

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 ENROLLED ACT No. 1064

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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:*

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

- (1) inpatients of state or federally owned or operated hospitals or institutions and their supervisors;
- (2) foster families who reside together in the same foster family home licensed under IC 31-27-4; or
- (3) individuals who meet the definition of foster youth set forth in ~~IC 31-26-4.5-2~~; **IC 31-9-2-47.3**;

for the use of any property owned or managed by the department for purposes of this article.

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

SECTION 2. IC 27-1-22-20.1, AS ADDED BY P.L.97-2023, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20.1. (a) For purposes of this section, an individual is a "foster youth" if:

- (1) the department of child services; or
- (2) a designee of the department of child services;

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

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

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

- (1) is at least sixteen (16) years of age and not more than twenty-three (23) years of age; and
- (2) is receiving services from the department of child services.

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

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

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

- (1) who is at least sixteen (16) years of age;**
- (2) who is not more than twenty-three (23) years of age; and**
- (3) who is:**
  - (A) adjudicated a child in need of services under IC 31-34-1;**
  - (B) an older youth in a collaborative care program under IC 31-28-5.8; or**
  - (C) a participant in voluntary older youth services**



**provided by a contractor of the department and referred to them by a department employee.**

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

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

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

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

**(b) "Relative", for purposes of IC 31-34-3, means:**

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle;
- (3) a parent of a child's sibling if the parent has legal custody of the sibling; or
- (4) any other adult relative suggested by either parent of a child.

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

- (1) A parent.
- (2) A grandparent.
- (3) A brother.
- (4) A sister.
- (5) A stepparent.
- (6) A stepgrandparent.
- (7) A stepbrother.
- (8) A stepsister.
- (9) A first cousin.
- (10) An uncle.
- (11) An aunt.
- (12) Any other individual with whom a child has an established and significant relationship.

SECTION 7. IC 31-9-2-131.7, AS AMENDED BY P.L.244-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2024]: Sec. 131.7. "Unlicensed **kinship** caregiver", for purposes of **section 47 of this chapter**, IC 31-32-2.5, IC 31-34-21-4.5, and IC 31-28-7, means a relative (as defined by ~~IC 31-9-2-107(c)~~ **section 107(c) of this chapter**) who is:

- (1) providing care and supervision to a child under a court order for purposes of placement in a child in need of services case or juvenile delinquency case; and
- (2) not licensed as a foster parent under IC 31-27-4.

SECTION 8. IC 31-19-27-1.5, AS ADDED BY P.L.42-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.5. The department shall consider a child who is two (2) years of age or older a ~~hard to place child for determining eligibility~~ **a ward of the department a hard to place child for determining eligibility** for state adoption subsidies **under IC 31-19-26.5.**

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

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

SECTION 10. IC 31-28-2-2, AS AMENDED BY P.L.128-2012, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) If medical care is provided to a child who receives foster care, the person who has custody of the child shall inform the provider that the ~~provider is required to file a copy of:~~

- (1) the form provided under IC 31-28-3; and
- (2) the child's medical treatment record for the medical care;

with the local office in which the child resides.

(b) The provider shall file the form and record with the local office: **child is in foster care and require a copy of the medical treatment record be sent to the local office.**

SECTION 11. IC 31-28-2-3, AS AMENDED BY P.L.128-2012, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. The local office shall maintain



the medical treatment records ~~filed~~ **received** under section 2 of this chapter.

SECTION 12. IC 31-28-2-4, AS AMENDED BY P.L.104-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The local office shall provide a copy of the medical treatment records ~~filed~~ **maintained** under ~~section 2~~ of this chapter to the person who provides foster care to a child **unless otherwise prohibited by state or federal law.**

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

- (1) is at least eighteen (18) years of age; and
- (2) leaves foster care after receiving foster care for at least six (6) months;

a copy of the individual's medical treatment records **in the local office's possession.**

SECTION 13. IC 31-28-3-2, AS AMENDED BY P.L.128-2012, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The department shall ~~establish a medical passport program~~ **maintain medical records** for children who receive foster care. ~~Under the program,~~ The department shall do the following:

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

SECTION 14. IC 31-28-3-3, AS AMENDED BY P.L.104-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The local office shall ~~issue~~ **maintain** the medical ~~passport to record for~~ a foster child when the child is placed in foster care. The ~~passport record~~ **record** must remain with the child until:

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

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

~~(c)~~ **(b) Unless otherwise prohibited by state or federal law,** the local office shall provide **a copy of** the medical ~~passport record~~ **record** to the child or the child's legal guardian after the child in need of services



case or collaborative care case is closed.

SECTION 15. IC 31-28-7-1, AS ADDED BY P.L.244-2023, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. If the department temporarily places a child with:

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

the department may not remove the child from the home of the unlicensed **kinship** caregiver or de facto custodian solely on the basis of the unlicensed **kinship** caregiver or de facto custodian having filed a petition to adopt the child.

SECTION 16. IC 31-32-2.5-1, AS AMENDED BY P.L.68-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) and subject to this chapter:

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

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

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

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

may not petition the court to intervene under this chapter.

SECTION 17. IC 31-33-18-6, AS ADDED BY P.L.59-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. For the purposes of IC 31-26-4.5, the department may certify or acknowledge that an individual qualifies as a foster youth under ~~IC 31-26-4.5-2~~ **IC 31-9-2-47.3**.

SECTION 18. IC 31-34-4-2, AS AMENDED BY P.L.142-2020, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or



(2) de facto custodian;  
before considering any other out-of-home placement.

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

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

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

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

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

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

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

- (1) a person described in subsection (d) has:
  - (A) committed an act resulting in a substantiated report of child abuse or neglect;
  - (B) been convicted of:
    - (i) battery (IC 35-42-2-1);
    - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
    - (iii) criminal confinement (IC 35-42-3-3) as a felony;
    - (iv) arson (IC 35-43-1-1) as a felony;
    - (v) nonsupport of a dependent child (IC 35-46-1-5);
    - (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
    - (vii) a felony involving a weapon under IC 35-47;
    - (viii) a felony relating to controlled substances under IC 35-48-4; or
    - (ix) a felony under IC 9-30-5;



if the conviction did not occur within the past five (5) years; or  
 (C) had a juvenile adjudication for a nonwaivable offense, as  
 defined in IC 31-9-2-84.8 that, if committed by an adult,  
 would be a felony; and

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

However, a court or the department ~~may~~ **shall** not make an out-of-home  
 placement if the person has been convicted of a nonwaivable offense,  
 as defined in IC 31-9-2-84.8 that is not specifically excluded under  
 subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or  
 the department shall consider the following:

- (1) The length of time since the person committed the offense,  
 delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's  
 cooperation with a treatment plan, if applicable.

SECTION 19. IC 31-34-21-4.5, AS AMENDED BY P.L.68-2022,  
 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2024]: Sec. 4.5. A:

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

may petition the court to request intervention as a party to a proceeding  
 as set forth in IC 31-32-2.5.





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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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