

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

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6634

BILL NUMBER: SB 219

NOTE PREPARED: Dec 28, 2023

BILL AMENDED:

SUBJECT: DCS Investigations and Mandatory Reporting.

FIRST AUTHOR: Sen. Ford J.D.

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill requires a person that contracts with the Department of Child Services (DCS) as a residential facility to immediately report any allegation of child abuse or neglect directly to DCS.

The bill requires DCS to do the following if the person fails to immediately report directly to DCS: (1) Stop referrals to the facility. (2) Audit the person's handbook and internal policies regarding mandatory reporting requirements. (3) Require, before DCS may resume referrals to the person's facility, that: (A) the handbook and internal policies fully comply with mandatory reporting laws; and (B) DCS conduct onsite training for the person's employees regarding the mandatory reporting laws and penalties. It also requires DCS to initiate an onsite assessment within 24 hours if a report alleges child abuse or neglect involving a residential facility licensed by DCS.

The bill also provides that certain individuals at least 18 years of age but less than 21 years of age are included in the definitions for "child", "child abuse or neglect", and "victim of child abuse or neglect".

Effective Date: July 1, 2024.

Explanation of State Expenditures: *Summary* - The bill could increase DCS workload to investigate reports of child abuse and neglect that involve individuals between the age of 18 and 21 who reside at a residential facility licensed by the Department. Additionally, the bill would increase DCS workload to audit a residential facility handbooks and internal policies before referrals can resume. Increases in workload are expected to be minimal and are within the routine administrative function of the agency.

The bill could also impact DCS out-of-home placement expenditures to the extent the agency cannot refer

children to a residential facility as the result of an allegation of suspected child abuse or neglect at a residential facility.

Additional Information - The bill expands the definition of CHINS to include an individual who is between 18 and 20 years of age, resides at a residential facility licensed by the state, and is either harmed or threatened with harm as the result of neglect, battery, or sexual activity. Currently, a child can no longer be classified a CHINS after they turn 18 years old. The bill would expand the definition of CHINS to older youth who reside in state-licensed facilities.

The bill specifies that a person that contracts with the DCS as a residential facility shall report allegations of child abuse or neglect directly to the Department. Current statute should require residential facility providers to report suspected child abuse and neglect to the DCS [IC 31-33-5-2(b)]. The current penalty for failing to report suspected child abuse and neglect to the DCS is punishable as a Class B misdemeanor (IC 31-33-22-1). This provision is expected to have no impact on DCS workload or criminal convictions in the state.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DCS.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Bill Brumbach, 317-232-9559.