

HOUSE BILL No. 1064

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-19-3-1; IC 27-1-22-20.1; IC 31-9-2; IC 31-19; IC 31-26-4.5-2; IC 31-28; IC 31-32-2.5-1; IC 31-33-18-6; IC 31-34.

Synopsis: DCS technical changes and adoption subsidies. Removes language regarding medical passports. Relocates the definition of "foster youth". Defines "licensed kinship caregiver". Provides that the department of child services (DCS) shall not make an out-of-home placement if the person has been convicted of a nonwaivable offense. Requires that, if a child in foster care receives medical care, the person having custody of the child shall inform the provider that the child is in foster care and require a copy of the medical treatment record be sent to the local office. Removes the age requirement for eligibility and provides that a child who is a ward of the DCS is considered hard to place for purposes of eligibility for state adoption subsidies. Removes the priority for funding if funds are insufficient. Makes technical and conforming changes.

Effective: July 1, 2024.

DeVon

January 8, 2024, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1064

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 14-19-3-1, AS AMENDED BY P.L.97-2023,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) The department may not charge a price of
4 admission to:

- 5 (1) inpatients of state or federally owned or operated hospitals or
- 6 institutions and their supervisors;
- 7 (2) foster families who reside together in the same foster family
- 8 home licensed under IC 31-27-4; or
- 9 (3) individuals who meet the definition of foster youth set forth in
- 10 ~~IC 31-26-4.5-2~~; **IC 31-9-2-47.3**;
- 11 for the use of any property owned or managed by the department for
- 12 purposes of this article.

13 (b) If necessary, the department may adopt rules concerning the
14 appropriate form of identification or documentation required for
15 admission to a location described in subsection (a).

16 SECTION 2. IC 27-1-22-20.1, AS ADDED BY P.L.97-2023,
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 20.1. (a) For purposes of this section, an
2 individual is a "foster youth" if:

3 (1) the department of child services; or

4 (2) a designee of the department of child services;

5 certifies or acknowledges that the individual is a foster youth (as
6 defined by ~~IC 31-26-4.5-2~~; **IC 31-9-2-47.3**).

7 (b) The department of child services established by IC 31-25-1-1
8 shall make available to foster youths and to the public a list, provided
9 by the Insurance Institute of Indiana, identifying insurers that may
10 provide automobile insurance coverage outside the plan described in
11 subsection (c) for a minor without a guardian cosigner. The list of
12 insurers shall be reviewed annually.

13 (c) An assigned risk automobile insurance plan established by
14 insurers under section 20 of this chapter must, subject to the rules of
15 the plan, make automobile insurance available to a foster youth who:

16 (1) is at least sixteen (16) years of age and not more than
17 twenty-three (23) years of age; and

18 (2) is receiving services from the department of child services.

19 (d) An applicant who is a foster youth is responsible for paying all
20 costs of a policy of automobile insurance issued under subsection (c).
21 A state or local government agency, foster parent, or entity providing
22 services to an applicant under a contract or at the direction of a state or
23 local government agency shall not be required to pay any costs
24 associated with a policy of automobile insurance issued under
25 subsection (c) and shall not be liable for any damages that result from
26 the foster youth's operation of an automobile owned and insured by the
27 foster youth.

28 SECTION 3. IC 31-9-2-47, AS AMENDED BY P.L.123-2014,
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]: Sec. 47. "Foster parent", for purposes of the juvenile
31 law, means an individual who provides care and supervision to a child
32 in a foster family home (as defined in IC 31-9-2-46.9). **The term**
33 **includes a licensed kinship caregiver and an unlicensed kinship**
34 **caregiver.**

35 SECTION 4. IC 31-9-2-47.3 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2024]: Sec. 47.3. "Foster youth", for purposes of IC 31-26-4.5,
38 refers to an individual:

39 (1) who is at least sixteen (16) years of age;

40 (2) who is not more than twenty-three (23) years of age; and

41 (3) who is:

42 (A) adjudicated a child in need of services under



- 1 **IC 31-34-1;**
 2 **(B) an older youth in a collaborative care program under**
 3 **IC 31-28-5.8; or**
 4 **(C) a participant in voluntary older youth services**
 5 **provided by a contractor of the department and referred**
 6 **to them by a department employee.**

7 SECTION 5. IC 31-9-2-76.2 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2024]: **Sec. 76.2. "Licensed kinship caregiver" means a relative**
 10 **who is:**

- 11 **(1) providing care and supervision to a child under a court**
 12 **order for purposes of placement in a child in need of services**
 13 **case or juvenile delinquency case; and**
 14 **(2) licensed as a foster parent under IC 31-27-4.**

15 SECTION 6. IC 31-9-2-107, AS AMENDED BY P.L.77-2023,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2024]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18
 18 and IC 31-19-25, means:

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

28 (c) "Relative", for purposes of sections 16.6, **76.2**, and 131.7 of this
 29 chapter, IC 31-27, IC 31-28-5.8, IC 31-34-4, IC 31-34-19,
 30 IC 31-34-23-6, and IC 31-37, means any of the following in relation to
 31 a child:

- 32 (1) A parent.
 33 (2) A grandparent.
 34 (3) A brother.
 35 (4) A sister.
 36 (5) A stepparent.
 37 (6) A stepgrandparent.
 38 (7) A stepbrother.
 39 (8) A stepsister.
 40 (9) A first cousin.
 41 (10) An uncle.
 42 (11) An aunt.



1 (12) Any other individual with whom a child has an established
2 and significant relationship.

3 SECTION 7. IC 31-9-2-131.7, AS AMENDED BY P.L.244-2023,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 131.7. "Unlicensed **kinship** caregiver", for
6 purposes of **section 47 of this chapter**, IC 31-32-2.5, IC 31-34-21-4.5,
7 and IC 31-28-7, means a relative (as defined by ~~IC 31-9-2-107(e)~~
8 **section 107(c) of this chapter**) who is:

9 (1) providing care and supervision to a child under a court order
10 for purposes of placement in a child in need of services case or
11 juvenile delinquency case; and

12 (2) not licensed as a foster parent under IC 31-27-4.

13 SECTION 8. IC 31-19-26.5-3, AS AMENDED BY P.L.165-2021,
14 SECTION 184, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) ~~Subject to section 4 of this~~
16 ~~chapter~~, The department shall make payments of adoption subsidy
17 under this chapter for the benefit of a child with special needs if the
18 department has:

19 (1) either:

20 (A) entered into a written agreement under section 10.5 of this
21 chapter with the adoptive parent or parents, before or at the
22 time the court enters a final decree of adoption under
23 IC 31-19-11-1, that specifies the amount, terms, and
24 conditions of the adoption assistance payments; or

25 (B) received a written final order in an administrative appeal
26 in accordance with section 12(4) of this chapter concluding
27 that the adoptive parents are eligible for a subsidy payable
28 under this chapter and determining the appropriate subsidy
29 amount; and

30 (2) determined that the child is not eligible for adoption assistance
31 under 42 U.S.C. 673.

32 (b) This section does not prohibit the department from modifying or
33 terminating an agreement with the adoptive parent or parents under this
34 chapter. However, the department may not terminate an agreement with
35 the adoptive parent or parents due to insufficient funds in the adoption
36 assistance account.

37 SECTION 9. IC 31-19-26.5-4 IS REPEALED [EFFECTIVE JULY
38 1, 2024]. Sec. 4. ~~If the department determines that sufficient funds are~~
39 ~~not or will not be available in the adoption assistance account~~
40 ~~established under this chapter to make adoption subsidy payments to~~
41 ~~adoptive parents of all children who may be eligible for a subsidy~~
42 ~~payable under this chapter, the department may, in accordance with~~



1 procedures established by rules:

- 2 (1) approve new adoption subsidy agreements only for the benefit
 3 of children for whom the department has wardship responsibility
 4 at the time the adoption petition is filed; or
 5 (2) give priority to funding new adoption subsidy agreements for
 6 children for whom the department has had wardship
 7 responsibility.

8 SECTION 10. IC 31-19-26.5-10.5, AS ADDED BY P.L.165-2021,
 9 SECTION 187, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2024]: Sec. 10.5. (a) ~~Subject to section 4 of this~~
 11 ~~chapter~~, The department shall:

- 12 (1) enter into a written agreement described under section
 13 3(a)(1)(A) of this chapter with each adoptive parent of a child
 14 with special needs who is eligible for an adoption subsidy under
 15 this chapter; and
 16 (2) allocate funds to the adoption assistance account necessary to
 17 meet the requirements under section 3 of this chapter.

18 (b) This section does not require the department to enter into an
 19 agreement to:

- 20 (1) make additional payments under section 6 of this chapter; or
 21 (2) continue adoption subsidy payments under section 9(b) of this
 22 chapter.

23 SECTION 11. IC 31-19-26.5-12, AS AMENDED BY P.L.165-2021,
 24 SECTION 189, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2024]: Sec. 12. The department shall adopt
 26 rules under IC 4-22-2, as needed, to carry out this chapter. The rules
 27 must include at least the following subjects:

- 28 (1) The application and determination process for subsidies or
 29 other assistance provided under this chapter.
 30 (2) The standards for determination of a child with special needs.
 31 (3) The process for determining the duration, extension,
 32 modification, and termination of agreements, as provided in
 33 sections 8 and 9 of this chapter.
 34 (4) The procedure for administrative review and appeal of
 35 determinations made by the department under this chapter.
 36 (5) Subject to sections 3 and 10.5 of this chapter, the procedure
 37 for determining availability of funds for new subsidy agreements
 38 and continuation of existing agreements or orders under this
 39 chapter and IC 31-19-26 (before its repeal), including any funding
 40 limitations or priorities as provided in ~~sections 4 and section 11~~
 41 of this chapter.

42 SECTION 12. IC 31-19-27-1.5, AS ADDED BY P.L.42-2009,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 1.5. The department shall consider a child who is
3 ~~two (2) years of age or older a hard to place child for determining~~
4 ~~eligibility a ward of the department a hard to place child for~~
5 ~~determining eligibility~~ for state adoption subsidies **under**
6 **IC 31-19-26.5.**

7 SECTION 13. IC 31-26-4.5-2 IS REPEALED [EFFECTIVE JULY
8 1, 2024]. Sec. 2: As used in this chapter, "foster youth" refers to an
9 individual:

- 10 (1) at least sixteen (16) years of age;
11 (2) not more than twenty-three (23) years of age; and
12 (3) who is:
13 (A) adjudicated a child in need of services under IC 31-34-1;
14 (B) an older youth in a collaborative care program under
15 IC 31-28-5.8; or
16 (C) a participant in voluntary older youth services provided by
17 a contractor of the department and referred to them by a
18 department employee.

19 SECTION 14. IC 31-28-2-2, AS AMENDED BY P.L.128-2012,
20 SECTION 145, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2024]: Sec. 2. ~~(a)~~ If medical care is provided to
22 a child who receives foster care, the person who has custody of the
23 child shall inform the provider that the ~~provider is required to file a~~
24 ~~copy of:~~

- 25 (1) the form provided under IC 31-28-3; and
26 (2) the child's medical treatment record for the medical care;
27 with the local office in which the child resides.
28 (b) ~~The provider shall file the form and record with the local office.~~
29 **child is in foster care and require a copy of the medical treatment**
30 **record be sent to the local office.**

31 SECTION 15. IC 31-28-2-3, AS AMENDED BY P.L.128-2012,
32 SECTION 146, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2024]: Sec. 3. The local office shall maintain
34 the medical treatment records ~~filed~~ **received** under section 2 of this
35 chapter.

36 SECTION 16. IC 31-28-2-4, AS AMENDED BY P.L.104-2015,
37 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2024]: Sec. 4. (a) The local office shall provide a copy of the
39 medical treatment records ~~filed~~ **maintained** under ~~section 2~~ of this
40 chapter to the person who provides foster care to a child **unless**
41 **otherwise prohibited by state or federal law.**

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



1 (1) is at least eighteen (18) years of age; and
 2 (2) leaves foster care after receiving foster care for at least six (6)
 3 months;
 4 a copy of the individual's medical treatment records **in the local**
 5 **office's possession.**

6 SECTION 17. IC 31-28-3-2, AS AMENDED BY P.L.128-2012,
 7 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2024]: Sec. 2. The department shall ~~establish~~
 9 ~~a medical passport program~~ **maintain medical records** for children
 10 who receive foster care. ~~Under the program,~~ The department shall do
 11 the following:

- 12 (1) Maintain a record of medical care provided to a foster child.
 13 (2) Facilitate a provider in providing appropriate care to a foster
 14 child.
 15 (3) Allow foster parents to authorize routine and emergency
 16 medical care to a foster child.
 17 ~~(4) Provide forms for a provider to submit to the local office~~
 18 ~~under IC 31-28-2.~~

19 SECTION 18. IC 31-28-3-3, AS AMENDED BY P.L.104-2015,
 20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 3. (a) The local office shall ~~issue~~ **maintain** the
 22 ~~medical passport to record for~~ **medical passport record** for a foster child when the child is placed
 23 in foster care. The ~~passport record~~ **medical passport record** must remain with the child until:

- 24 (1) the child is returned to the natural parents;
 25 (2) the child is adopted; or
 26 (3) a legal guardian is appointed for the child.

27 ~~(b) When a child is placed under subsection (a)(1) or (a)(2) or a~~
 28 ~~legal guardian is appointed for a child under subsection (a)(3); the~~
 29 ~~medical passport shall be returned to the local office that issued the~~
 30 ~~passport.~~

31 ~~(c)~~ **(b) Unless otherwise prohibited by state or federal law,** the
 32 local office shall provide **a copy of** the ~~medical passport record~~ **medical passport record** to the
 33 child or the child's legal guardian after the child in need of services
 34 case or collaborative care case is closed.

35 SECTION 19. IC 31-28-7-1, AS ADDED BY P.L.244-2023,
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 1. If the department temporarily places a child
 38 with:

- 39 (1) an unlicensed **kinship** caregiver; or
 40 (2) a de facto custodian;

41 the department may not remove the child from the home of the
 42 unlicensed **kinship** caregiver or de facto custodian solely on the basis



1 of the unlicensed **kinship** caregiver or de facto custodian having filed
2 a petition to adopt the child.

3 SECTION 20. IC 31-32-2.5-1, AS AMENDED BY P.L.68-2022,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) and
6 subject to this chapter:

- 7 (1) a foster parent;
8 (2) a long term foster parent;
9 (3) a person who has been a foster parent; or
10 (4) an unlicensed **kinship** caregiver;

11 of a child may petition the court to request intervention as a party
12 during any stage of a child in need of services proceeding under
13 IC 31-34 or a termination of parent-child relationship proceeding under
14 IC 31-35 concerning the child.

15 (b) Any person described in subsection (a) who has been:

- 16 (1) the subject of a substantiated report of child abuse or neglect;
17 or
18 (2) convicted of a nonwaivable offense, as defined in
19 IC 31-9-2-84.8;

20 may not petition the court to intervene under this chapter.

21 SECTION 21. IC 31-33-18-6, AS ADDED BY P.L.59-2022,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 6. For the purposes of IC 31-26-4.5, the
24 department may certify or acknowledge that an individual qualifies as
25 a foster youth under ~~IC 31-26-4.5-2~~. **IC 31-9-2-47.3**.

26 SECTION 22. IC 31-34-4-2, AS AMENDED BY P.L.142-2020,
27 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2024]: Sec. 2. (a) If a child alleged to be a child in need of
29 services is taken into custody under an order of the court under this
30 chapter and the court orders out-of-home placement, the department is
31 responsible for that placement and care and must consider placing the
32 child with a:

- 33 (1) suitable and willing relative; or
34 (2) de facto custodian;

35 before considering any other out-of-home placement.

36 (b) The department shall consider placing a child described in
37 subsection (a) with a relative related by blood, marriage, or adoption
38 before considering any other placement of the child.

39 (c) Before the department places a child in need of services with a
40 relative or a de facto custodian, the department shall complete an
41 evaluation based on a home visit of the relative's home.

42 (d) Except as provided in subsection (f), before placing a child in



1 need of services in an out-of-home placement, the department shall
 2 conduct a criminal history check of each person who is currently
 3 residing in the location designated as the out-of-home placement.

4 (e) Except as provided in subsection (g), the department may not
 5 make an out-of-home placement if a person described in subsection (d)
 6 has:

7 (1) committed an act resulting in a substantiated report of child
 8 abuse or neglect; or

9 (2) been convicted of a nonwaivable offense, as defined in
 10 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
 11 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 12 committed by an adult.

13 (f) The department is not required to conduct a criminal history
 14 check under subsection (d) if the department makes an out-of-home
 15 placement to an entity or a facility that is not a residence (as defined in
 16 IC 3-5-2-42.5) or that is licensed by the state.

17 (g) A court may order or the department may approve an
 18 out-of-home placement if:

19 (1) a person described in subsection (d) has:

20 (A) committed an act resulting in a substantiated report of
 21 child abuse or neglect;

22 (B) been convicted of:

23 (i) battery (IC 35-42-2-1);

24 (ii) criminal recklessness (IC 35-42-2-2) as a felony;

25 (iii) criminal confinement (IC 35-42-3-3) as a felony;

26 (iv) arson (IC 35-43-1-1) as a felony;

27 (v) nonsupport of a dependent child (IC 35-46-1-5);

28 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 29 as a felony;

30 (vii) a felony involving a weapon under IC 35-47;

31 (viii) a felony relating to controlled substances under
 32 IC 35-48-4; or

33 (ix) a felony under IC 9-30-5;

34 if the conviction did not occur within the past five (5) years; or

35 (C) had a juvenile adjudication for a nonwaivable offense, as
 36 defined in IC 31-9-2-84.8 that, if committed by an adult,
 37 would be a felony; and

38 (2) the person's commission of the offense, delinquent act, or act
 39 of abuse or neglect described in subdivision (1) is not relevant to
 40 the person's present ability to care for a child, and the placement
 41 is in the best interest of the child.

42 However, a court or the department ~~may~~ **shall** not make an out-of-home



1 placement if the person has been convicted of a nonwaivable offense,
2 as defined in IC 31-9-2-84.8 that is not specifically excluded under
3 subdivision (1)(B).
4 (h) In considering the placement under subsection (g), the court or
5 the department shall consider the following:
6 (1) The length of time since the person committed the offense,
7 delinquent act, or abuse or neglect.
8 (2) The severity of the offense, delinquent act, or abuse or neglect.
9 (3) Evidence of the person's rehabilitation, including the person's
10 cooperation with a treatment plan, if applicable.
11 SECTION 23. IC 31-34-21-4.5, AS AMENDED BY P.L.68-2022,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2024]: Sec. 4.5. A:
14 (1) foster parent;
15 (2) long term foster parent;
16 (3) person who has been a foster parent; or
17 (4) person who is an unlicensed **kinship** caregiver;
18 may petition the court to request intervention as a party to a proceeding
19 as set forth in IC 31-32-2.5.

