

# HOUSE BILL No. 1101

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-23-16.

**Synopsis:** Courts for children three years of age and younger in need of services. Establishes a safe baby court as a type of problem solving court. Provides that a child in need of services is an eligible individual for purposes of a problem solving court program and that a parent or guardian of a child in need of services may be responsible for paying certain fees.

**Effective:** July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Judiciary.

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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. 1101



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-23-16-9.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: **Sec. 9.5. As used in this chapter, "safe**  
4 **baby court" means a problem solving court focused on addressing**  
5 **the needs of at-risk families who have a child in need of services**  
6 **who is three (3) years of age or younger by surrounding the at-risk**  
7 **family with support services to:**  
8 (1) **reduce:**  
9 (A) **time to permanency;**  
10 (B) **incidences of repeat maltreatment; and**  
11 (C) **the long term and short term effects of traumatic**  
12 **experiences occurring on a child's brain development;**  
13 (2) **promote:**  
14 (A) **public safety through the reductions described in**  
15 **subdivision (1); and**  
16 (B) **effective interaction and the use of resources among**  
17 **both public and private stakeholders; and**



1           **(3) increase the personal, familial, and societal accountability**  
 2           **of families.**

3           SECTION 2. IC 33-23-16-11, AS AMENDED BY P.L.9-2022,  
 4           SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2024]: Sec. 11. A city court or county court may establish a  
 6           problem solving court. A problem solving court established under this  
 7           section may be:

- 8           (1) a drug court;  
 9           (2) a mental health court;  
 10          (3) a family dependency drug court;  
 11          (4) a community court;  
 12          (5) a reentry court;  
 13          (6) a domestic violence court;  
 14          (7) a veterans' court; ~~or~~  
 15          **(8) a safe baby court; or**  
 16          ~~(8)~~ **(9)** any other court certified as a problem solving court by the  
 17          office of judicial administration under section 17 of this chapter.

18          SECTION 3. IC 33-23-16-13, AS AMENDED BY P.L.95-2013,  
 19          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20          JULY 1, 2024]: Sec. 13. An individual is eligible to participate in a  
 21          problem solving court program only if:

- 22          (1) the individual meets all of the eligibility criteria established by  
 23          the board under section 12 of this chapter;  
 24          (2) the judge of the problem solving court approves the admission  
 25          of the individual to the problem solving court program; and  
 26          (3) the individual is referred to the problem solving court as a  
 27          result of at least one (1) of the following:  
 28                  (A) A condition of a pretrial diversion program authorized by  
 29                  statute or authorized by the judge of the problem solving court  
 30                  and the prosecuting attorney.  
 31                  (B) The procedure described in section 14 of this chapter.  
 32                  (C) The procedure described in section 15 of this chapter.  
 33                  (D) A condition of probation.  
 34                  (E) A condition of participation in a community corrections  
 35                  program under IC 11-12-1.  
 36                  (F) A condition of participation in a forensic diversion  
 37                  program under IC 11-12-3.7.  
 38                  (G) A condition of a community transition program under  
 39                  IC 11-10-11.5.  
 40                  (H) A condition of parole.  
 41                  (I) An order in a dispositional decree under IC 31-34-20 to  
 42                  participate in a family dependency drug court if the individual



- 1 is a parent, guardian, or another household member of a child  
 2 adjudicated a child in need of services.  
 3 (J) A condition of an informal adjustment program under  
 4 IC 31-37-9.  
 5 (K) Involvement in:  
 6 **(i) a child in need of services proceeding;**  
 7 ~~(i)~~ **(ii)** a child support proceeding;  
 8 ~~(ii)~~ **(iii)** a mental health commitment; or  
 9 ~~(iii)~~ **(iv)** a civil protection proceeding.  
 10 (L) A condition of an informal adjustment program under  
 11 IC 31-34-8.  
 12 (M) A condition of a misdemeanor sentence.  
 13 (N) A condition of a program authorized by the:  
 14 (i) judge of a problem solving court; and  
 15 (ii) department of correction or the county sheriff.  
 16 SECTION 4. IC 33-23-16-23.5, AS AMENDED BY P.L.136-2012,  
 17 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2024]: Sec. 23.5. (a) A parent or guardian of a child:  
 19 (1) who is:  
 20 **(A) a child in need of services;**  
 21 ~~(A)~~ **(B)** adjudicated a delinquent child; or  
 22 ~~(B)~~ **(C)** in a program of informal adjustment approved by a  
 23 juvenile court under IC 31-37-9; and  
 24 (2) who is accepted into a problem solving court program;  
 25 is financially responsible for the problem solving court services fee and  
 26 chemical testing expenses assessed against the child by the problem  
 27 solving court under this chapter.  
 28 (b) A parent or guardian of a child described in subsection (a) shall,  
 29 before a hearing under subsection (c) concerning payment of fees and  
 30 expenses assessed against the child, provide financial information to  
 31 the problem solving court as ordered by the problem solving court.  
 32 (c) The problem solving court shall hold a hearing and may order  
 33 the parent or guardian to pay fees and expenses assessed against a child  
 34 described in subsection (a) unless the problem solving court makes a  
 35 specific finding that:  
 36 (1) the parent or guardian is unable to pay the fees or expenses;  
 37 or  
 38 (2) justice would not be served by ordering the parent or guardian  
 39 to pay the fees or expenses.  
 40 (d) If a parent or guardian is ordered to pay fees or expenses under  
 41 this section, the parent or guardian shall pay the fees or expenses to the  
 42 problem solving court or the clerk of the court. The problem solving



1 court shall keep a record of all payments made under this section by  
2 each parent or guardian. When a child is discharged from a problem  
3 solving court program, the problem solving court shall determine the  
4 amount of any unpaid fees or expenses a parent or guardian owes under  
5 this section. The problem solving court may reduce the unpaid balance  
6 to a final judgment that may be enforced in any court that has  
7 appropriate jurisdiction.

