

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

**LS 7589**

**BILL NUMBER: HB 1605**

**NOTE PREPARED:** Mar 18, 2025

**BILL AMENDED:** Mar 18, 2025

**SUBJECT:** Juvenile Law Matters.

**FIRST AUTHOR:** Rep. McGuire

**FIRST SPONSOR:** Sen. Brown L

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill requires the Family and Social Services Administration (FSSA) to provide address information to the Department of Child Services (DCS) under specified circumstances subject to federal approval of a state plan amendment or waiver allowing FSSA to do so. . The bill provides that it is the policy of the state of Indiana and the purpose of Indiana family and juvenile law to: (1) recognize the responsibility of the state and of the DCS for the safety of children who are abused or neglected; (2) recognize that a parent's interest in receiving services at the time and expense of the state for purposes of reunification is limited; (3) promote the safety of all children involved in the juvenile justice system; and (4) ensure timely placement of children in foster care into permanent homes.

The bill provides that the requirement that DCS publish specified information regarding a child to facilitate adoption of the child does not apply if the child is already in a pre-adoptive placement in a proposed adoptive home.

*Procedural Deadlines:* The bill provides that a procedural deadline in a: (1) child in need of services (CHINS) proceeding; or (2) termination of parent-child relationship (TPR) proceeding; is not subject to waiver, whether affirmative or implied, by a party to the proceeding except for an extension permitted under current law. It provides that an individual with whom a child is placed during CHINS proceedings is entitled to attend, in its entirety, any hearing conducted as part of: (1) the CHINS proceedings; or (2) TPR proceedings resulting from a TPR petition filed with regard to the child during the CHINS proceedings. The bill also provides that the statutory deadline for holding of a fact-finding hearing in a CHINS proceeding may be extended if the court finds that the extension is necessitated by (1) unanticipated, emergent circumstances, (2) the circumstances of the case, or (3) the Indiana Rules of Trial Procedure.

*Parties to a Proceeding:* The bill provides that a court shall allow an individual who is providing care and supervision of a child as: (1) a foster parent; (2) a long term foster parent; or (3) an unlicensed kinship caregiver; at the time the child is the subject of a CHINS proceeding or TPR proceeding to intervene as a party during any stage of the proceeding if the court makes specified findings. It provides that a court shall allow an individual who is providing care and supervision for a child to intervene in a TPR proceeding

concerning the child. It provides that a child is a CHINS if, before the child becomes 18 years of age: (1) the child's physical or mental health is seriously endangered due to failure of the child's parent, guardian, or custodian to protect the child from exposure to the use, possession, sale, or manufacture of illegal drugs; and (2) the child needs care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court.

The bill also provides that the rights of the: (1) child; (2) child's parents, guardian, or custodian; (3) DCS; and (4) guardian ad litem or court appointed special advocate; as parties to a proceeding regarding the child under Indiana juvenile law include rights of discovery, subpoena, examination of witnesses, and presentation of evidence at any hearing in the proceeding.

*Fentanyl:* The bill removes a rebuttable presumption in current law that a child's physical or mental health is seriously endangered based on evidence of illegal manufacture of a drug or controlled substance occurring at the child's residence and provides that there is a rebuttable presumption that a child is a CHINS if the court finds that the child's parent, guardian, or custodian willfully or knowingly: (1) exposed the child to the illegal manufacture or distribution of a legend drug or controlled substance; or (2) exposed the child to: (A) methamphetamine; (B) fentanyl; or (C) a fentanyl containing substance; for which the parent, guardian, or custodian did not have a valid prescription. It amends the factors a court must consider when determining whether to detain a child who has been removed from the child's parent, guardian, or custodian to include considerations relating to exposure of the child to a fentanyl containing substance or fentanyl related substance.

*Rebuttable Presumption:* The bill provides that there is a rebuttable presumption that a child is a CHINS if the court finds that the child lives in the same household as an adult who is subject to an order issued in a CHINS proceeding that requires the adult to participate in a program of care, treatment, or rehabilitation.

*Family Reunification:* The bill requires the DCS to provide to the court the results of a pre-reunification criminal history check of a child's parent, guardian, or custodian. The bill also adds factors that a court must consider in determining appropriate reunification services in which a child's parent, guardian, or custodian will be required to participate under the child's dispositional decree. It provides that: (1) a dispositional decree that: (A) is entered under specified circumstances; and (B) requires a parent, guardian, or custodian to complete reunification services; may not provide for the parent, guardian, or custodian to receive the reunification services for more than a specified length of time, subject to extension for specified causes; and (2) a court reviewing the dispositional decree shall consider the amount of time remaining for the parent, guardian, or custodian to complete the reunification services. It specifies that the requirement that a court reviewing a dispositional decree must determine whether the DCS has made reasonable efforts to provide family services does not apply if a finding has been made that reasonable efforts for family preservation or reunification are not required. It provides that in determining the extent to which reasonable efforts to reunify or preserve a family are appropriate, the child's welfare (in addition to the child's health and safety, under current law) is of paramount concern.

*Permanency Hearing:* The bill requires a court to hold a permanency hearing for a child: (1) who has been removed from the child's parent, guardian, or custodian for at least 12 months; or (2) with regard to whom at least 12 months have expired since a dispositional decree was entered; at the request of any party to the CHINS proceeding that requests a permanency hearing on the basis that continuation of efforts to reunify or preserve the child's family are inconsistent with the best interests of the child. It provides that if a child has, at the time of a permanency hearing, been removed from the child's parent for at least 12 of the most recent 22 months, the permanency plan for the child must include at least one intended permanent or long

term arrangement for care and custody of the child that would not return the child to the care and custody of the parent, guardian, or custodian from whose care and custody the child has been removed. It provides that if a child is less than 16 years of age, the intended permanent or long-term arrangement for care and custody of the child may be guardianship or placement with a permanent custodian only if the proposed guardian or custodian appears before the court and testifies as to the individual's willingness to assume custody of the child. It provides that: (1) if a court approves a permanency plan for a child who is a CHINS under which adoption is the only intended permanent or long term arrangement for care and custody of the child, the DCS shall publish specified information regarding the child to facilitate adoption of the child; and (2) the information published by the DCS to facilitate adoption of a child who is: (A) a CHINS; and (B) a hard to place child; may include the child's first name and picture.

*TPR Filings:* The bill requires a court to hold an initial hearing on a TPR petition not later than 30 days after the petition is filed. It provides that under specified circumstances, a TPR petition regarding a child and the child's parent: (1) must be filed by the DCS; and (2) may be filed by: (A) the child's guardian ad litem or court appoint special advocate; or (B) an individual: (i) with whom the child is placed during the CHINS proceedings; and (ii) who is an intervenor in the CHINS proceedings. It amends the allegations that may be asserted in a TPR petition. It removes a provision requiring a person that files a TPR petition to also file a: (1) copy of the order approving the permanency plan for the child; or (2) permanency plan for the child. It also provides that the deadline for holding a hearing regarding a TPR petition may be extended if the court finds that extension of the deadline is necessitated by (1) unanticipated, emergent circumstances, (2) the circumstances of the case, or (3) the Indiana Rules of Trial Procedure.

*Hearing Attendance:* The bill provides that a representative of a licensed child placing agency that is providing services to a child during CHINS proceedings is entitled to attend, in its entirety, any hearing conducted as part of: (1) the CHINS proceedings; or (2) termination of parent-child relationship (TPR) proceedings resulting from a TPR petition filed with regard to the child during the CHINS proceedings.

The bill makes conforming and technical changes.

**Effective Date:** July 1, 2025.

**Explanation of State Expenditures:** (Revised) *Summary* - The bill adds additional considerations a court is to take into account when making a child in need of services (CHINS) determination. Any impact on the number of CHINS in the state could impact the workload and/or expenditures of the Department of Child Services (DCS) to meet child to staff ratios outlined in statute. A net increase in the number of cases in the state is expected to be accommodated under the agency's current resource and funding levels.

Additionally, the bill would increase the workload of DCS employees to file permanency hearings for children who have been separated from their parent(s), guardian(s), or custodian(s) for more than 12 months. Increases in workload are within the routine administrative function of the agency.

**Additional Information** -

*Address Information Transmission:* The bill will increase the workload of the Family and Social Services Administration (FSSA) to provide address information to the DCS as requested by the Department. Increases in workload are expected to be accomplished within existing resource and funding levels.

*Presence of Fentanyl:* The bill adds a rebuttable presumption that a child is a child in need of services

(CHINS) if the child resides in a house where either (1) an adult is present that is subject to an order requiring participation in a treatment program, (2) a controlled substance or legend drug has been manufactured or distributed, or (3) a child has been exposed to either methamphetamine, fentanyl, or a fentanyl containing substance. This change is expected to have no fiscal impact on the agency.

*Family Reunification Services:* The bill could expand utilization of family reunification services in the state. To the extent this occurs, state expenditures could increase. Family reunification services are financed with a mix of state and federal funds, specifically under the federal IV-E program. For the FY 2024-FY 2025 biennium, the DCS was annually appropriated \$91.4 M per year for the state's maintenance of effort under the federal IV-E program.

*Adoption:* The bill allows the DCS to provide information on hard to place children online. This information could increase the number of adoptions in the state. Increases in adoptions could decrease foster care costs, but could result in increased state costs for adoption subsidies. The bill's net affect on state costs for foster children is indeterminable but expected to be minimal.

*Vacant Position Information:* As of August 2024, the DCS has a total of 1,350 vacant positions worth a total of \$81.1 M in annual salary. Of these positions, 910 vacancies are for family case managers that are worth \$52.7 M in annual salary. To the extent the bill increases the number of CHINS in the state, the DCS could fill currently budgeted positions to meet statutory requirements concerning staff to child ratios.

**Explanation of State Revenues:** *Adoption:* The bill allows the DCS to provide information on hard to place children online. This information could increase the number of adoptions in the state, and potentially increase performance-based federal funds under the Federal Adoption Incentive Grant Program. Potential increases in federal grant funding to the state is indeterminable, but expected to be minimal.

**Explanation of Local Expenditures:** The bill provides additional considerations when making a CHINS determination and expands determining factors that would classify a child as a CHINS. The bill is not expected to increase the number of CHINS determination cases in the state but could increase court workload to take into account additional factors when making a CHINS determination. Increases in workload are expected to be minimal.

*Termination of Parent-Child Relationship:* The bill specifies when a court is required to make a final determination in a termination of a parent-child relationship filing. This specification could decrease the number of CHINS cases in the state.

**Explanation of Local Revenues:**

**State Agencies Affected:** DCS; FSSA.

**Local Agencies Affected:** Courts.

**Information Sources:** Kate Collins, DCS; DCS data dashboard; Indiana Supreme Court, Indiana Trial Court Fee Manual; <https://www.in.gov/dcs/policies/child-welfare-policies/> ; [https://www.in.gov/dcs/files/English\\_Parent\\_Guide.pdf](https://www.in.gov/dcs/files/English_Parent_Guide.pdf)

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