

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 ENROLLED ACT No. 1110

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 14-11-3-4, AS AMENDED BY P.L.103-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Upon receiving an order from the bureau under IC 31-25-4-32(j), the director shall send to the person who is the subject of the order a notice that does the following:

- (1) States that the person is delinquent and is subject to an order placing the person on probationary status.
- (2) Explains that unless the person contacts the bureau and:
 - (A) pays the person's child support arrearage in full; **or**
 - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; **or**
 - ~~(C) requests a hearing under IC 31-25-4-33;~~

within twenty (20) days after the date the notice is mailed, the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

- (3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written

HEA 1110 — Concur



application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full; **or**

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5. **and**

~~(C) request a hearing under IC 31-25-4-33.~~

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau under IC 31-25-4-34(e), the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the director shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:



- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the director shall suspend the person's license.

(d) The director may not reinstate a license placed on probation or suspended under this section until the director receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

SECTION 2. IC 31-9-2-47, AS AMENDED BY P.L.145-2006, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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). ~~or~~
- (2) a home approved as a foster family home under IC 31-27.

SECTION 3. IC 31-9-2-106.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. ~~106.5~~. "Related", for purposes of IC 31-27 and IC 31-28-5.8, means any of the following relationships to an individual by marriage, blood, or adoption:

- (+) Parent.
- (2) Grandparent.
- (3) Brother.
- (4) Sister.
- (5) Stepparent.
- (6) Stepgrandparent.
- (7) Stepbrother.
- (8) Stepsister.
- (9) First cousin.
- (10) Uncle.
- (11) Aunt.

SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.191-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18, IC 31-19-22, 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; or
- (3) any other adult relative suggested by either parent of a child.

(c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4, IC 31-34-19, 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 5. IC 31-16-15-2.5, AS ADDED BY P.L.103-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) If, in a Title IV-D case, an income withholding order has not been issued with a support order under section 0.5 of this chapter, a Title IV-D agency ~~may~~: **shall**:

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

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

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

- (2) **provide notice under section 3.5 of this chapter to the obligor.**

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

- (1) ~~after providing~~ **provide** notice under section 3.5 of this chapter **and lift the stay by issuing an income withholding order** if the obligor's child support and arrearage payments are delinquent; or
- (2) lift the stay **by issuing an income withholding order** if the



obligor requests implementation of the income withholding order.

(c) In a Title IV-D case, if:

- (1) an income withholding order was stayed under section 0.5(c) of this chapter; and
- (2) an obligor requests the implementation of the income withholding order;

the Title IV-D agency is not required to give notice under section 3.5 of this chapter ~~before~~ **when** implementing the income withholding order.

(d) An income withholding order issued under subsection (a) **or (b)**:

- (1) has the same force and effect; and
- (2) is enforceable in the same manner;

as an income withholding order issued by a court.

(e) The total amount required to be withheld under an income withholding order implemented under this section is the sum of:

- (1) the obligor's current child support obligation; plus
- (2) the amount of arrearage payment ordered by the court; plus
- (3) an additional amount as determined under subsection (f) for:
 - (A) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or
 - (B) any additional arrearage that:
 - (i) has not been adjudicated; and
 - (ii) accrues since the last adjudication of arrearage by the court.

(f) If an obligor subject to an income withholding order is in arrears, unless otherwise ordered by a court, the Title IV-D agency or its agent may increase the weekly amount withheld as follows:

(1) If the arrearages are at least ten dollars (\$10) and less than five hundred dollars (\$500), an additional amount of up to ten dollars (\$10).

~~(+)~~ **(2)** If the arrearages are at least five hundred dollars (\$500) and less than three thousand dollars (\$3,000), an additional amount of up to twenty dollars (\$20).

~~(=)~~ **(3)** If the arrearages are at least three thousand dollars (\$3,000) and less than five thousand dollars (\$5,000), an additional amount of up to twenty-five dollars (\$25).

~~(=)~~ **(4)** If the arrearages are at least five thousand dollars (\$5,000) and less than ten thousand dollars (\$10,000), an additional amount of up to thirty dollars (\$30).

~~(+)~~ **(5)** If the arrearages are at least ten thousand dollars (\$10,000) and less than fifteen thousand dollars (\$15,000), an additional amount of up to thirty-five dollars (\$35).



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

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

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

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

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

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

(1) A statement that income withholding has commenced, and if the notice is provided for an income withholding order issued under section 2.5(b) of this chapter, that the stay has been lifted.

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

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

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

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

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

(i) cause number for the obligee;

(ii) name of the obligor;

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

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

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



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

- (A) the obligor's current child support obligation; plus
 - (B) the amount of any arrearage payment ordered by the court; plus
 - (C) an additional amount as determined under section 2.5(f) of this chapter for:
 - (i) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or
 - (ii) any additional arrearage that has not been adjudicated and accrues since the last adjudication of arrearage by the court; plus
 - (D) a fee of two dollars (\$2), which must be paid at the income payor's option to the income payor each time the income payor forwards income to the state central collection unit.
- ~~(5)~~ **(6)** A statement that:
- (A) the total amount withheld under the income withholding order may not exceed the maximum amount permitted under 15 U.S.C. 1673(b);
 - (B) the income withholding order applies to the receipt of any current or subsequent income from a current or future income payor;
 - (C) the obligor may contest the Title IV-D agency's determination to implement an income withholding order by making written application to the Title IV-D agency not more than twenty (20) days after the date the notice under this section is mailed to the obligor;
 - (D) the only basis for contesting the implementation of an income withholding order is a mistake of fact;
 - (E) if the obligor contests the Title IV-D agency's determination to implement the income withholding order, the Title IV-D agency shall schedule an administrative hearing;
 - ~~(F) if the obligor does not contest the Title IV-D agency's determination to implement an income withholding order within the period of time required under section 4.3 of this chapter, the Title IV-D agency shall implement the income withholding order;~~
- ~~(G)~~ **(F)** an income payor shall:
- (i) begin withholding income not later than the first pay date after fourteen (14) days following the date the income withholding order is received by the income payor; and
 - (ii) report to the state central collection unit the date on



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

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

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

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

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

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

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

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

(i) discharges the obligor from employment;

(ii) refuses to employ the obligor;

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

(iv) otherwise discriminates against the obligor;

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

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

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

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

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



~~(Θ)~~ (N) the income payor must notify the Title IV-D agency if the obligor:

- (i) ceases employment with; or
- (ii) no longer receives income from;

the income payor, not later than ten (10) days after the date the obligor's employment or income ceases, and provide the obligor's last known address and the name and address of the obligor's new income payor, if known, to the Title IV-D agency.

(c) If the Title IV-D agency issues a notice of intent to withhold income to the obligor under this section, the Title IV-D agency is not required to provide further notice to continue to implement or amend the income withholding order unless the income withholding order is stayed by the court under section 0.5(c) of this chapter.

SECTION 7. IC 31-16-15-4.3, AS ADDED BY P.L.103-2007, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.3. (a) An obligor may contest a Title IV-D agency's determination to implement an income withholding order under section ~~2.5~~ **2.5(a) or 2.5(b)** of this chapter by making a written application to the Title IV-D agency not more than twenty (20) days after the date the notice is mailed to the obligor.

(b) The only basis on which an obligor may contest the implementation of an income withholding order under section ~~2.5~~ **2.5(a) or 2.5(b)** of this chapter is mistake of fact.

~~(c)~~ If an obligor does not contest the implementation of an income withholding order within the period described in subsection (a), the Title IV-D agency shall send the income withholding order to the income payor not more than fifteen (15) calendar days after:

- (1) the last date that the obligor has to contest the implementation of an income withholding order under subsection (a); or
- (2) if the income payor's address is not known on the date described under subdivision (1), the date the Title IV-D agency obtains the income payor's address;

~~(d)~~ (c) A Title IV-D agency shall:

- (1) not more than twenty-five (25) days after an obligor makes written application to contest an income withholding order under subsection (a), hold a hearing to review the Title IV-D agency's determination to implement the income withholding order; and
- (2) make a determination on the implementation of the income withholding order at the hearing.

~~(e)~~ If the Title IV-D agency implements an income withholding order after a hearing under this section, the Title IV-D agency shall



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

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

- (1) a child's permanency plan under IC 31-34-21-5.7 if the child is placed in a child caring institution, group home, or private secure facility; and
- (2) a child's permanency plan under IC 31-37-20-3 if the child is placed in a child caring institution, group home, or private secure facility;

and make recommendations to the court.

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

- (1) a child's placement in a child caring institution, group home, or private secure facility under IC 31-34-15-2; and
- (2) a child's placement in a child caring institution, group home, or private secure facility under IC 31-37-19-1.5 **if the placement is contrary to the department's recommendation under IC 31-37-17-1.4;**

and make recommendations to the court.

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

- (1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.
- (2) Assist in obtaining a support order, including an order for health insurance coverage under:
 - (A) IC 27-8-23; or
 - (B) IC 31-16-6-4;

when there is no existing order and assistance is sought.

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

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



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



individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) Except as provided in section 19.5 of this chapter, whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

(h) When the payment of support has been assigned to the state by the application of assistance under Title IV-A or Title IV-E, the Title IV-D agency shall:

(1) first provide notice to the obligee and the obligor that the payment of support has been assigned to the state; and

(2) direct the clerk of court or the state central collection unit to forward the child support payment directly to the Title IV-D agency without further notice of the court.

(i) A payment directed to the Title IV-D agency under subsection (h) shall be disbursed in accordance with federal regulations governing the Title IV-D program.

SECTION 10. IC 31-25-4-31, AS AMENDED BY P.L.138-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. (a) The bureau shall operate a data match



system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

- (1) hold one (1) or more accounts with the financial institution; and
- (2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

(1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

- (A) name; and
 - (B) either Social Security number or tax identification number;
- or

(2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution. The reports submitted under this subdivision must be accessible to:

- (A) the department of state revenue established by IC 6-8.1-2-1 or its agents for use only in tax judgment and levy administration described in IC 6-8.1-8-8.7(b)(2); or
- (B) the department of workforce development established by IC 22-4.1-2-1 or its agents for use only in the collection of unpaid final assessments described in IC 22-4-29-14(b)(2).

(d) The information required under subsection (b) must:

- (1) be provided on a quarterly basis; and
- (2) include the:
 - (A) name;
 - (B) address of record; and
 - (C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

- (1) individual; and
- (2) financial institution holding the account.

HEA 1110 — Concur



(f) The notice under section (e) must inform the individual that:

- (1) the individual's account in a financial institution is subject to a child support lien; and
- (2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

(g) The bureau shall hold a hearing under ~~470 IAC 1-4~~. **465 IAC 3-3**. The department's final action following a hearing held under this subsection is subject to judicial review as provided in ~~470 IAC 1-4~~. **465 IAC 3-3**.

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

- (1) a financial institution; or
- (2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

- (1) one hundred twenty (120) days after issuance;
- (2) the date the asset on which the lien is issued is surrendered; or
- (3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

- (1) charge back or recoup a deposit to an account; or
- (2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:
 - (A) the state's lien; and
 - (B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

- (1) disclosing the required information to the bureau, the department of state revenue established by IC 6-8.1-2-1, or the department of workforce development established by IC 22-4.1-2-1;
- (2) blocking or surrendering any of an individual's assets in response to a lien imposed by:



- (A) the bureau under this section; or
- (B) a person or entity acting on behalf of the bureau; or
- (3) any other action taken in good faith to comply with this section.

(n) The department shall pay a financial institution performing the data match required by this section a reasonable fee for providing the service that does not exceed the actual cost incurred by the financial institution.

(o) This section does not prevent the bureau or its agents from encumbering an obligor's account with a financial institution by any other remedy available for the enforcement of a child support order.

SECTION 11. IC 31-27-3-18, AS AMENDED BY P.L.182-2009(ss), SECTION 374, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

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

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

- (1) A state agency involved in the licensing of the child caring institution.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the child caring institution.
- (5) The parent, guardian, or custodian of the child at the child caring institution.
- (6) A citizen review panel established under IC 31-25-2-20.4.
- (7) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 12. IC 31-27-4-1, AS AMENDED BY P.L.48-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in ~~section 9 of this chapter~~, **subsection (d)**, a person may not operate a foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a foster family home without a license issued under this article.

(c) A person may not operate a foster family home if:



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

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

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

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

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

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

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

- (1) Be licensed as a foster parent under this chapter and 465 IAC 2-1-1 et seq.
- (2) Participate in preservice training that includes:
 - (A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and
 - (B) additional preservice training in therapeutic foster care.

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

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

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



otherwise in the foster child's best interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HEA 1110 — Concur



child may not be made in violation of this section.

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

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

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

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

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

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

- (1) A state agency involved in the licensing of the foster family home.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the foster family home.
- (5) The parent, guardian, or custodian of the child at the foster family home.
- (6) A citizen review panel established under IC 31-25-2-20.4.
- (7) The department of child services ombudsman established by IC 4-13-19-3.

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

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



confidential.

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

- (1) A state agency involved in the licensing of the group home.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the group home.
- (5) The parent, guardian, or custodian of the child at the group home.
- (6) A citizen review panel established under IC 31-25-2-20.4.
- (7) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 18. IC 31-27-6-15, AS AMENDED BY P.L.182-2009(ss), SECTION 377, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

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

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

- (1) A state agency involved in the licensing of the child placing agency.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) A citizen review panel established under IC 31-25-2-20.4.
- (5) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 19. IC 31-28-5.8-3, AS ADDED BY P.L.48-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "host home" means:

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

SECTION 20. IC 31-33-18-2, AS AMENDED BY P.L.119-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The reports and other material described in



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

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) ~~A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child~~ **Any of the following** who ~~is~~ **are** investigating a report of a child who may be a victim of child abuse or neglect:
 - (A) A police officer or other law enforcement agency.**
 - (B) A prosecuting attorney.**
 - (C) A coroner, in the case of the death of a child.**
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in



accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 16-49-2.

(17) The statewide child fatality review committee established by IC 16-49-4.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and



(B) concerns:

- (i) an applicant for a license to operate;
- (ii) a person licensed to operate;
- (iii) an employee of; or
- (iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

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

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

(22) The state superintendent of public instruction with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(23) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.

(24) A person who operates a child caring institution, group home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

- (i) an employee of;**
- (ii) a volunteer providing services at; or**
- (iii) a child placed at;**

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

(25) A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:

- (i) a child placed in a foster home licensed by the child placing agency;**
- (ii) a person licensed by the child placing agency to operate a foster family home;**
- (iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or**
- (iv) a volunteer providing services at the child placing**



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

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

SECTION 21. IC 31-34-4-2, AS AMENDED BY P.L.158-2013, SECTION 321, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~blood or an adoptive~~ relative; ~~caretaker, including a grandparent, an aunt, an uncle, or an adult sibling;~~ or
- (2) de facto custodian; ~~or~~
- ~~(3) stepparent;~~

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.

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

~~(c)~~ **(d)** Except as provided in subsection ~~(c); (f)~~, before placing a child in need of services in an out-of-home placement ~~including placement with a blood or an adoptive~~ relative caretaker, a de facto custodian, ~~or a stepparent;~~ 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.

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

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

~~(e)~~ **(f)** The department is not required to conduct a criminal history check under subsection ~~(c)~~ **(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.

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

- (1) a person described in subsection ~~(e)~~ **(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) as a felony;
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5;
 - (vi) a felony relating to controlled substances under IC 35-48-4;
 - (vii) a felony under IC 9-30-5; or
 - (viii) a felony that is substantially equivalent to a felony listed in items (i) through (vii) for which the conviction was entered in another state;
 if the conviction did not occur within the past five (5) years; or
 - (C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) 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 not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

~~(g)~~ **(h)** In considering the placement under subsection ~~(f)~~; **(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 22. IC 31-34-6-2, AS AMENDED BY P.L.146-2008, SECTION 581, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A juvenile court or the department shall consider placing a child alleged to be a child in need



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

(b) A juvenile court or 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 a child is placed with a relative or de facto custodian, a home evaluation and background checks described in IC 31-34-4-2 are required.

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

(b) A juvenile court 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 a child is placed with a relative or de facto custodian, a home evaluation and background checks described in IC 31-34-4-2 are required.

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

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

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

(A) has been placed in:

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

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

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

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



for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child.

(b) A person described in section 4(a) of this chapter shall:

- (1) file a petition to terminate the parent-child relationship under section 4 of this chapter; and
- (2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the department shall be joined as a party to the petition.

(d) A person described in section 4(a) of this chapter may file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

- (1) That the current case plan prepared by or under the supervision of the department or the probation department under IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4 has documented a compelling reason, based on facts and circumstances stated in the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. A compelling reason may include the fact that the child is being cared for by a custodian who is a ~~parent, stepparent, grandparent, or responsible adult who is the child's sibling, aunt, or uncle or a person related (as defined in IC 31-9-2-106.5) to the child who is caring for the child as a legal guardian. relative (as defined in IC 31-9-2-107(c)).~~

(2) That:

- (A) IC 31-34-21-5.6 is not applicable to the child;
- (B) the department or the probation department has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5 or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37, for the purpose of permitting and facilitating safe return of the child to the child's home; and
- (C) the period for completion of the program of family services, as specified in the current case plan, permanency plan, or decree, has not expired.

(3) That:

- (A) IC 31-34-21-5.6 is not applicable to the child;
- (B) the department has not provided family services to the



child, parent, or family of the child, in accordance with applicable provisions of a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5, or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37; and

(C) the services that the department has not provided are substantial and material in relation to implementation of a plan to permit safe return of the child to the child's home.

The motion to dismiss shall specify which of the allegations described in subdivisions (1) through (3) apply to the motion. If the court finds that any of the allegations described in subdivisions (1) through (3) are true, as established by a preponderance of the evidence, the court shall dismiss the petition to terminate the parent-child relationship.

SECTION 25. IC 31-37-17-2, AS AMENDED BY P.L.146-2008, SECTION 640, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the person preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a probation officer believes that an out-of-home placement would be appropriate for a delinquent child, the probation officer shall consider whether the child should be placed with ~~the child's~~ a suitable and willing ~~blood or adoptive~~ relative caretaker, ~~including a grandparent, an aunt, an uncle, or an adult sibling~~; before considering other out-of-home placements for the child.

SECTION 26. IC 31-37-17-6.1, AS AMENDED BY P.L.146-2008, SECTION 643, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) The predispositional report prepared by a probation officer must include the following information:

- (1) A description of all dispositional options considered in preparing the report.
 - (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
 - (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.
 - (4) The items required under section 1 of this chapter.
- (b) If a probation officer is considering an out-of-home placement,



including placement with a ~~blood or an adoptive~~ relative, ~~caretaker~~, the probation officer must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) A probation officer is not required to conduct a criminal history check under this section if:

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 27. IC 31-37-19-1.5, AS AMENDED BY P.L.131-2009, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.

(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

- (1) A permanency plan for the child and an estimated date for achieving the goal of the plan.
- (2) The appropriate placement for the child based on the child's special needs and best interests.
- (3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, ~~caretaker~~, before considering other out-of-home placements for the child.
- (4) Family services recommended for the child, parent, guardian,



or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and

(B) department has coordinated with local educational agencies to ensure:

(i) the child remains in the school where the child is enrolled at the time of removal; or

(ii) immediate, appropriate enrollment of the child in a different school if remaining in the same school is not in the best interests of the child.

(e) Each caretaker of a child and the probation department shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

SECTION 28. IC 31-37-20-4.5, AS AMENDED BY P.L.128-2012, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) At least ten (10) days before a hearing under section 2 or 3 of this chapter, the probation department shall send notice of the hearing to each of the following:

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) The child or an attorney who has entered an appearance on behalf of the child.

(4) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under



IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the local office;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(5) Any other person who:

(A) the probation department has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 31-27 to provide care for the child.

(6) Any other suitable relative. ~~or person whom the probation department knows has had a significant or caretaking relationship to the child.~~

(b) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a hearing under section 2 or 3 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the delinquency proceeding and the persons described in subsection (a), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross-examine any of the witnesses at the hearing.

(c) This section does not exempt the probation department from sending a notice of the review to each party to the delinquency proceeding.

(d) The court shall continue the hearing if, at the time set for the hearing, the probation department has not provided the court with a signed verification that any person required to be notified under this section has been notified in the manner stated in the verification, unless the person appears for the hearing.

SECTION 29. IC 31-37-22-4.5, AS ADDED BY P.L.131-2009, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.

(b) The probation department, after negotiating with the child's



parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

- (1) A permanency plan for the child and an estimated date for achieving the goal of the plan.
- (2) The appropriate placement for the child based on the child's special needs and best interests.
- (3) The least restrictive family like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, ~~caretaker~~, before considering other out-of-home placements for the child.
- (4) Family services recommended for the child, parent, guardian, or custodian.
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.
- (6) Efforts that will be made to provide family services that are ordered by the court.
- (7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:
 - (A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child presently is enrolled; and
 - (B) department has coordinated with local educational agencies to ensure:
 - (i) the child remains in the school where the child is enrolled at the time of removal; or
 - (ii) immediate and appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.



(e) The probation department and each caretaker of a child shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

- (1) Rehabilitation of the child and the child's parents, guardians, and custodians.
- (2) Visitation arrangements.
- (3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1110 — Concur

