services plan for the individual.**
- 24 **(e) The department shall adopt rules under IC 4-22-2, including**
- 25 **emergency rules under IC 4-22-2-37.1, necessary to implement the**
- 26 **program described in this section.**
- 27 **SECTION 14. IC 31-26-6-5.5 IS ADDED TO THE INDIANA**
- 28 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 29 **[EFFECTIVE JULY 1, 2015]: Sec. 5.5. Each regional services**
- 30 **council shall include in the plan a description of how the**
- 31 **department will implement the plan in the service region, including**
- 32 **the following:**
- 33 **(1) Organization.**
- 34 **(2) Staffing.**
- 35 **(3) Mode of operations.**
- 36 **(4) Financing of the child protection services.**
- 37 **(5) The provisions made for the purchase of service and**
- 38 **interagency relations.**
- 39 **SECTION 15. IC 31-26-6-14, AS ADDED BY P.L.146-2008,**
- 40 **SECTION 571, IS AMENDED TO READ AS FOLLOWS**
- 41 **[EFFECTIVE JULY 1, 2015]: Sec. 14. (a) A regional services council**
- 42 **or the regional manager shall transmit copies of the plan, each annual**



1 report, each revised plan, and any other report or document described
2 by rule adopted under section 16 of this chapter, to the following:

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

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

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

20 SECTION 17. IC 31-27-4-20.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. A licensee shall use the**
23 **reasonable and prudent parent standard when determining**
24 **whether to allow a child in foster care to participate in**
25 **extracurricular, enrichment, cultural, and social activities.**

26 SECTION 18. IC 31-27-5-17.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: **Sec. 17.5. A licensee shall use the**
29 **reasonable and prudent parent standard when determining**
30 **whether to allow a child in foster care to participate in**
31 **extracurricular, enrichment, cultural, and social activities.**

32 SECTION 19. IC 31-27-6-14.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2015]: **Sec. 14.5. A licensee shall use the**
35 **reasonable and prudent parent standard when determining**
36 **whether to allow a child in foster care to participate in**
37 **extracurricular, enrichment, cultural, and social activities.**

38 SECTION 20. IC 31-28-2-4, AS AMENDED BY P.L.128-2012,
39 SECTION 147, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2015]: **Sec. 4. (a)** The local office shall provide
41 a copy of the medical treatment records filed under section 2 of this
42 chapter to the person who provides foster care to a child.



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

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

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

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

6 SECTION 21. IC 31-28-3-3, AS AMENDED BY P.L.128-2012,
 7 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The local office shall issue
 9 the medical passport to a foster child when the child is placed in foster
 10 care. The passport must remain with the child until: ~~the child is:~~

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

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

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

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

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

22 SECTION 22. IC 31-28-5.8-1, AS ADDED BY P.L.48-2012,
 23 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 1. As used in this chapter, "collaborative care"
 25 means any services or payments for services that the department
 26 provides for older youth under the terms of a collaborative care
 27 agreement, while the older youth is residing in:

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

30 (2) a host home under an agreement with the older youth
 31 approved by the department;

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

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

34 (5) a supervised ~~independent living~~ **successful adulthood**
 35 arrangement approved by the department.

36 SECTION 23. IC 31-28-5.8-5, AS ADDED BY P.L.48-2012,
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 5. (a) An older youth who received foster care
 39 under a court order ~~during the month before~~ **on the day** the individual
 40 **became attains** eighteen (18) years of age is eligible to receive
 41 collaborative care services **under applicable rules of the department**
 42 at any time until the individual becomes twenty (20) years of age.



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

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

6 (1) employed;

7 (2) attending school or a vocational or educational certification or
8 degree program;

9 (3) participating in a program or activity designed to promote or
10 remove barriers to employment; or

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

15 (d) A child who:

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

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

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

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

22 SECTION 24. IC 31-28-5.8-5.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. The department may conduct
25 a criminal history check of each person who is currently residing
26 with an older youth in a:**

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

28 **(2) supervised successful adulthood arrangement described in
29 section 1(5) of this chapter.**

30 SECTION 25. IC 31-28-5.8-7 AS ADDED BY P.L.48-2012,
31 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2015]: Sec. 7. (a) A court that approves a collaborative care
33 agreement under this chapter shall conduct periodic reviews during the
34 term of the agreement. The court shall review the agreement and the
35 progress made in complying with the provisions of the agreement and
36 case plan developed under section 6 of this chapter.

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

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

42 (1) The older youth.



- 1 (2) The foster parent or any other caretaker with whom the older
 2 youth is living, if applicable.
- 3 (3) Any caseworker responsible for visitation with the older
 4 youth.
- 5 (4) Any person or agency identified in the collaborative care
 6 agreement as a provider of services to the older youth.
- 7 (5) Any person or entity providing ~~independent living services~~
 8 **successful adulthood** to the older youth developed under
 9 IC 31-25-2-7(a)(9) or 465 IAC 2-14.
- 10 (6) A guardian ad litem or court appointed special advocate
 11 participating with the consent of the older youth.
- 12 (d) A person to whom the department gives notice under subsection
 13 (c) is entitled to participate in a periodic review hearing as set forth in
 14 IC 31-34-21-4(d).
- 15 (e) The department shall prepare and submit to the court a written
 16 progress report for the periodic review hearing. The department shall
 17 provide a copy of the report with the notice of the hearing provided
 18 under subsection (c).
- 19 (f) The court must hold a periodic review hearing:
- 20 (1) not later than six (6) months after the date the court grants a
 21 petition under section 5 of this chapter; and
- 22 (2) at least once every six (6) months until the collaborative care
 23 agreement is terminated.
- 24 (g) After each periodic review hearing, the court shall enter an order
 25 that includes findings and conclusions concerning the progress made
 26 in implementing the collaborative care agreement and case plan of the
 27 older youth. If a permanency plan has been approved or modified for
 28 the youth, the court shall also review the permanency plan.
- 29 SECTION 26. IC 31-33-4 IS REPEALED [EFFECTIVE JULY 1,
 30 2015]. (Local Plan for Provision of Child Protection Services).
- 31 SECTION 27. IC 31-34-3-4.5, AS ADDED BY P.L.131-2009,
 32 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 4.5. (a) If a child is removed from the child's
 34 parents under this chapter, within thirty (30) days after the removal of
 35 the child from the parents the department shall exercise due diligence
 36 to identify and provide notice of the removal to:
- 37 (1) all adult relatives (as defined in IC 31-9-2-107) of the child,
 38 including relatives suggested by either parent as required under
 39 42 U.S.C. 671(a)(29); and
- 40 (2) all the child's siblings who are at least eighteen (18) years of
 41 age.
- 42 (b) The department may not provide notice to a person under



1 subsection (a) if the department knows or suspects that the person has
2 caused family or domestic violence.

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

4 (1) state that the child has been removed from the parents by the
5 department;

6 (2) set forth the options the relative may have under federal, state,
7 or local laws, including the care and placement of the child and
8 other options that may be lost if the relative fails to respond to the
9 notice;

10 (3) describe the requirements for the relative to become a foster
11 parent; **and**

12 (4) describe additional services available to the child placed in
13 foster care; **and**

14 **(5) describe how a relative guardian of a child may**
15 **subsequently enter into an agreement with the department to**
16 **receive financial assistance through the adoption assistance**
17 **program or guardianship assistance program.**

18 SECTION 28. IC 31-34-6-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A child alleged to be
20 a child in need of services may not be held in:

21 (1) a secure **detention** facility; or

22 (2) a shelter care facility that houses persons charged with,
23 imprisoned for, or incarcerated for crimes.

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

28 ~~(1) a community based correctional facility for children;~~

29 ~~(2) a juvenile detention facility;~~

30 ~~(3) a secure facility;~~

31 ~~(4) a secure private facility; or~~

32 ~~(5) a shelter care facility~~

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

38 SECTION 30. IC 31-34-15-2, AS AMENDED BY P.L.145-2006,
39 SECTION 302, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2015]: Sec. 2. The department, after negotiating
41 with:

42 (1) the child's parent, guardian, or custodian;



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

5 shall complete a child's case plan not later than sixty (60) days after
 6 (+) the date of the child's first placement or
 7 (2) the date of a dispositional decree,
 8 whichever ~~comes~~ **occurs** first.

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

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

21 SECTION 32. IC 31-34-15-4, AS AMENDED BY P.L.128-2012,
 22 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2015]: Sec. 4. A child's case plan must be set
 24 out in a form prescribed by the department that meets the specifications
 25 set by 45 CFR 1356.21. The case plan must include a description and
 26 discussion of the following:

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



- 1 (6) Efforts that will be made to provide family services that are
 2 ordered by the court.
- 3 (7) A plan for ensuring the educational stability of the child while
 4 in foster care that includes assurances that the:
- 5 (A) placement of the child in foster care considers the
 6 appropriateness of the current educational setting of the child
 7 and the proximity to the school where the child is presently
 8 enrolled; and
- 9 (B) department has coordinated with local educational
 10 agencies to ensure:
- 11 (i) the child remains in the school where the child is enrolled
 12 at the time of removal; or
- 13 (ii) immediate, appropriate enrollment of the child in a
 14 different school, including arrangements for the transfer of
 15 the child's school records to the new school, if remaining in
 16 the same school is not in the 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 SECTION 33. IC 31-34-15-7 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) A child who is at least**
 35 **fourteen (14) years of age shall participate in the development of**
 36 **the child's case plan or transitional services plan.**
- 37 **(b) The child may select not more than two (2) child**
 38 **representatives to represent the child in the development of the**
 39 **child's case plan or transitional services plan. A child**
 40 **representative selected under this section:**
- 41 **(1) must be a member of the case planning team; and**
 42 **(2) may not be a foster parent of or caseworker for the child.**



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

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

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

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

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

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

19 (B) from an individual practitioner.

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

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

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

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

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

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

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

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

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

42 (A) the out-of-state placement is appropriate because there is



- 1 not a comparable facility with adequate services located in
 2 Indiana; or
 3 (B) the location of the home or facility is within a distance not
 4 greater than fifty (50) miles from the county of residence of
 5 the child.
- 6 (c) If a dispositional decree under this section:
 7 (1) orders or approves removal of a child from the child's home or
 8 awards wardship of the child to the department; and
 9 (2) is the first juvenile court order in the child in need of services
 10 proceeding that authorizes or approves removal of the child from
 11 the child's parent, guardian, or custodian;
 12 the juvenile court shall include in the decree the appropriate findings
 13 and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).
- 14 SECTION 35. IC 31-34-21-7, AS AMENDED BY P.L.72-2008,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 7. (a) The court shall hold a permanency hearing:
 17 (1) not more than thirty (30) days after a court finds that
 18 reasonable efforts to reunify or preserve a child's family are not
 19 required as described in section 5.6 of this chapter;
 20 (2) every twelve (12) months after:
 21 (A) the date of the original dispositional decree; or
 22 (B) a child in need of services was removed from the child's
 23 parent, guardian, or custodian;
 24 whichever comes first; or
 25 (3) more often if ordered by the juvenile court.
- 26 (b) The court shall:
 27 (1) make the determination and findings required by section 5 of
 28 this chapter;
 29 (2) consider the question of continued jurisdiction and whether
 30 the dispositional decree should be modified;
 31 (3) consider recommendations of persons listed under section 4
 32 of this chapter, before approving a permanency plan under
 33 subdivision (5);
 34 (4) consult with the child in person, or through an interview with
 35 or written statement or report submitted by:
 36 (A) a guardian ad litem or court appointed special advocate for
 37 the child;
 38 (B) a case manager; or
 39 (C) the person with whom the child is living and who has
 40 primary responsibility for the care and supervision of the
 41 child;
 42 in an age appropriate manner as determined by the court,



1 regarding the proposed permanency plan;

2 (5) consider and approve a permanency plan for the child that
3 complies with the requirements set forth in section 7.5 of this
4 chapter;

5 (6) determine whether an existing permanency plan must be
6 modified; and

7 (7) examine procedural safeguards used by the department to
8 protect parental rights.

9 (c) If the child is at least sixteen (16) years of age and the proposed
10 permanency plan provides for **another planned permanent living**
11 **arrangement or** the transition of the child from foster care to
12 independent living, the court shall, **at each permanency hearing, do**
13 **all the following:**

14 (1) Require the department to provide notice of the permanency
15 hearing to the child, in accordance with section 4(a) of this
16 chapter. ~~and~~

17 (2) Provide to the child an opportunity to be heard and to make
18 recommendations to the court, in accordance with section 4(d) of
19 this chapter.

20 (3) **Require the department to document or provide testimony**
21 **regarding the intensive, ongoing, and, as of the date of the**
22 **hearing, unsuccessful efforts made by the department to**
23 **return the child home or secure a placement for the child with**
24 **a fit and willing relative, legal guardian, or adoptive parent,**
25 **including efforts through the use of search technology, such as**
26 **social media, to find biological or adoptive family members**
27 **for the child.**

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

30 (5) **Make a judicial determination explaining why, as of the**
31 **date of the hearing, another planned permanent living**
32 **arrangement is the best permanency plan for the child and**
33 **provide compelling reasons why it continues to not be in the**
34 **best interests of the child to:**

35 (A) return home;

36 (B) be placed for adoption;

37 (C) be placed with a legal guardian; or

38 (D) be placed with a fit and willing relative.

39 (6) **Require the department to provide testimony regarding**
40 **the steps the department is taking 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 **consulting with the child in an age appropriate manner**
 5 **about the opportunities for the child to participate in the**
 6 **activities.**

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

- 19 (1) direct the department to establish a permanency plan within
 20 thirty (30) days; or
 21 (2) discharge the child and the child's parent, guardian, or
 22 custodian.

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

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

36 (b) Before requesting juvenile court approval of a permanency plan,
 37 the department shall conduct a criminal history check (as defined in
 38 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 39 committed an act resulting in a substantiated report of child abuse or
 40 neglect, has a juvenile adjudication for an act that would be a felony
 41 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
 42 a felony listed in IC 31-27-4-13. However, the department is not



1 required to conduct a criminal history check under this section if
 2 criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or
 3 IC 31-34-20-1.5 establishes whether a person described in subsection
 4 (a) has committed an act resulting in a substantiated report of child
 5 abuse or neglect, has a juvenile adjudication for an act that would be
 6 a felony listed in IC 31-27-4-13 if committed by an adult, or has a
 7 conviction for a felony listed in IC 31-27-4-13.

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

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

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

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

18 (C) Placement of the child for adoption.

19 (D) Placement of the child with a responsible person,
 20 including:

21 (i) an adult sibling;

22 (ii) a grandparent;

23 (iii) an aunt;

24 (iv) an uncle; or

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

26 **(v) another relative;**

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

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

36 (i) Care, custody, and control of the child.

37 (ii) Decision making concerning the child's upbringing.

38 (F) Placement of the child in another planned, permanent
 39 living arrangement. **However, a child less than sixteen (16)**
 40 **years of age may not have another planned, permanent**
 41 **living arrangement as the child's permanency plan.**

42 (2) A time schedule for implementing the applicable provisions



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



- 1 abuse or neglect.
- 2 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 3 (3) Evidence of the person's rehabilitation, including the person's
- 4 cooperation with a treatment plan, if applicable.
- 5 SECTION 37. IC 31-34-21-7.6 IS ADDED TO THE INDIANA
- 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2015]: **Sec. 7.6. (a) This section applies to an**
- 8 **individual who:**
- 9 (1) **is leaving foster care because the individual is eighteen (18)**
- 10 **years of age or older; and**
- 11 (2) **has been in foster care for at least six (6) months.**
- 12 (b) **Before an individual described in subsection (a) leaves foster**
- 13 **care, the department shall provide to the individual, if the**
- 14 **individual is eligible to receive, all the following documents:**
- 15 (1) **An official or certified copy of the individual's United**
- 16 **States birth certificate.**
- 17 (2) **A Social Security card issued for the individual by the**
- 18 **Social Security Administration.**
- 19 (3) **Health or insurance records.**
- 20 (4) **A copy of the individual's medical records.**
- 21 (5) **A driver's license or identification card issued by the state.**
- 22 SECTION 38. IC 31-37-19-1, AS AMENDED BY P.L.147-2012,
- 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2015]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a
- 25 child is a delinquent child under IC 31-37-2, the juvenile court may
- 26 enter one (1) or more of the following dispositional decrees:
- 27 (1) Order supervision of the child by the probation department.
- 28 (2) Order the child to receive outpatient treatment:
- 29 (A) at a social service agency or a psychological, a psychiatric,
- 30 a medical, or an educational facility; or
- 31 (B) from an individual practitioner.
- 32 (3) Remove the child from the child's home and place the child in
- 33 another home or a shelter care facility, **child caring institution,**
- 34 **group home, or secure private facility.** Placement under this
- 35 subdivision includes authorization to control and discipline the
- 36 child.
- 37 (4) Award wardship to a:
- 38 (A) person, other than the department; or
- 39 (B) shelter care facility.
- 40 (5) Partially or completely emancipate the child under section 27
- 41 of this chapter.
- 42 (6) Order:



- 1 (A) the child; or
 2 (B) the child's parent, guardian, or custodian;
 3 to receive family services.
 4 (7) Order a person who is a party to refrain from direct or indirect
 5 contact with the child.
 6 (b) If the child is removed from the child's home and placed in a
 7 foster family home or another facility, the juvenile court shall:
 8 (A) approve a permanency plan for the child;
 9 (B) find whether or not reasonable efforts were made to prevent
 10 or eliminate the need for the removal;
 11 (C) designate responsibility for the placement and care of the
 12 child with the probation department; and
 13 (D) find whether it:
 14 (i) serves the best interests of the child to be removed; and
 15 (ii) would be contrary to the health and welfare of the child for
 16 the child to remain in the home.
 17 (c) If a dispositional decree under this section:
 18 (1) orders or approves removal of a child from the child's home or
 19 awards wardship of the child to a:
 20 (A) person other than the department; or
 21 (B) shelter care facility; and
 22 (2) is the first court order in the delinquent child proceeding that
 23 authorizes or approves removal of the child from the child's
 24 parent, guardian, or custodian;
 25 the court shall include in the decree the appropriate findings and
 26 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).
 27 (d) If the juvenile court orders supervision of the child by the
 28 probation department under subsection (a)(1), the child or the child's
 29 parent, guardian, or custodian is responsible for any costs resulting
 30 from the participation in a rehabilitative service or educational class
 31 provided by the probation department. Any costs collected for services
 32 provided by the probation department shall be deposited in the county
 33 supplemental juvenile probation services fund.
 34 SECTION 39. IC 31-37-19-1.5, AS AMENDED BY P.L.123-2014,
 35 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 1.5. (a) This section applies to a delinquent child
 37 if the child is placed in an out-of-home residence or facility that is not
 38 a secure detention facility.
 39 (b) The probation department, after negotiating with:
 40 (1) the child's parent, guardian, or custodian; **and**
 41 (2) **any child representatives selected by the child and**
 42 **approved by the child's probation officer under section 1.7 of**



- 1 **this chapter;**
 2 shall complete the child's case plan not later than sixty (60) days after
 3 the date of the child's first placement that the probation department
 4 requests to be paid for by the department.
- 5 (c) A copy of the completed case plan shall be sent, **not later than**
 6 **ten (10) days after the plan's completion**, to:
- 7 (1) the department; ~~to~~
 8 (2) the child's parent, guardian, or custodian;
 9 (3) **any child representatives selected by the child and**
 10 **approved by the child's probation officer under section 1.7 of**
 11 **this chapter;** and ~~to an~~
 12 (4) **any** agency having the legal responsibility or authorization to
 13 care for, treat, or supervise the child. ~~not later than ten (10) days~~
 14 ~~after the plan's completion.~~
- 15 (d) A child's case plan must be in a form prescribed by the
 16 department that meets the specifications set by 45 CFR 1356.21, as
 17 amended. The case plan must include a description and discussion of
 18 the following:
- 19 (1) A permanency plan for the child and an estimated date for
 20 achieving the goal of the plan. **Another planned permanent**
 21 **living arrangement may not be the permanency plan for a**
 22 **child who is less than sixteen (16) years of age.**
- 23 (2) The appropriate placement for the child based on the child's
 24 special needs and best interests.
- 25 (3) The least restrictive family-like setting that is close to the
 26 home of the child's parent, custodian, or guardian if out-of-home
 27 placement is implemented or recommended, including
 28 consideration of possible placement with any suitable and willing
 29 relative, before considering other out-of-home placements for the
 30 child.
- 31 (4) Family services recommended for the child, parent, guardian,
 32 or custodian.
- 33 (5) Efforts already made to provide family services to the child,
 34 parent, guardian, or custodian.
- 35 (6) Efforts that will be made to provide family services that are
 36 ordered by the court.
- 37 (7) A plan for ensuring the educational stability of the child while
 38 in foster care that includes assurances that the:
- 39 (A) placement of the child in foster care considers the
 40 appropriateness of the current educational setting of the child
 41 and the proximity to the school where the child is presently
 42 enrolled; and



- 1 (B) department has coordinated with local educational
 2 agencies to ensure:
- 3 (i) the child remains in the school where the child is enrolled
 4 at the time of removal; or
- 5 (ii) immediate, appropriate enrollment of the child in a
 6 different school if remaining in the same school is not in the
 7 best interests of the child.
- 8 **(8) Any age appropriate activities that the child is interested**
 9 **in pursuing.**
- 10 **(9) If the case plan is for a child in foster care who is at least**
 11 **fourteen (14) years of age, the following:**
- 12 **(A) A document that describes the rights of the child with**
 13 **respect to:**
- 14 **(i) education, health, visitation, and court participation;**
 15 **(ii) the right to be provided with the child's medical**
 16 **documents and other medical information; and**
 17 **(iii) the right to stay safe and avoid exploitation.**
- 18 **(B) A signed acknowledgment by the child that the:**
- 19 **(i) child has been provided with a copy of the document**
 20 **described in clause (A); and**
 21 **(ii) rights contained in the document have been explained**
 22 **to the individual in an age appropriate manner.**
- 23 (e) Each caretaker of a child, **the child representatives selected by**
 24 **the child and approved by the child's probation officer under**
 25 **section 1.7 of this chapter**, and the probation department shall
 26 cooperate in the development of the case plan for the child. The
 27 probation department shall discuss with at least one (1) foster parent or
 28 other caretaker of a child the role of the substitute caretaker or facility
 29 regarding the following:
- 30 (1) Rehabilitation of the child and the child's parents, guardians,
 31 and custodians.
- 32 (2) Visitation arrangements.
- 33 (3) Services required to meet the special needs of the child.
- 34 (f) The case plan must be reviewed and updated by the probation
 35 department at least once every one hundred eighty (180) days.
- 36 SECTION 40. IC 31-37-19-1.7 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. (a) A child who is at least**
 39 **fourteen (14) years of age shall participate in the development of**
 40 **the child's case plan or transitional services plan.**
- 41 **(b) The child may select not more than two (2) child**
 42 **representatives to represent the child in the development of the**



1 **child's case plan or transitional services plan. A child**
 2 **representative selected under this section:**

3 **(1) must be a member of the case planning team;**

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

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

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

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

15 SECTION 41. IC 31-37-20-2, AS AMENDED BY P.L.146-2008,
 16 SECTION 655, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The court shall hold a formal
 18 hearing:

19 (1) every twelve (12) months after:

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

21 (B) a delinquent child was removed from the child's parent,
 22 guardian, or custodian;

23 whichever occurs first; or

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

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

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

31 (2) The extent to which the parent, guardian, or custodian has
 32 enhanced the ability to fulfill parental obligations.

33 (3) The extent to which the parent, guardian, or custodian has
 34 visited the child, including the reasons for infrequent visitation.

35 (4) The extent to which the parent, guardian, or custodian has
 36 cooperated with the probation department.

37 (5) The child's recovery from any injuries suffered before
 38 removal.

39 (6) Whether additional services are required for the child or the
 40 child's parent, guardian, or custodian and, if so, the nature of the
 41 services.

42 (7) The extent to which the child has been rehabilitated.



1 **(8) For children who have a permanency plan of another**
 2 **planned permanent living arrangement, the court shall:**

3 **(A) require the probation officer to testify regarding the**
 4 **intensive, ongoing, and, as of the date of the hearing,**
 5 **unsuccessful efforts made by the probation officer to**
 6 **return the child home or secure a placement for the child**
 7 **with a fit and willing relative, legal guardian, or adoptive**
 8 **parent, including efforts through the use of search**
 9 **technology, such as social media, to find biological or**
 10 **adoptive family members for the child;**

11 **(B) ask the child about the desired permanency outcome**
 12 **for the child and document the child's response;**

13 **(C) make a judicial determination explaining why, as of the**
 14 **date of the hearing, another planned permanent living**
 15 **arrangement is the best permanency plan for the child and**
 16 **provide compelling reasons why it continues to not be in**
 17 **the best interests of the child to:**

18 **(i) return home;**

19 **(ii) be placed for adoption;**

20 **(iii) be placed with a legal guardian; or**

21 **(iv) be placed with a fit and willing relative; and**

22 **(D) require the probation officer to testify regarding the**
 23 **steps the probation officer is taking to ensure that:**

24 **(i) the child's foster family home, group home, secure**
 25 **private facility, or child caring institution is following the**
 26 **reasonable and prudent parent standard; and**

27 **(ii) the child has regular, ongoing opportunities to**
 28 **engage in age or developmentally appropriate activities,**
 29 **including by consulting with the child in an age**
 30 **appropriate manner about the opportunities of the child**
 31 **to participate in the activities.**

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

37 SECTION 42. IC 31-37-22-4.5, AS AMENDED BY P.L.123-2014,
 38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 4.5. (a) This section applies to a delinquent child
 40 if the child is placed in an out-of-home residence or facility that is not
 41 a secure detention facility.

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



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

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

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

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

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

- 23 (1) A permanency plan for the child and an estimated date for
 24 achieving the goal of the plan. **However, a child who is less than**
 25 **sixteen (16) years of age may not be placed in another**
 26 **planned, permanent living arrangement.**
 27 (2) The appropriate placement for the child based on the child's
 28 special needs and best interests.
 29 (3) The least restrictive family like setting that is close to the
 30 home of the child's parent, custodian, or guardian if out-of-home
 31 placement is implemented or recommended, including
 32 consideration of possible placement with any suitable and willing
 33 relative, before considering other out-of-home placements for the
 34 child.
 35 (4) Family services recommended for the child, parent, guardian,
 36 or custodian.
 37 (5) Efforts already made to provide family services to the child,
 38 parent, guardian, or custodian.
 39 (6) Efforts that will be made to provide family services that are
 40 ordered by the court.
 41 (7) A plan for ensuring the educational stability of the child while
 42 in foster care that includes assurances that the:



- 1 (A) placement of the child in foster care considers the
 2 appropriateness of the current educational setting of the child
 3 and the proximity to the school where the child presently is
 4 enrolled; and
 5 (B) department has coordinated with local educational
 6 agencies to ensure:
 7 (i) the child remains in the school where the child is enrolled
 8 at the time of removal; or
 9 (ii) immediate and appropriate enrollment of the child in a
 10 different school, including arrangements for the transfer of
 11 the child's school records to the new school, if remaining in
 12 the same school is not in the best interests of the child.
- 13 **(8) Any age appropriate activities that the child is interested**
 14 **in pursuing.**
- 15 **(9) If the case plan is for a child in foster care who is at least**
 16 **fourteen (14) years of age, the following:**
- 17 **(A) A document that describes the rights of the child with**
 18 **respect to:**
 19 **(i) education, health, visitation, and court participation;**
 20 **(ii) the right to be provided with the child's medical**
 21 **documents and other medical information; and**
 22 **(iii) the right to stay safe and avoid exploitation.**
- 23 **(B) A signed acknowledgment by the child that the:**
 24 **(i) child has been provided with a copy of the document**
 25 **described in clause (A); and**
 26 **(ii) rights contained in the document have been explained**
 27 **to the individual in an age appropriate manner.**
- 28 (e) The probation department and each caretaker of a child shall
 29 cooperate in the development of the case plan for the child. The
 30 probation department shall discuss with at least one (1) foster parent or
 31 other caretaker of a child the role of the substitute caretaker or facility
 32 regarding the following:
 33 (1) Rehabilitation of the child and the child's parents, guardians,
 34 and custodians.
 35 (2) Visitation arrangements.
 36 (3) Services required to meet the special needs of the child.
- 37 (f) The case plan must be reviewed and updated by the probation
 38 department at least once every one hundred eighty (180) days.
- 39 SECTION 43. IC 31-37-22-10 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2015]: **Sec. 10. (a) This section applies to an**
 42 **individual who:**



- 1 **(1) is leaving foster care because the individual is eighteen (18)**
2 **years of age or older; and**
3 **(2) has been in foster care for at least six (6) months.**
4 **(b) Before an individual described in subsection (a) leaves foster**
5 **care, the department shall provide to the individual, if the**
6 **individual is eligible to receive, all the following documents:**
7 **(1) An official or certified copy of the individual's United**
8 **States birth certificate.**
9 **(2) A Social Security card issued for the individual by the**
10 **Social Security Administration.**
11 **(3) Health or insurance records.**
12 **(4) A copy of the individual's medical records.**
13 **(5) A driver's license or identification card issued by the state.**

