

HOUSE BILL No. 1110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-11-3-4; IC 31-9-2; IC 31-16-15; IC 31-25; IC 31-27; IC 31-28-5.8-3; IC 31-33-18-2; IC 31-34; IC 31-35-2-4.5.

Synopsis: Department of child services. Makes various changes to provisions concerning child welfare, including: (1) the contents of notices sent out by the director of the department of natural resources to individuals who are delinquent in paying child support; (2) the definition of "relative" for purposes of provisions concerning residential child care, collaborative care, and the placement of children who are children in need of services; (3) the issuance and implementation of income withholding orders; (4) information reviewed by the residential placement committee; (5) the disclosure of reports and other materials concerning investigations and reports of children who are or are alleged to be children in need of services and child fatalities or near fatalities; and (6) the placement of children who are or alleged to be children in need of services. Makes a technical correction. Repeals a provision concerning foster care licenses.

Effective: July 1, 2014.

Mahan, Kubacki, Riecken

January 9, 2014, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1110

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 14-11-3-4, AS AMENDED BY P.L.103-2007,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 4. (a) Upon receiving an order from the bureau
4 under IC 31-25-4-32(j), the director shall send to the person who is the
5 subject of the order a notice that does the following:
6 (1) States that the person is delinquent and is subject to an order
7 placing the person on probationary status.
8 (2) Explains that unless the person contacts the bureau and:
9 (A) pays the person's child support arrearage in full; **or**
10 (B) establishes a payment plan with the bureau to pay the
11 arrearage, which must include an income withholding order
12 under IC 31-16-15-2 or IC 31-16-15-2.5; ~~or~~
13 ~~(C) requests a hearing under IC 31-25-4-33;~~
14 within twenty (20) days after the date the notice is mailed, the
15 director shall place the person on probationary status with respect
16 to any license issued to the person under IC 14-22-12,



- 1 IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
2 or IC 14-31-3.
- 3 (3) Explains that the person may contest the bureau's
4 determination that the person is delinquent and subject to an order
5 placing the person on probationary status by making written
6 application to the bureau within twenty (20) days after the date
7 the notice is mailed.
- 8 (4) Explains that the only basis for contesting the bureau's
9 determination that the person is delinquent and subject to an order
10 placing the person on probationary status is a mistake of fact.
- 11 (5) Explains the procedures to:
- 12 (A) pay the person's child support arrearage in full; **or**
13 (B) establish a payment plan with the bureau to pay the
14 arrearage, which must include an income withholding order
15 under IC 31-16-15-2 or IC 31-16-15-2.5. **and**
16 ~~(C) request a hearing under IC 31-25-4-33.~~
- 17 (6) Explains that the probation will terminate ten (10) business
18 days after the director receives a notice from the bureau that the
19 person has:
- 20 (A) paid the person's child support arrearage in full; or
21 (B) established a payment plan with the bureau to pay the
22 arrearage, which includes an income withholding order under
23 IC 31-16-15-2 or IC 31-16-15-2.5.
- 24 (b) Upon receiving an order from the bureau under
25 IC 31-25-4-34(e), the director shall send to the person who is the
26 subject of the order a notice that states the following:
- 27 (1) That a license issued to the person under IC 14-22-12,
28 IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
29 or IC 14-31-3 has been placed on probationary status, beginning
30 five (5) business days after the date the notice is mailed, and that
31 the probation will terminate ten (10) business days after the
32 director receives a notice from the bureau that the person has:
- 33 (A) paid the person's child support arrearage in full; or
34 (B) established a payment plan with the bureau to pay the
35 arrearage, which includes an income withholding order under
36 IC 31-16-15-2 or IC 31-16-15-2.5.
- 37 (2) That if the director is advised by the bureau that the person
38 whose license has been placed on probationary status has failed
39 to:
- 40 (A) pay the person's child support arrearage in full; or
41 (B) establish a payment plan with the bureau to pay the
42 arrearage, which includes an income withholding order under



- 1 IC 31-16-15-2 or IC 31-16-15-2.5;
 2 within twenty (20) days after the date the notice is mailed, the
 3 director shall suspend the person's license.
 4 (c) If a person whose license has been placed on probationary status
 5 fails to:
 6 (1) pay the person's child support arrearage in full; or
 7 (2) establish a payment plan with the bureau to pay the arrearage,
 8 which includes an income withholding order under IC 31-16-15-2
 9 or IC 31-16-15-2.5;
 10 within twenty (20) days after the notice required under subsection (b)
 11 is mailed, the director shall suspend the person's license.
 12 (d) The director may not reinstate a license placed on probation or
 13 suspended under this section until the director receives a notice from
 14 the bureau that the person has:
 15 (1) paid the person's child support arrearage in full; or
 16 (2) established a payment plan with the bureau to pay the
 17 arrearage, which includes an income withholding order under
 18 IC 31-16-15-2 or IC 31-16-15-2.5.
 19 SECTION 2. IC 31-9-2-47, AS AMENDED BY P.L.145-2006,
 20 SECTION 195, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: Sec. 47. "Foster parent", for purposes of
 22 the juvenile law, means an individual who provides care and
 23 supervision to a child in
 24 (1) a foster family home (as defined in IC 31-9-2-46.9). or
 25 (2) a home approved as a foster family home under IC 31-27.
 26 SECTION 3. IC 31-9-2-106.5 IS REPEALED [EFFECTIVE JULY
 27 1, 2014]. Sec. 106.5. "Related"; for purposes of IC 31-27 and
 28 IC 31-28-5.8; means any of the following relationships to an individual
 29 by marriage, blood, or adoption:
 30 (1) Parent.
 31 (2) Grandparent.
 32 (3) Brother.
 33 (4) Sister.
 34 (5) Stepparent.
 35 (6) Stepgrandparent.
 36 (7) Stepbrother.
 37 (8) Stepsister.
 38 (9) First cousin.
 39 (10) Uncle.
 40 (11) Aunt.
 41 SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.191-2011,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18,
2 IC 31-19-22, and IC 31-19-25, means:

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

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

- 7 (1) a maternal or paternal grandparent;
8 (2) an adult aunt or uncle; or
9 (3) any other adult relative suggested by either parent of a child.

10 (c) "Relative", for purposes of IC 31-27, IC 31-28-5.8,
11 IC 31-34-4, and IC 31-34-19, means any of the following in relation
12 to a child:

- 13 (1) A parent.
14 (2) A grandparent.
15 (3) A brother.
16 (4) A sister.
17 (5) A stepparent.
18 (6) A stepgrandparent.
19 (7) A stepbrother.
20 (8) A stepsister.
21 (9) A first cousin.
22 (10) An uncle.
23 (11) An aunt.
24 (12) Any other individual with whom a child has an
25 established and significant relationship.

26 SECTION 5. IC 31-16-15-2.5, AS ADDED BY P.L.103-2007,
27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 2.5. (a) If, in a Title IV-D case, an income
29 withholding order has not been issued with a support order under
30 section 0.5 of this chapter, a Title IV-D agency ~~may:~~ **shall**

- 31 ~~(1) issue an income withholding order with the support order; and~~
32 ~~(2) after providing notice under section 3.5 of this chapter,~~
33 ~~implement the income withholding order unless the court:~~

34 ~~(A) stays as required under IC 31-25-4-17 unless the court~~
35 ~~has stayed the implementation of the income withholding~~
36 ~~order under section 0.5(c) of this chapter. and~~

37 ~~(B) provides a written finding of the stay in the support order.~~

38 (b) In a Title IV-D case in which the implementation of an income
39 withholding order was stayed under section 0.5(c) of this chapter, the
40 Title IV-D agency ~~may:~~ **shall:**

- 41 (1) ~~after providing~~ **provide** notice under section 3.5 of this
42 chapter **and** lift the stay **by issuing an income withholding**



- 1 **order** if the obligor's child support and arrearage payments are
 2 delinquent; or
 3 (2) lift the stay **by issuing an income withholding order** if the
 4 obligor requests implementation of the income withholding order.
 5 (c) In a Title IV-D case, if:
 6 (1) an income withholding order was stayed under section 0.5(c)
 7 of this chapter; and
 8 (2) an obligor requests the implementation of the income
 9 withholding order;
 10 the Title IV-D agency is not required to give notice under section 3.5
 11 of this chapter before implementing the income withholding order.
 12 (d) An income withholding order issued under subsection (a):
 13 (1) has the same force and effect; and
 14 (2) is enforceable in the same manner;
 15 as an income withholding order issued by a court.
 16 (e) The total amount required to be withheld under an income
 17 withholding order implemented under this section is the sum of:
 18 (1) the obligor's current child support obligation; plus
 19 (2) the amount of arrearage payment ordered by the court; plus
 20 (3) an additional amount as determined under subsection (f) for:
 21 (A) any arrearage that has not been adjudicated, if no arrearage
 22 has been adjudicated previously; or
 23 (B) any additional arrearage that:
 24 (i) has not been adjudicated; and
 25 (ii) accrues since the last adjudication of arrearage by the
 26 court.
 27 (f) If an obligor subject to an income withholding order is in arrears,
 28 unless otherwise ordered by a court, the Title IV-D agency or its agent
 29 may increase the weekly amount withheld as follows:
 30 **(1) If the arrearages are at least ten dollars (\$10) and less than**
 31 **five hundred dollars (\$500), an additional amount of up to ten**
 32 **dollars (\$10).**
 33 ~~(2)~~ **(2)** If the arrearages are at least five hundred dollars (\$500)
 34 and less than three thousand dollars (\$3,000), an additional
 35 amount of up to twenty dollars (\$20).
 36 ~~(3)~~ **(3)** If the arrearages are at least three thousand dollars
 37 (\$3,000) and less than five thousand dollars (\$5,000), an
 38 additional amount of up to twenty-five dollars (\$25).
 39 ~~(4)~~ **(4)** If the arrearages are at least five thousand dollars (\$5,000)
 40 and less than ten thousand dollars (\$10,000), an additional
 41 amount of up to thirty dollars (\$30).
 42 ~~(5)~~ **(5)** If the arrearages are at least ten thousand dollars (\$10,000)



1 and less than fifteen thousand dollars (\$15,000), an additional
2 amount of up to thirty-five dollars (\$35).

3 ~~(5)~~ **(6)** If the arrearages are at least fifteen thousand dollars
4 (\$15,000) and less than twenty thousand dollars (\$20,000), an
5 additional amount of up to forty dollars (\$40).

6 ~~(6)~~ **(7)** If the arrearages are at least twenty thousand dollars
7 (\$20,000) and less than twenty-five thousand dollars (\$25,000),
8 an additional amount of up to forty-five dollars (\$45).

9 ~~(7)~~ **(8)** If the arrearages are at least twenty-five thousand dollars
10 (\$25,000), an additional amount of up to fifty dollars (\$50).

11 (g) A court is not bound by and is not required to consider the
12 additional amounts described in subsection (f) when ordering,
13 modifying, or enforcing periodic payments of child support.

14 SECTION 6. IC 31-16-15-3.5, AS AMENDED BY P.L.128-2012,
15 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 3.5. (a) Except as provided under section 2.5(c)
17 of this chapter, a Title IV-D agency shall issue a notice of intent to
18 withhold income to an obligor ~~before~~ **when** the Title IV-D agency
19 implements an income withholding order under section ~~2-5~~ **2.5(b)** of
20 this chapter. The notice is sufficient for all future income withholding
21 until the child support obligation is fully satisfied.

22 (b) The notice under subsection (a) must contain the following:

23 **(1) A statement that the stay has been lifted and income**
24 **withholding has commenced.**

25 ~~(1)~~ **(2)** A statement that an income withholding order will be sent
26 to all current and future income payors.

27 ~~(2)~~ **(3)** If applicable, the amount of child support that the obligor
28 is in arrears.

29 ~~(3)~~ **(4)** A statement that the income shall be:

30 (A) withheld by a current and future income payor from the
31 obligor's income for the payment of child support; and

32 (B) forwarded to the state central collection unit with a
33 statement identifying the:

34 (i) cause number for the obligee;

35 (ii) name of the obligor;

36 (iii) name of the obligee with the applicable income
37 withheld for each obligee forwarded from the income payor;

38 and

39 (iv) Indiana support enforcement tracking system (ISETS)
40 or its successor statewide automated support enforcement
41 system number for each obligee.

42 ~~(4)~~ **(5)** A statement that the total amount of income to be withheld



1 by the Title IV-D agency under the income withholding order is
 2 the sum of:

- 3 (A) the obligor's current child support obligation; plus
 4 (B) the amount of any arrearage payment ordered by the court;
 5 plus
 6 (C) an additional amount as determined under section 2.5(f) of
 7 this chapter for:
 8 (i) any arrearage that has not been adjudicated, if no
 9 arrearage has been adjudicated previously; or
 10 (ii) any additional arrearage that has not been adjudicated
 11 and accrues since the last adjudication of arrearage by the
 12 court; plus
 13 (D) a fee of two dollars (\$2), which must be paid at the income
 14 payor's option to the income payor each time the income payor
 15 forwards income to the state central collection unit.

16 ~~(5)~~ **(6)** A statement that:

- 17 (A) the total amount withheld under the income withholding
 18 order may not exceed the maximum amount permitted under
 19 15 U.S.C. 1673(b);
 20 (B) the income withholding order applies to the receipt of any
 21 current or subsequent income from a current or future income
 22 payor;
 23 (C) the obligor may contest the Title IV-D agency's
 24 determination to implement an income withholding order by
 25 making written application to the Title IV-D agency not more
 26 than twenty (20) days after the date the notice under this
 27 section is mailed to the obligor;
 28 (D) the only basis for contesting the implementation of an
 29 income withholding order is a mistake of fact;
 30 (E) if the obligor contests the Title IV-D agency's
 31 determination to implement the income withholding order, the
 32 Title IV-D agency shall schedule an administrative hearing;
 33 ~~(F) if the obligor does not contest the Title IV-D agency's~~
 34 ~~determination to implement an income withholding order~~
 35 ~~within the period of time required under section 4.3 of this~~
 36 ~~chapter, the Title IV-D agency shall implement the income~~
 37 ~~withholding order;~~
 38 ~~(G)~~ **(F)** an income payor shall:
 39 (i) begin withholding income not later than the first pay date
 40 after fourteen (14) days following the date the income
 41 withholding order is received by the income payor; and
 42 (ii) report to the state central collection unit the date on



1 which the income was withheld from the obligor's income;
 2 ~~(H)~~ **(G)** if an income payor is required to withhold income
 3 from more than one (1) obligor, the income payor may
 4 combine the withheld amount of income into a single payment
 5 for all obligors who are required to make payments to the state
 6 central collection unit if the income payor identifies the part of
 7 the single payment that is attributable to each individual
 8 obligor;

9 ~~(I)~~ **(H)** if the obligor has:

10 (i) more than one (1) income withholding order against the
 11 obligor; and

12 (ii) insufficient disposable earnings to pay the amount of
 13 income withholding for all income withholding orders;

14 an income payor shall distribute the withheld income pro rata
 15 among the persons entitled to receive income under the
 16 income withholding orders, giving priority to a current income
 17 withholding order;

18 ~~(J)~~ **(I)** an income payor shall honor all withholdings to the
 19 extent that the total amount withheld does not exceed limits
 20 imposed under 15 U.S.C. 1673(b);

21 ~~(K)~~ **(J)** the income withholding order is binding upon the
 22 income payor until further notice by the Title IV-D agency;

23 ~~(L)~~ **(K)** an income payor that:

24 (i) discharges the obligor from employment;

25 (ii) refuses to employ the obligor;

26 (iii) takes disciplinary action against the obligor employed
 27 by the income payor; or

28 (iv) otherwise discriminates against the obligor;

29 because of the existence of an income withholding order or the
 30 obligations imposed upon the income payor by the income
 31 withholding order is subject to a penalty not to exceed five
 32 thousand dollars (\$5,000) payable to the state and recoverable
 33 in a civil action;

34 ~~(M)~~ **(L)** if an income payor fails to withhold income in
 35 accordance with the income withholding order, the income
 36 payor is liable for:

37 (i) the accumulated amount the income payor should have
 38 withheld from the obligor's income; and

39 (ii) any interest, attorney's fees, and costs;

40 ~~(N)~~ **(M)** an income withholding order under this chapter has
 41 priority over any secured or unsecured claim on income,
 42 except for claims for federal, state, and local taxes; and



- 1 ~~(O)~~ **(N)** the income payor must notify the Title IV-D agency if
 2 the obligor:
 3 (i) ceases employment with; or
 4 (ii) no longer receives income from;
 5 the income payor, not later than ten (10) days after the date the
 6 obligor's employment or income ceases, and provide the
 7 obligor's last known address and the name and address of the
 8 obligor's new income payor, if known, to the Title IV-D
 9 agency.
- 10 (c) If the Title IV-D agency issues a notice of intent to withhold
 11 income to the obligor under this section, the Title IV-D agency is not
 12 required to provide further notice to continue to implement or amend
 13 the income withholding order unless the income withholding order is
 14 stayed by the court under section 0.5(c) of this chapter.
- 15 SECTION 7. IC 31-16-15-4.3, AS ADDED BY P.L.103-2007,
 16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 4.3. (a) An obligor may contest a Title IV-D
 18 agency's determination to implement an income withholding order
 19 under section ~~2.5~~ **2.5(b)** of this chapter by making a written application
 20 to the Title IV-D agency not more than twenty (20) days after the date
 21 the notice is mailed to the obligor.
- 22 (b) The only basis on which an obligor may contest the
 23 implementation of an income withholding order under section ~~2.5~~
 24 **2.5(b)** of this chapter is mistake of fact.
- 25 ~~(c)~~ If an obligor does not contest the implementation of an income
 26 withholding order within the period described in subsection (a); the
 27 Title IV-D agency shall send the income withholding order to the
 28 income payor not more than fifteen (15) calendar days after:
 29 (1) the last date that the obligor has to contest the implementation
 30 of an income withholding order under subsection (a); or
 31 (2) if the income payor's address is not known on the date
 32 described under subdivision (1); the date the Title IV-D agency
 33 obtains the income payor's address;
- 34 ~~(d)~~ **(c)** A Title IV-D agency shall:
 35 (1) not more than twenty-five (25) days after an obligor makes
 36 written application to contest an income withholding order under
 37 subsection (a), hold a hearing to review the Title IV-D agency's
 38 determination to implement the income withholding order; and
 39 (2) make a determination on the implementation of the income
 40 withholding order at the hearing.
- 41 ~~(e)~~ If the Title IV-D agency implements an income withholding
 42 order after a hearing under this section, the Title IV-D agency shall



1 provide the income withholding order to each income payor as
 2 provided under section 6.5 of this chapter.

3 SECTION 8. IC 31-25-2-23, AS ADDED BY P.L.48-2012,
 4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 23. (a) The department shall establish a
 6 permanency roundtable (as defined in IC 31-9-2-88.7). The
 7 permanency roundtable shall review:

8 (1) a child's permanency plan under IC 31-34-21-5.7 if the child
 9 is placed in a child caring institution, group home, or private
 10 secure facility; and

11 (2) a child's permanency plan under IC 31-37-20-3 if the child is
 12 placed in a child caring institution, group home, or private secure
 13 facility;

14 and make recommendations to the court.

15 (b) The department shall establish a residential placement
 16 committee (as defined in IC 31-9-2-109.5). The residential placement
 17 committee shall, before a case plan is approved by the local office or
 18 court, review:

19 (1) a child's placement in a child caring institution, group home,
 20 or private secure facility under IC 31-34-15-2; and

21 (2) a child's placement in a child caring institution, group home,
 22 or private secure facility under IC 31-37-19-1.5 **if the placement**
 23 **is contrary to the department's recommendation under**
 24 **IC 31-37-17-1.4;**

25 and make recommendations to the court.

26 SECTION 9. IC 31-25-4-17, AS AMENDED BY P.L.207-2013,
 27 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 17. (a) The bureau shall do the following:

29 (1) Collect support payments when the payments have been
 30 assigned to the state by the application for assistance under Title
 31 IV-A.

32 (2) Assist in obtaining a support order, including an order for
 33 health insurance coverage under:

34 (A) IC 27-8-23; or

35 (B) IC 31-16-6-4;

36 when there is no existing order and assistance is sought.

37 (3) Assist mothers of children born out of wedlock in establishing
 38 paternity and obtaining a support order, including an order for
 39 health insurance coverage under IC 27-8-23, when the mother has
 40 applied for assistance.

41 (4) Implement **immediate** income withholding in any Title IV-D
 42 case, **in accordance with 42 U.S.C. 666(a) and (b),**



- 1 (A) with an arrearage; and
 2 (B) without an order issued by a court or an administrative
 3 agency.
 4 (5) Enforce intrastate and interstate support orders using high
 5 volume automated enforcement features.
 6 (6) Use a simplified procedure for the review and adjustment of
 7 support orders as set forth in 42 U.S.C. 666(a)(10).
 8 (7) In any Title IV-D case, petition:
 9 (A) a court to:
 10 (i) establish paternity for a child born out of wedlock; and
 11 (ii) establish a support order, including an order for health
 12 insurance coverage under IC 27-8-23 or IC 31-16-6-4; and
 13 (B) a court to establish or modify a support order, including an
 14 order for health insurance coverage under IC 27-8-23,
 15 IC 31-14-11-3 (before its repeal), or IC 31-16-6-4, if:
 16 (i) there is no existing support order; or
 17 (ii) the existing order does not include a provision for
 18 private health insurance.
 19 (b) Whenever the bureau collects support payments on behalf of an
 20 individual who is no longer a member of a household that receives
 21 Title IV-A cash payments, the collected support payments (except
 22 collections made through a federal tax refund offset) shall be promptly
 23 distributed in the following order:
 24 (1) Payment to the recipient of the court ordered support
 25 obligation for the month that the support payment is received.
 26 (2) Payment to the recipient of the support payment arrearages
 27 that have accrued during any period when the recipient was not a
 28 member of a household receiving Title IV-A assistance.
 29 (3) Payment to the state in an amount not to exceed the lesser of:
 30 (A) the total amount of past public assistance paid to the
 31 recipient's family; or
 32 (B) the amount assigned to the state by the recipient under
 33 IC 12-14-7-1.
 34 (4) Payment of support payment arrearages owed to the recipient.
 35 (5) Payment of any other support payments payable to the
 36 recipient.
 37 (c) Whenever the bureau receives a payment through a federal tax
 38 refund offset on behalf of an individual who has received or is
 39 receiving Title IV-A assistance, the child support payment shall be
 40 distributed as follows:
 41 (1) To the state, an amount not to exceed the lesser of:
 42 (A) the total amount of past public assistance paid to the



- 1 individual's family; or
 2 (B) the amount assigned to the state by the individual under
 3 IC 12-14-7-1.
- 4 (2) To the individual, any amounts remaining after the
 5 distribution under subdivision (1).
- 6 (d) Except as provided in section 19.5 of this chapter, whenever the
 7 bureau collects a child support payment from any source on behalf of
 8 an individual who has never received Title IV-A assistance, the bureau
 9 shall forward all money collected to the individual.
- 10 (e) Whenever the bureau receives a child support payment on behalf
 11 of an individual who currently receives a Title IV-A cash payment or
 12 an individual whose cash payment was recouped, the child support
 13 payment shall be distributed as follows:
- 14 (1) To the state, an amount not to exceed the lesser of:
 15 (A) the total amount of past public assistance paid to the
 16 individual's family; or
 17 (B) the amount assigned to the state by the individual under
 18 IC 12-14-7-1.
- 19 (2) To the individual, any amounts remaining after the
 20 distribution under subdivision (1).
- 21 (f) Unless otherwise required by federal law, not more than
 22 seventy-five (75) days after a written request by a recipient, the bureau
 23 shall provide an accounting report to the recipient that identifies the
 24 bureau's claim to a child support payment or arrearage.
- 25 (g) The bureau, the department of child services, and the department
 26 of state revenue may not charge a custodial parent a fee to seek or
 27 receive a payment through a federal tax refund offset as described in
 28 subsection (c).
- 29 (h) When the payment of support has been assigned to the state by
 30 the application of assistance under Title IV-A or Title IV-E, the Title
 31 IV-D agency shall:
- 32 (1) first provide notice to the obligee and the obligor that the
 33 payment of support has been assigned to the state; and
 34 (2) direct the clerk of court or the state central collection unit to
 35 forward the child support payment directly to the Title IV-D
 36 agency without further notice of the court.
- 37 (i) A payment directed to the Title IV-D agency under subsection
 38 (h) shall be disbursed in accordance with federal regulations governing
 39 the Title IV-D program.
- 40 SECTION 10. IC 31-25-4-31, AS AMENDED BY P.L.138-2008,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]: Sec. 31. (a) The bureau shall operate a data match



- 1 system with each financial institution doing business in Indiana.
- 2 (b) Each financial institution doing business in Indiana shall provide
- 3 information to the bureau on all noncustodial parents who:
- 4 (1) hold one (1) or more accounts with the financial institution;
- 5 and
- 6 (2) are delinquent.
- 7 (c) In order to provide the information required under subsection
- 8 (b), a financial institution shall either:
- 9 (1) identify noncustodial parents by comparing records
- 10 maintained by the financial institution with records provided by
- 11 the bureau by:
- 12 (A) name; and
- 13 (B) either Social Security number or tax identification number;
- 14 or
- 15 (2) submit to the bureau a report, in a form satisfactory to the
- 16 bureau, that includes the Social Security number or tax
- 17 identification number of each individual maintaining an account
- 18 at the financial institution. The reports submitted under this
- 19 subdivision must be accessible to:
- 20 (A) the department of state revenue established by
- 21 IC 6-8.1-2-1 or its agents for use only in tax judgment and levy
- 22 administration described in IC 6-8.1-8-8.7(b)(2); or
- 23 (B) the department of workforce development established by
- 24 IC 22-4.1-2-1 or its agents for use only in the collection of
- 25 unpaid final assessments described in IC 22-4-29-14(b)(2).
- 26 (d) The information required under subsection (b) must:
- 27 (1) be provided on a quarterly basis; and
- 28 (2) include the:
- 29 (A) name;
- 30 (B) address of record; and
- 31 (C) either the Social Security number or tax identification
- 32 number;
- 33 of an individual identified under subsection (b).
- 34 (e) When the bureau has determined that the information required
- 35 under subsection (d)(2) is identical for an individual who holds an
- 36 account with a financial institution and an individual whose name
- 37 appears on the quarterly list prepared by the bureau under section 30
- 38 of this chapter, the bureau shall provide a notice of the match if action
- 39 is to be initiated to block or encumber the account by establishing a
- 40 lien for child support payment to the:
- 41 (1) individual; and
- 42 (2) financial institution holding the account.



- 1 (f) The notice under section (e) must inform the individual that:
 2 (1) the individual's account in a financial institution is subject to
 3 a child support lien; and
 4 (2) the individual may file an appeal with the bureau within
 5 twenty (20) days after the date the notice was issued.
- 6 (g) The bureau shall hold a hearing under ~~470 IAC 1-4~~. **465**
 7 **IAC 3-3**. The department's final action following a hearing held under
 8 this subsection is subject to judicial review as provided in ~~470 IAC 1-4~~.
 9 **465 IAC 3-3**.
- 10 (h) The state's lien on assets under this section is subordinate to any
 11 prior lien perfected by:
 12 (1) a financial institution; or
 13 (2) another legitimate lien holder.
- 14 (i) A lien issued under this section remains in effect until the earliest
 15 of:
 16 (1) one hundred twenty (120) days after issuance;
 17 (2) the date the asset on which the lien is issued is surrendered; or
 18 (3) the date the lien is released by an action of the bureau.
- 19 (j) This section does not preclude a financial institution from
 20 exercising its right to:
 21 (1) charge back or recoup a deposit to an account; or
 22 (2) set off from an account held by the financial institution in
 23 which the noncustodial parent has an interest in any debts owed
 24 to the financial institution that existed before:
 25 (A) the state's lien; and
 26 (B) notification to the financial institution of the child support
 27 delinquency.
- 28 (k) A financial institution ordered to block or encumber an account
 29 under this section is entitled to collect its normally scheduled account
 30 activity fees to maintain the account during the period the account is
 31 blocked or encumbered.
- 32 (l) All information provided by a financial institution under this
 33 section is confidential and is available only to the bureau or its agents
 34 for use only in child support enforcement activities.
- 35 (m) A financial institution providing information required under this
 36 section is not liable for:
 37 (1) disclosing the required information to the bureau, the
 38 department of state revenue established by IC 6-8.1-2-1, or the
 39 department of workforce development established by
 40 IC 22-4.1-2-1;
 41 (2) blocking or surrendering any of an individual's assets in
 42 response to a lien imposed by:



- 1 (A) the bureau under this section; or
- 2 (B) a person or entity acting on behalf of the bureau; or
- 3 (3) any other action taken in good faith to comply with this
- 4 section.
- 5 (n) The department shall pay a financial institution performing the
- 6 data match required by this section a reasonable fee for providing the
- 7 service that does not exceed the actual cost incurred by the financial
- 8 institution.
- 9 (o) This section does not prevent the bureau or its agents from
- 10 encumbering an obligor's account with a financial institution by any
- 11 other remedy available for the enforcement of a child support order.
- 12 SECTION 11. IC 31-27-3-18, AS AMENDED BY
- 13 P.L.182-2009(ss), SECTION 374, IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A licensee shall
- 15 keep records regarding each child in the control and care of the
- 16 licensee as the department requires and shall report to the department
- 17 upon request the facts the department requires with reference to
- 18 children.
- 19 (b) The department shall keep records regarding children and facts
- 20 learned about children and the children's ~~parents or~~ relatives
- 21 confidential.
- 22 (c) The following have access to records regarding children and
- 23 facts learned about children:
- 24 (1) A state agency involved in the licensing of the child caring
- 25 institution.
- 26 (2) A legally mandated child protection agency.
- 27 (3) A law enforcement agency.
- 28 (4) An agency having the legal responsibility to care for a child
- 29 placed at the child caring institution.
- 30 (5) The parent, guardian, or custodian of the child at the child
- 31 caring institution.
- 32 (6) A citizen review panel established under IC 31-25-2-20.4.
- 33 (7) The department of child services ombudsman established by
- 34 IC 4-13-19-3.
- 35 SECTION 12. IC 31-27-4-1, AS AMENDED BY P.L.48-2012,
- 36 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2014]: Sec. 1. (a) Except as provided in ~~section 9 of this~~
- 38 ~~chapter, subsection (d)~~, a person may not operate a foster family home
- 39 without a license issued under this article.
- 40 (b) The state or a political subdivision of the state may not operate
- 41 a foster family home without a license issued under this article.
- 42 (c) A person may not operate a foster family home if:



- 1 (1) the number of children maintained on the premises at any one
 2 (1) time is greater than the number authorized by the license; or
 3 (2) the children are maintained in a building or place not
 4 designated by the license.

5 **(d) A person may operate a foster family home without a license**
 6 **issued under this article if the person is a relative of the child for**
 7 **whom the person is providing supervision and care.**

8 SECTION 13. IC 31-27-4-2, AS AMENDED BY P.L.13-2013,
 9 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 2. (a) A person may not operate a therapeutic
 11 foster family home without a certificate issued under this article.

12 (b) The state or a political subdivision of the state may not operate
 13 a therapeutic foster family home without a certificate issued under this
 14 article.

15 (c) The department may issue a certificate only for a therapeutic
 16 foster family home that meets:

- 17 (1) all the certification requirements of a foster family home; and
 18 (2) the additional requirements described in this section.

19 (d) To receive a certificate for the operation of a therapeutic foster
 20 family home, a person must do the following:

21 (1) Be licensed as a foster parent under this chapter and 465
 22 IAC 2-1-1 et seq.

23 (2) Participate in preservice training that includes:

24 (A) preservice training to be licensed as a foster parent under
 25 465 IAC 2-1-1 et seq.; and

26 (B) additional preservice training in therapeutic foster care.

27 (e) A person who is issued a certificate to operate a therapeutic
 28 foster family home shall, within one (1) year after meeting the training
 29 requirements of subsection (d)(2) and, annually thereafter, participate
 30 in training that includes:

31 (1) training as required in order to be licensed as a foster parent
 32 under 465 IAC 2-1-1 et seq.; and

33 (2) additional training in therapeutic foster care.

34 (f) An operator of a therapeutic foster family home may not provide
 35 supervision and care in a therapeutic foster family home to more than
 36 four (4) children at the same time, including the children for whom the
 37 applicant or operator is a ~~parent, stepparent,~~ **relative**, guardian, **or**
 38 ~~custodian, or other relative,~~ and only two (2) of the children may be
 39 foster children. The department may grant an exception to this
 40 subsection whenever the placement of siblings in the same therapeutic
 41 foster family home is desirable, the foster child has an established,
 42 meaningful relationship with the therapeutic foster parent, or it is



1 otherwise in the foster child's best interests.

2 (g) An operator of a therapeutic foster family home that has a
3 therapeutic foster child placed with the therapeutic foster family home
4 may not accept a placement of a child who is not a therapeutic foster
5 child unless the child who is not a therapeutic foster child is a sibling
6 of the therapeutic foster child who is placed with the therapeutic foster
7 family home or it is in the best interests of the child being placed.

8 (h) A therapeutic foster family home may provide care for an
9 individual receiving collaborative care under IC 31-28-5.8.

10 (i) The department shall adopt rules under IC 4-22-2, including
11 emergency rules under IC 4-22-2-37.1, necessary to carry out this
12 section, including rules governing the number of hours of training
13 required under subsections (d) and (e).

14 (j) If a therapeutic foster family home does not meet the
15 requirements under subsection (f) or (g) on July 1, 2011, any foster
16 child placed in the home prior to July 1, 2011, may remain placed.
17 However, a new placement of a child may not be made in violation of
18 this section.

19 SECTION 14. IC 31-27-4-8, AS AMENDED BY P.L.48-2012,
20 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 8. (a) An applicant may not provide supervision
22 and care as a foster family home if more than:

23 (1) five (5) individuals, each of whom:

24 (A) is less than eighteen (18) years of age; or

25 (B) is at least eighteen (18) years of age and is receiving care
26 and supervision under an order of a juvenile court; or

27 (2) four (4) individuals less than six (6) years of age;

28 including the children or individuals for whom the provider is a ~~parent;~~
29 ~~stepparent;~~ **relative**, guardian, **or** custodian, ~~or other relative~~; receive
30 care and supervision at the facility at the same time.

31 (b) Not more than four (4) of the five (5) individuals in subsection
32 (a)(1) may be less than six (6) years of age.

33 (c) The department may grant an exception to this section whenever
34 the department determines that:

35 (1) the placement of siblings in the same foster family home is
36 desirable;

37 (2) a foster child has an established, meaningful relationship with
38 the foster parents; or

39 (3) it is otherwise in the foster child's best interests.

40 (d) If a foster family home does not meet the requirements under
41 subsection (a) on July 1, 2011, any foster child placed in the home prior
42 to July 1, 2011, may remain placed. However, a new placement of a



1 child may not be made in violation of this section.

2 SECTION 15. IC 31-27-4-9 IS REPEALED [EFFECTIVE JULY 1,
3 2014]. Sec. 9: (a) A person may operate a foster family home without
4 a license issued under this article if the person is providing care and
5 supervision only for one (1) or more individuals related to the person;
6 as defined in IC 31-9-2-106.5:

7 (b) An applicant may apply for a foster family home license even if
8 the applicant will be providing care and supervision under an order of
9 a juvenile court to a related person:

10 (c) If an applicant described in subsection (b) otherwise qualifies for
11 a foster family home license, the department may issue a foster family
12 home license to the applicant:

13 SECTION 16. IC 31-27-4-21, AS AMENDED BY
14 P.L.182-2009(ss), SECTION 375, IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) A licensee shall
16 keep records required by the department regarding each child in the
17 control and care of the licensee and shall report to the department upon
18 request the facts the department requires with reference to children.

19 (b) The department shall keep records regarding children and facts
20 learned about children and the children's ~~parents or~~ relatives
21 confidential.

22 (c) The following have access to records regarding children and
23 facts learned about children:

24 (1) A state agency involved in the licensing of the foster family
25 home.

26 (2) A legally mandated child protection agency.

27 (3) A law enforcement agency.

28 (4) An agency having the legal responsibility to care for a child
29 placed at the foster family home.

30 (5) The parent, guardian, or custodian of the child at the foster
31 family home.

32 (6) A citizen review panel established under IC 31-25-2-20.4.

33 (7) The department of child services ombudsman established by
34 IC 4-13-19-3.

35 SECTION 17. IC 31-27-5-18, AS AMENDED BY
36 P.L.182-2009(ss), SECTION 376, IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A licensee shall
38 keep records required by the department regarding each child in the
39 control and care of the licensee and shall report to the department, upon
40 request, the facts the department requires with reference to children.

41 (b) The department shall keep records regarding children and facts
42 learned about children and the children's ~~parents or~~ relatives



- 1 confidential.
- 2 (c) The following have access to records regarding children and
- 3 facts learned about children:
- 4 (1) A state agency involved in the licensing of the group home.
- 5 (2) A legally mandated child protection agency.
- 6 (3) A law enforcement agency.
- 7 (4) An agency having the legal responsibility to care for a child
- 8 placed at the group home.
- 9 (5) The parent, guardian, or custodian of the child at the group
- 10 home.
- 11 (6) A citizen review panel established under IC 31-25-2-20.4.
- 12 (7) The department of child services ombudsman established by
- 13 IC 4-13-19-3.

14 SECTION 18. IC 31-27-6-15, AS AMENDED BY

15 P.L.182-2009(ss), SECTION 377, IS AMENDED TO READ AS

16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A licensee shall

17 keep records required by the department regarding each child in the

18 control and care of the licensee and shall report to the department upon

19 request the facts the department requires with reference to children.

20 (b) The department shall keep records regarding children and facts

21 learned about children and the children's ~~parents or~~ relatives

22 confidential.

- 23 (c) The following have access to records regarding children and
- 24 facts learned about children:
- 25 (1) A state agency involved in the licensing of the child placing
- 26 agency.
- 27 (2) A legally mandated child protection agency.
- 28 (3) A law enforcement agency.
- 29 (4) A citizen review panel established under IC 31-25-2-20.4.
- 30 (5) The department of child services ombudsman established by
- 31 IC 4-13-19-3.

32 SECTION 19. IC 31-28-5.8-3, AS ADDED BY P.L.48-2012,

33 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34 JULY 1, 2014]: Sec. 3. As used in this chapter, "host home" means:

- 35 (1) the home of a person ~~related to~~ **who is a relative of** an older
- 36 youth that is not licensed under IC 31-27-4 or a comparable law
- 37 in another state where the home is located; or
- 38 (2) the home of one (1) or more adults who are not ~~related to~~
- 39 **relatives of** the older youth.

40 SECTION 20. IC 31-33-18-2, AS AMENDED BY P.L.119-2013,

41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

42 JULY 1, 2014]: Sec. 2. The reports and other material described in



1 section 1(a) of this chapter and the unredacted reports and other
 2 material described in section 1(b) of this chapter shall be made
 3 available only to the following:

4 (1) Persons authorized by this article.

5 (2) A legally mandated public or private child protective agency
 6 investigating a report of child abuse or neglect or treating a child
 7 or family that is the subject of a report or record.

8 (3) ~~A police or other law enforcement agency, prosecuting~~
 9 ~~attorney, or coroner in the case of the death of a child~~ **Any of the**
 10 **following** who ~~is~~ **are** investigating a report of a child who may be
 11 a victim of child abuse or neglect:

12 **(A) A police officer or other law enforcement agency.**

13 **(B) A prosecuting attorney.**

14 **(C) A coroner, in the case of the death of a child.**

15 (4) A physician who has before the physician a child whom the
 16 physician reasonably suspects may be a victim of child abuse or
 17 neglect.

18 (5) An individual legally authorized to place a child in protective
 19 custody if:

20 (A) the individual has before the individual a child whom the
 21 individual reasonably suspects may be a victim of abuse or
 22 neglect; and

23 (B) the individual requires the information in the report or
 24 record to determine whether to place the child in protective
 25 custody.

26 (6) An agency having the legal responsibility or authorization to
 27 care for, treat, or supervise a child who is the subject of a report
 28 or record or a parent, guardian, custodian, or other person who is
 29 responsible for the child's welfare.

30 (7) An individual named in the report or record who is alleged to
 31 be abused or neglected or, if the individual named in the report is
 32 a child or is otherwise incompetent, the individual's guardian ad
 33 litem or the individual's court appointed special advocate, or both.

34 (8) Each parent, guardian, custodian, or other person responsible
 35 for the welfare of a child named in a report or record and an
 36 attorney of the person described under this subdivision, with
 37 protection for the identity of reporters and other appropriate
 38 individuals.

39 (9) A court, for redaction of the record in accordance with section
 40 1.5 of this chapter, or upon the court's finding that access to the
 41 records may be necessary for determination of an issue before the
 42 court. However, except for disclosure of a redacted record in



- 1 accordance with section 1.5 of this chapter, access is limited to in
 2 camera inspection unless the court determines that public
 3 disclosure of the information contained in the records is necessary
 4 for the resolution of an issue then pending before the court.
 5 (10) A grand jury upon the grand jury's determination that access
 6 to the records is necessary in the conduct of the grand jury's
 7 official business.
 8 (11) An appropriate state or local official responsible for child
 9 protection services or legislation carrying out the official's official
 10 functions.
 11 (12) A foster care review board established by a juvenile court
 12 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
 13 court's determination that access to the records is necessary to
 14 enable the foster care review board to carry out the board's
 15 purpose under IC 31-34-21.
 16 (13) The community child protection team appointed under
 17 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
 18 enable the team to carry out the team's purpose under IC 31-33-3.
 19 (14) A person about whom a report has been made, with
 20 protection for the identity of:
 21 (A) any person reporting known or suspected child abuse or
 22 neglect; and
 23 (B) any other person if the person or agency making the
 24 information available finds that disclosure of the information
 25 would be likely to endanger the life or safety of the person.
 26 (15) An employee of the department, a caseworker, or a juvenile
 27 probation officer conducting a criminal history check under
 28 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
 29 appropriateness of an out-of-home placement for a:
 30 (A) child at imminent risk of placement;
 31 (B) child in need of services; or
 32 (C) delinquent child.
 33 The results of a criminal history check conducted under this
 34 subdivision must be disclosed to a court determining the
 35 placement of a child described in clauses (A) through (C).
 36 (16) A local child fatality review team established under
 37 IC 16-49-2.
 38 (17) The statewide child fatality review committee established by
 39 IC 16-49-4.
 40 (18) The department.
 41 (19) The division of family resources, if the investigation report:
 42 (A) is classified as substantiated; and



- 1 (B) concerns:
 2 (i) an applicant for a license to operate;
 3 (ii) a person licensed to operate;
 4 (iii) an employee of; or
 5 (iv) a volunteer providing services at;
 6 a child care center licensed under IC 12-17.2-4 or a child care
 7 home licensed under IC 12-17.2-5.
 8 (20) A citizen review panel established under IC 31-25-2-20.4.
 9 (21) The department of child services ombudsman established by
 10 IC 4-13-19-3.
 11 (22) The state superintendent of public instruction with protection
 12 for the identity of:
 13 (A) any person reporting known or suspected child abuse or
 14 neglect; and
 15 (B) any other person if the person or agency making the
 16 information available finds that disclosure of the information
 17 would be likely to endanger the life or safety of the person.
 18 (23) The state child fatality review coordinator employed by the
 19 state department of health under IC 16-49-5-1.
 20 **(24) A person who operates a child caring institution, group**
 21 **home, or secure private facility if all the following apply:**
 22 **(A) The child caring institution, group home, or secure**
 23 **private facility is licensed under IC 31-27.**
 24 **(B) The report or other materials concern:**
 25 **(i) an employee of;**
 26 **(ii) a volunteer providing services at; or**
 27 **(iii) a child placed at;**
 28 **the child caring institution, group home, or secure private**
 29 **facility.**
 30 **(C) The allegation in the report occurred at the child**
 31 **caring institution, group home, or secure private facility.**
 32 **(25) A person who operates a child placing agency if all the**
 33 **following apply:**
 34 **(A) The child placing agency is licensed under IC 31-27.**
 35 **(B) The report or other materials concern:**
 36 **(i) a child placed in a foster home licensed by the child**
 37 **placing agency;**
 38 **(ii) a person licensed by the child placing agency to**
 39 **operate a foster family home;**
 40 **(iii) an employee of the child placing agency or a foster**
 41 **family home licensed by the child placing agency; or**
 42 **(iv) a volunteer providing services at the child placing**



1 **agency or a foster family home licensed by the child**
 2 **placing agency.**

3 **(C) The allegations in the report occurred in the foster**
 4 **family home or in the course of employment or**
 5 **volunteering at the child placing agency or foster family**
 6 **home.**

7 SECTION 21. IC 31-34-4-2, AS AMENDED BY P.L.158-2013,
 8 SECTION 321, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If a child alleged to be a child
 10 in need of services is taken into custody under an order of the court
 11 under this chapter and the court orders out-of-home placement, the
 12 department is responsible for that placement and care and must
 13 consider placing the child with a:

- 14 (1) suitable and willing ~~blood or an adoptive~~ relative; ~~caretaker,~~
 15 including a ~~grandparent, an aunt, an uncle, or an adult sibling;~~ or
 16 (2) de facto custodian; ~~or~~
 17 ~~(3) stepparent;~~

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

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

22 ~~(b) (c)~~ Before the department places a child in need of services with
 23 a ~~blood relative or an adoptive~~ relative ~~caretaker,~~ or a de facto
 24 custodian, ~~or a stepparent,~~ the department shall complete an evaluation
 25 based on a home visit of the relative's home.

26 ~~(c) (d)~~ Except as provided in subsection ~~(c); (f),~~ before placing a
 27 child in need of services in an out-of-home placement ~~including~~
 28 placement with a ~~blood or an adoptive~~ relative ~~caretaker,~~ a de facto
 29 custodian, ~~or a stepparent,~~ the department shall conduct a criminal
 30 history check of each person who is currently residing in the location
 31 designated as the out-of-home placement.

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

- 35 (1) committed an act resulting in a substantiated report of child
 36 abuse or neglect; or
 37 (2) been convicted of a felony listed in IC 31-27-4-13 or had a
 38 juvenile adjudication for an act that would be a felony listed in
 39 IC 31-27-4-13 if committed by an adult.

40 ~~(e) (f)~~ The department is not required to conduct a criminal history
 41 check under subsection ~~(c) (d)~~ if the department makes an out-of-home
 42 placement to an entity or a facility that is not a residence (as defined in



- 1 IC 3-5-2-42.5) or that is licensed by the state.
- 2 ~~(f)~~ **(g)** A court may order or the department may approve an
- 3 out-of-home placement if:
- 4 (1) a person described in subsection ~~(e)~~ **(d)** has:
- 5 (A) committed an act resulting in a substantiated report of
- 6 child abuse or neglect;
- 7 (B) been convicted of:
- 8 (i) battery (IC 35-42-2-1) as a felony;
- 9 (ii) criminal confinement (IC 35-42-3-3) as a felony;
- 10 (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
- 11 (iv) arson (IC 35-43-1-1) as a felony;
- 12 (v) a felony involving a weapon under IC 35-47 or
- 13 IC 35-47.5;
- 14 (vi) a felony relating to controlled substances under
- 15 IC 35-48-4;
- 16 (vii) a felony under IC 9-30-5; or
- 17 (viii) a felony that is substantially equivalent to a felony
- 18 listed in items (i) through (vii) for which the conviction was
- 19 entered in another state;
- 20 if the conviction did not occur within the past five (5) years; or
- 21 (C) had a juvenile adjudication for an act listed in
- 22 IC 31-27-4-13(a) that, if committed by an adult, would be a
- 23 felony; and
- 24 (2) the person's commission of the offense, delinquent act, or act
- 25 of abuse or neglect described in subdivision (1) is not relevant to
- 26 the person's present ability to care for a child, and the placement
- 27 is in the best interest of the child.
- 28 However, a court or the department may not make an out-of-home
- 29 placement if the person has been convicted of a felony listed in
- 30 IC 31-27-4-13 that is not specifically excluded under subdivision
- 31 (1)(B).
- 32 ~~(g)~~ **(h)** In considering the placement under subsection ~~(f)~~; **(g)**, the
- 33 court or the department shall consider the following:
- 34 (1) The length of time since the person committed the offense,
- 35 delinquent act, or abuse or neglect.
- 36 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 37 (3) Evidence of the person's rehabilitation, including the person's
- 38 cooperation with a treatment plan, if applicable.
- 39 SECTION 22. IC 31-34-6-2, AS AMENDED BY P.L.146-2008,
- 40 SECTION 581, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A juvenile court or the
- 42 department shall consider placing a child alleged to be a child in need



1 of services with an appropriate family member a suitable and willing
 2 **relative or de facto custodian** of the child before considering any
 3 other placement for the child.

4 **(b) A juvenile court or the department shall consider placing a**
 5 **child described in subsection (a) with a relative related by blood,**
 6 **marriage, or adoption before considering any other placement of**
 7 **the child.**

8 **(c) Before a child is placed with a relative or de facto custodian,**
 9 **a home evaluation and background checks described in**
 10 **IC 31-34-4-2 are required.**

11 SECTION 23. IC 31-34-19-7, AS AMENDED BY P.L.234-2005,
 12 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** In addition to the factors
 14 under section 6 of this chapter, if the court enters a dispositional decree
 15 regarding a child in need of services that includes an out-of-home
 16 placement, the court shall consider whether the child should be placed
 17 with the child's suitable and willing ~~blood or adoptive~~ relative
 18 ~~caretaker, including a grandparent, an aunt, an uncle, or an adult~~
 19 ~~sibling,~~ before considering other out-of-home placements for the child.

20 **(b) A juvenile court shall consider placing a child described in**
 21 **subsection (a) with a relative related by blood, marriage, or**
 22 **adoption before considering any other placement of the child.**

23 **(c) Before a child is placed with a relative or de facto custodian,**
 24 **a home evaluation and background checks described in**
 25 **IC 31-34-4-2 are required.**

26 SECTION 24. IC 31-35-2-4.5, AS AMENDED BY P.L.48-2012,
 27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 4.5. (a) This section applies if:

29 (1) a court has made a finding under IC 31-34-21-5.6 that
 30 reasonable efforts for family preservation or reunification with
 31 respect to a child in need of services are not required; or

32 (2) a child in need of services or a delinquent child:

33 (A) has been placed in:

34 (i) a foster family home, child caring institution, or group
 35 home licensed under IC 31-27; or

36 (ii) the home of a ~~person related (as defined in~~
 37 ~~IC 31-9-2-106.5) to the child; relative (as defined in~~
 38 **IC 31-9-2-107(c));**

39 as directed by a court in a child in need of services proceeding
 40 under IC 31-34 or a delinquency action under IC 31-37; and

41 (B) has been removed from a parent and has been under the
 42 supervision of the department or county probation department



- 1 for not less than fifteen (15) months of the most recent
 2 twenty-two (22) months, beginning with the date the child is
 3 removed from the home as a result of the child being alleged
 4 to be a child in need of services or a delinquent child.
- 5 (b) A person described in section 4(a) of this chapter shall:
- 6 (1) file a petition to terminate the parent-child relationship under
 7 section 4 of this chapter; and
 8 (2) request that the petition be set for hearing.
- 9 (c) If a petition under subsection (b) is filed by the child's court
 10 appointed special advocate or guardian ad litem, the department shall
 11 be joined as a party to the petition.
- 12 (d) A person described in section 4(a) of this chapter may file a
 13 motion to dismiss the petition to terminate the parent-child relationship
 14 if any of the following circumstances apply:
- 15 (1) That the current case plan prepared by or under the
 16 supervision of the department or the probation department under
 17 IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4 has documented
 18 a compelling reason, based on facts and circumstances stated in
 19 the petition or motion, for concluding that filing, or proceeding to
 20 a final determination of, a petition to terminate the parent-child
 21 relationship is not in the best interests of the child. A compelling
 22 reason may include the fact that the child is being cared for by a
 23 custodian who is a ~~parent, stepparent, grandparent, or responsible~~
 24 ~~adult who is the child's sibling, aunt, or uncle or a person related~~
 25 ~~(as defined in IC 31-9-2-106.5) to the child who is caring for the~~
 26 ~~child as a legal guardian. **relative (as defined in**~~
 27 ~~**IC 31-9-2-107(c)).**~~
- 28 (2) That:
- 29 (A) IC 31-34-21-5.6 is not applicable to the child;
- 30 (B) the department or the probation department has not
 31 provided family services to the child, parent, or family of the
 32 child in accordance with a currently effective case plan
 33 prepared under IC 31-34-15 or IC 31-37-19-1.5 or a
 34 permanency plan or dispositional decree approved under
 35 IC 31-34 or IC 31-37, for the purpose of permitting and
 36 facilitating safe return of the child to the child's home; and
- 37 (C) the period for completion of the program of family
 38 services, as specified in the current case plan, permanency
 39 plan, or decree, has not expired.
- 40 (3) That:
- 41 (A) IC 31-34-21-5.6 is not applicable to the child;
- 42 (B) the department has not provided family services to the



1 child, parent, or family of the child, in accordance with
2 applicable provisions of a currently effective case plan
3 prepared under IC 31-34-15 or IC 31-37-19-1.5, or a
4 permanency plan or dispositional decree approved under
5 IC 31-34 or IC 31-37; and
6 (C) the services that the department has not provided are
7 substantial and material in relation to implementation of a plan
8 to permit safe return of the child to the child's home.
9 The motion to dismiss shall specify which of the allegations described
10 in subdivisions (1) through (3) apply to the motion. If the court finds
11 that any of the allegations described in subdivisions (1) through (3) are
12 true, as established by a preponderance of the evidence, the court shall
13 dismiss the petition to terminate the parent-child relationship.

