

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7031

BILL NUMBER: HB 1369

NOTE PREPARED: Jan 25, 2024

BILL AMENDED: Jan 25, 2024

SUBJECT: Family and Juvenile Law Matters.

FIRST AUTHOR: Rep. McGuire

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill amends the definition for "act of rape" to include all forms of child molestation and sexual misconduct with a minor. The bill also adds sexual misconduct with a minor as an offense that may be alleged in a petition to terminate the parent-child relationship when a child is conceived as a result of the offense.

This bill provides that the Department of Child Services or a court shall consider ensuring the child's safety to be the most important consideration in the determination of a child's best interests under family and juvenile law. The bill provides that there is a rebuttable presumption that a child is a child in need of services (CHINS) if the state establishes that the child lives in the same household as an adult who was a perpetrator of a child fatality or near fatality that may have been the result of abuse, abandonment, or neglect. The bill also amends the circumstances under which a court may terminate the parent-child relationship with regard to a CHINS.

Effective Date: July 1, 2024.

Explanation of State Expenditures: Only the DCS or an adoption agency can file a termination of the parent child relationship petition. Expanding circumstances for the termination of the parent child relationship could increase the workload of the Department of Child Services (DCS). The bill also expands instances where a child would be considered a CHINS due to residing in a house with an adult who committed certain offenses against another child/other children. As a result, this bill could increase the number of CHINS in the state, and the workload of the DCS. Increases in workload are expected to be accomplished within existing resource and funding levels.

Explanation of State Revenues: (Revised) The bill expands (1) circumstances that a court can consider when granting a petition for the termination of the parent child relationship and (2) criminal acts that are considered grounds for termination of the parent child relationship. This bill could increase the number of filings for termination of parent-child relationships, which could increase the number of court filings in the state.

If additional civil cases occur and court fees are collected, revenue to the state General Fund will increase. The total revenue per case would range between \$100 and \$122. The amount deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional cases occur, revenue will be collected by certain local units. If the case is filed in a court of record, the county will receive \$32 and qualifying municipalities will receive a share of \$3. If the case is filed in a municipal court, the county receives \$20, and the municipality will receive \$37. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

State Agencies Affected: DCS.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual

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