



January 24, 2022

HOUSE BILL No. 1180

DIGEST OF HB 1180 (Updated January 20, 2022 9:07 am - DI 140)

Citations Affected: IC 31-27.

Synopsis: Child care provider employees. Requires the department of child services (department) to provide the criminal history check results obtained by the department in connection with an individual's employment with the department to a child caring institution, group home, or child placing agency (child care provider) with which the individual is employed or has applied for employment. Provides that an individual may be employed by a child care provider before the state mandated criminal history check of the individual is completed if the following conditions are satisfied: (1) The individual's: (A) fingerprint based check of national crime information data bases; (B) national sex offender registry check; (C) in-state local criminal records check; and (D) in-state child protection index check; have been completed. (2) If the individual has resided outside Indiana at any time during the five years preceding the individual's date of hire, the individual's: (A) out-of-state child abuse registry check; and (B) out-of-state local criminal records check; have been requested. (3) The individual's employment before the completion of the state mandated criminal history check is limited to training during which the individual: (A) does not have contact with children who are under the care and control of the child care provider; and (B) does not have access to records containing information regarding children who are under the care and control of the child care provider. (4) The individual completes an attestation, under penalty of perjury, disclosing: (A) any abuse or neglect complaints made against the individual with the child welfare agency
(Continued next page)

Effective: Upon passage.

DeVon, Cook, Goodrich, Clere

January 6, 2022, read first time and referred to Committee on Family, Children and Human Affairs.

January 24, 2022, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1180—LS 6772/DI 119



Digest Continued

of a state other than Indiana in which the individual resided within the five years preceding the date of the attestation; and (B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five years preceding the date of the attestation. Provides that if: (1) an individual who applies for employment with a child care provider was previously employed by the child care provider; and (2) the child care provider still possesses the results of any criminal history check of the individual conducted in connection with the individual's previous employment with the child care provider; the criminal history check of the individual may be limited to a check of the state records of each state in which the individual resided after the date on which the individual's previous employment with the child care provider ended. Allows a child care provider to provide the criminal history check results obtained by the child care provider in connection with an individual's employment with the child care provider to another child care provider with which the individual is employed or has applied for employment.

HB 1180—LS 6772/DI 119



January 24, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1180

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 31-27-2-14 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 14. If the department learns that an**
4 **individual who is or was employed as an employee, volunteer, or**
5 **contractor with the department is employed, or is an applicant for**
6 **employment, as an employee, volunteer, or contractor with an**
7 **entity that is required to be licensed under IC 31-27-3, IC 31-27-5,**
8 **or IC 31-27-6, the department shall provide to the entity the results**
9 **of any criminal history check of the individual obtained by the**
10 **department in connection with the individual's employment with**
11 **the department.**

12 SECTION 2. IC 31-27-3-3, AS AMENDED BY P.L.243-2019,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 3. (a) An applicant must apply for a child
15 caring institution license on forms provided by the department.

HB 1180—LS 6772/DI 119



- 1 (b) An applicant must submit the required information as part of the
 2 application.
- 3 (c) The applicant must submit with the application a statement
 4 attesting the following:
- 5 (1) Whether the applicant has been convicted of:
- 6 (A) a felony; or
 7 (B) a misdemeanor relating to the health and safety of
 8 children.
- 9 (2) Whether the applicant has been charged with:
- 10 (A) a felony; or
 11 (B) a misdemeanor relating to the health and safety of
 12 children;
 13 during the pendency of the application.
- 14 (d) The department, on behalf of an applicant, or, at the discretion
 15 of the department, an applicant, shall conduct a criminal history check
 16 of the following:
- 17 (1) Each individual who is an applicant.
 18 (2) The director or manager of a facility where children will be
 19 placed.
 20 (3) Each employee, volunteer, or contractor of the applicant.
- 21 (e) If the applicant conducts a criminal history check under
 22 subsection (d), the applicant shall:
- 23 (1) maintain records of the information it receives concerning
 24 each individual who is the subject of a criminal history check; and
 25 (2) submit to the department a copy of the information it receives
 26 concerning each person described in subsection (d)(1) through
 27 (d)(3).
- 28 (f) If the department conducts a criminal history check on behalf of
 29 an applicant under subsection (d), the department shall:
- 30 (1) determine whether the subject of a national fingerprint based
 31 criminal history check has a record of:
- 32 (A) a conviction for a felony;
 33 (B) a conviction for a misdemeanor relating to the health and
 34 safety of a child; or
 35 (C) a juvenile adjudication for a nonwaivable offense, as
 36 defined in IC 31-9-2-84.8 that, if committed by an adult,
 37 would be a felony;
- 38 (2) notify the applicant of the determination under subdivision (1)
 39 without identifying a specific offense or other identifying
 40 information concerning a conviction or juvenile adjudication
 41 contained in the national criminal history record information;
 42 (3) submit to the applicant a copy of any state limited criminal



1 history report that the department receives on behalf of any person
2 described in subsection (d); and

3 (4) maintain a record of every report and all information the
4 department receives concerning a person described in subsection
5 (d).

6 (g) Except as provided in subsection (h), a criminal history check
7 described in subsection (d) is required only at the time an application
8 for a new license or the renewal of an existing license is submitted.

9 (h) **Except as provided in subsection (i), and subject to**
10 **subsection (j),** a criminal history check of each person described in
11 subsection (d)(2) or (d)(3) must be completed on or before the date the
12 person:

13 (1) is employed;

14 (2) is assigned as a volunteer; or

15 (3) enters into, or the person's employing entity enters into, a
16 contract with the applicant.

17 (i) **An individual may be employed by a child caring institution**
18 **as an employee, volunteer, or contractor before a criminal history**
19 **check of the individual is completed as required under subsection**
20 **(h) if all of the following conditions are satisfied:**

21 (1) **The following checks have been completed regarding the**
22 **individual:**

23 (A) **A fingerprint based check of national crime**
24 **information data bases under IC 31-9-2-22.5(1).**

25 (B) **A national sex offender registry check under**
26 **IC 31-9-2-22.5(3).**

27 (C) **An in-state local criminal records check under**
28 **IC 31-9-2-22.5(4).**

29 (D) **An in-state child protection index check under**
30 **IC 31-33-26.**

31 (2) **If the individual has resided outside Indiana at any time**
32 **during the five (5) years preceding the individual's date of**
33 **hiring by the child caring institution, the following checks**
34 **have been requested regarding the individual:**

35 (A) **An out-of-state child abuse registry check under**
36 **IC 31-9-2-22.5(2).**

37 (B) **An out-of-state local criminal records check under**
38 **IC 31-9-2-22.5(4).**

39 (3) **The individual's employment before the completion of the**
40 **criminal history check required under subsection (h) is**
41 **limited to training during which the individual:**

42 (A) **does not have contact with children who are under the**



- 1 **care and control of the child caring institution; and**
 2 **(B) does not have access to records containing information**
 3 **regarding children who are under the care and control of**
 4 **the child caring institution.**
 5 **(4) The individual completes an attestation, under penalty of**
 6 **perjury, disclosing:**
 7 **(A) any abuse or neglect complaints made against the**
 8 **individual with the child welfare agency of a state other**
 9 **than Indiana in which the individual resided within the five**
 10 **(5) years preceding the date of the attestation; and**
 11 **(B) any contact the individual had with a law enforcement**
 12 **agency in connection with the individual's suspected or**
 13 **alleged commission of a crime in a state other than Indiana**
 14 **in which the individual resided within the five (5) years**
 15 **preceding the date of the attestation.**
 16 **(j) If:**
 17 **(1) an individual who applies for employment with a child**
 18 **caring institution as an employee, volunteer, or contractor**
 19 **was previously employed by the child caring institution as an**
 20 **employee, volunteer, or contractor; and**
 21 **(2) the child caring institution possesses the results of each**
 22 **criminal history check of the individual that:**
 23 **(A) is required under this section; and**
 24 **(B) was completed in connection with the individual's**
 25 **previous employment with the child caring institution;**
 26 **the criminal history check of the individual under subsection (h)**
 27 **may be limited to a check of the state records of each state in which**
 28 **the individual resided after the date on which the individual's**
 29 **previous employment with the child caring institution ended.**
 30 **(⊕) (k) The applicant or facility is responsible for any fees associated**
 31 **with a criminal history check.**
 32 **(⊕) (l) The department shall, at the applicant's request, inform the**
 33 **applicant whether the department has or does not have a record of the**
 34 **person who is the subject of a criminal history check and if the**
 35 **department has identified the person as an alleged perpetrator of abuse**
 36 **or neglect. The department may not provide to the applicant any details**
 37 **or personally identifying information contained in any child protective**
 38 **services investigation report.**
 39 **(⊕) (m) A person who is the subject of a criminal history check**
 40 **conducted in accordance with this section may request the state police**
 41 **department to provide the person with a copy of any state or national**
 42 **criminal history report concerning the person.**



1 **(n) If an individual who is or was employed by a child caring**
 2 **institution as an employee, volunteer, or contractor is employed, or**
 3 **applies for employment, as an employee, volunteer, or contractor**
 4 **with another entity that is required to be licensed under this**
 5 **chapter, IC 31-27-5, or IC 31-27-6, the child caring institution may**
 6 **provide to the other entity the results of any criminal history check**
 7 **of the individual obtained by the child caring institution in**
 8 **connection with the individual's employment with the child caring**
 9 **institution.**

10 SECTION 3. IC 31-27-5-4, AS AMENDED BY P.L.243-2019,
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 4. (a) An applicant must apply for a group
 13 home license on forms provided by the department.

14 (b) An applicant must submit the required information as part of the
 15 application.

16 (c) An applicant must submit with the application a statement
 17 attesting the following:

18 (1) Whether the applicant has been convicted of:

19 (A) a felony; or

20 (B) a misdemeanor relating to the health and safety of
 21 children.

22 (2) Whether the applicant has been charged with:

23 (A) a felony; or

24 (B) a misdemeanor relating to the health and safety of
 25 children;

26 during the pendency of the application.

27 (d) The department on behalf of an applicant, or, at the discretion of
 28 the department, an applicant, shall conduct a criminal history check of
 29 the following:

30 (1) Each individual who is an applicant.

31 (2) The director or manager of a facility where children will be
 32 placed.

33 (3) Each employee, volunteer, or contractor of the applicant.

34 (e) If the applicant conducts a criminal history check under
 35 subsection (d), the applicant shall:

36 (1) maintain records of the information it receives concerning
 37 each individual who is the subject of a criminal history check; and

38 (2) submit to the department a copy of the information the
 39 applicant receives concerning each person described in subsection

40 (d)(1) through (d)(3).

41 (f) If the department conducts a criminal history check on behalf of
 42 an applicant under subsection (d), the department shall:



- 1 (1) determine whether the subject of a national fingerprint based
 2 criminal history check has a record of a:
 3 (A) conviction for a felony;
 4 (B) conviction for a misdemeanor relating to the health and
 5 safety of a child; or
 6 (C) juvenile adjudication for a nonwaivable offense, as defined
 7 in IC 31-9-2-84.8 that, if committed by an adult, would be a
 8 felony;
- 9 (2) notify the applicant of the determination under subdivision (1)
 10 without identifying a specific offense or other identifying
 11 information concerning a conviction or juvenile adjudication
 12 contained in the national criminal history record information;
- 13 (3) submit to the applicant a copy of any state limited criminal
 14 history report that the department receives on behalf of any person
 15 described in subsection (d); and
- 16 (4) maintain a record of every report and all information it
 17 receives concerning a person described in subsection (d).
- 18 (g) Except as provided in subsection (h), a criminal history check
 19 described in subsection (d) is required only at the time an application
 20 for a new license or the renewal of an existing license is submitted.
- 21 (h) **Except as provided in subsection (i), and subject to**
 22 **subsection (j),** a criminal history check of each person described in
 23 subsection (d)(2) or (d)(3) must be completed on or before the date the
 24 person:
- 25 (1) is employed;
 26 (2) is assigned as a volunteer; or
 27 (3) enters into, or the person's employing entity enters into, a
 28 contract with the applicant.
- 29 (i) **An individual may be employed by a group home as an**
 30 **employee, volunteer, or contractor before a criminal history check**
 31 **of the individual is completed as required under subsection (h) if**
 32 **all of the following conditions are satisfied:**
- 33 (1) **The following checks have been completed regarding the**
 34 **individual:**
- 35 (A) **A fingerprint based check of national crime**
 36 **information data bases under IC 31-9-2-22.5(1).**
 37 (B) **A national sex offender registry check under**
 38 **IC 31-9-2-22.5(3).**
 39 (C) **An in-state local criminal records check under**
 40 **IC 31-9-2-22.5(4).**
 41 (D) **An in-state child protection index check under**
 42 **IC 31-33-26.**



1 (2) If the individual has resided outside Indiana at any time
 2 during the five (5) years preceding the individual's date of
 3 hiring by the group home, the following checks have been
 4 requested regarding the individual:

5 (A) An out-of-state child abuse registry check under
 6 IC 31-9-2-22.5(2).

7 (B) An out-of-state local criminal records check under
 8 IC 31-9-2-22.5(4).

9 (3) The individual's employment before the completion of the
 10 criminal history check required under subsection (h) is
 11 limited to training during which the individual:

12 (A) does not have contact with children who are under the
 13 care and control of the group home; and

14 (B) does not have access to records containing information
 15 regarding children who are under the care and control of
 16 the group home.

17 (4) The individual completes an attestation, under penalty of
 18 perjury, disclosing:

19 (A) any abuse or neglect complaints made against the
 20 individual with the child welfare agency of a state other
 21 than Indiana in which the individual resided within the five
 22 (5) years preceding the date of the attestation; and

23 (B) any contact the individual had with a law enforcement
 24 agency in connection with the individual's suspected or
 25 alleged commission of a crime in a state other than Indiana
 26 in which the individual resided within the five (5) years
 27 preceding the date of the attestation.

28 (j) If:

29 (1) an individual who applies for employment with a group
 30 home as an employee, volunteer, or contractor was previously
 31 employed by the group home as an employee, volunteer, or
 32 contractor; and

33 (2) the group home possesses the results of each criminal
 34 history check of the individual that:

35 (A) is required under this section; and

36 (B) was completed in connection with the individual's
 37 previous employment with the group home;

38 the criminal history check of the individual under subsection (h)
 39 may be limited to a check of the state records of each state in which
 40 the individual resided after the date on which the individual's
 41 previous employment with the group home ended.

42 (†) (k) The applicant is responsible for any fees associated with a



1 criminal history check.

2 ~~(j)~~ **(l)** The department shall, at the applicant's request, inform the
3 applicant as to whether the department has or does not have a record of
4 the person who is the subject of a criminal history check and whether
5 the department has identified the person as an alleged perpetrator of
6 abuse or neglect. The department may not provide to the applicant any
7 details or personally identifying information contained in any child
8 protective services investigation report.

9 ~~(k)~~ **(m)** A person who is the subject of a criminal history check
10 conducted in accordance with this section may request the state police
11 department to provide the person with a copy of any state or national
12 criminal history report concerning the person.

13 **(n) If an individual who is or was employed by a group home as
14 an employee, volunteer, or contractor is employed, or applies for
15 employment, as an employee, volunteer, or contractor with another
16 entity that is required to be licensed under IC 31-27-3, this chapter,
17 or IC 31-27-6, the group home may provide to the other entity the
18 results of any criminal history check of the individual obtained by
19 the group home in connection with the individual's employment
20 with the group home.**

21 SECTION 4. IC 31-27-6-2, AS AMENDED BY P.L.243-2019,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 2. (a) An applicant must apply for a child
24 placing agency license on forms provided by the department.

25 (b) An applicant must submit the required information as part of the
26 application.

27 (c) The applicant must submit with the application a statement
28 attesting the following:

29 (1) Whether the applicant has been convicted of:

30 (A) a felony; or

31 (B) a misdemeanor relating to the health and safety of
32 children.

33 (2) Whether the applicant has been charged with:

34 (A) a felony; or

35 (B) a misdemeanor relating to the health and safety of
36 children;

37 during the pendency of the application.

38 (d) The department on behalf of an applicant, or, at the discretion of
39 the department, an applicant, shall conduct a criminal history check of
40 the following:

41 (1) Each individual who is an applicant.

42 (2) The director or manager of a facility where children will be



- 1 placed.
- 2 (3) Each employee, volunteer, or contractor of the applicant.
- 3 (e) If the applicant conducts a criminal history check under
- 4 subsection (d), the applicant shall:
- 5 (1) maintain records of the information it receives concerning
- 6 each individual who is the subject of a criminal history check; and
- 7 (2) submit to the department a copy of the information it receives
- 8 concerning each person described in subsection (d)(1) through
- 9 (d)(3).
- 10 (f) If the department conducts a criminal history check on behalf of
- 11 an applicant under subsection (d), the department shall:
- 12 (1) determine whether the subject of a national fingerprint based
- 13 criminal history check has a record of a:
- 14 (A) conviction for a felony;
- 15 (B) conviction for a misdemeanor relating to the health and
- 16 safety of a child; or
- 17 (C) juvenile adjudication for a nonwaivable offense, as defined
- 18 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 19 felony;
- 20 (2) notify the applicant of the determination under subdivision (1)
- 21 without identifying a specific offense or other identifying
- 22 information concerning a conviction or juvenile adjudication
- 23 contained in the national criminal history record information;
- 24 (3) submit to the applicant a copy of any state limited criminal
- 25 history report that the department receives on behalf of any person
- 26 described in subsection (d); and
- 27 (4) maintain a record of every report and all information the
- 28 department receives concerning a person described in subsection
- 29 (d).
- 30 (g) Except as provided in subsection (h), a criminal history check
- 31 described in subsection (d) is required only at the time an application
- 32 for a new license or the renewal of an existing license is submitted.
- 33 (h) **Except as provided in subsection (i), and subject to**
- 34 **subsection (j)**, a criminal history check of each person described in
- 35 subsection (d)(2) or (d)(3) must be completed on or before the date the
- 36 person:
- 37 (1) is employed;
- 38 (2) is assigned as a volunteer; or
- 39 (3) enters into, or the person's employing entity enters into, a
- 40 contract with the applicant.
- 41 (i) **An individual may be employed by a child placing agency as**
- 42 **an employee, volunteer, or contractor before a criminal history**



1 check of the individual is completed as required under subsection
 2 (h) if all of the following conditions are satisfied:

3 (1) The following checks have been completed regarding the
 4 individual:

5 (A) A fingerprint based check of national crime
 6 information data bases under IC 31-9-2-22.5(1).

7 (B) A national sex offender registry check under
 8 IC 31-9-2-22.5(3).

9 (C) An in-state local criminal records check under
 10 IC 31-9-2-22.5(4).

11 (D) An in-state child protection index check under
 12 IC 31-33-26.

13 (2) If the individual has resided outside Indiana at any time
 14 during the five (5) years preceding the individual's date of
 15 hiring by the child placing agency, the following checks have
 16 been requested regarding the individual:

17 (A) An out-of-state child abuse registry check under
 18 IC 31-9-2-22.5(2).

19 (B) An out-of-state local criminal records check under
 20 IC 31-9-2-22.5(4).

21 (3) The individual's employment before the completion of the
 22 criminal history check required under subsection (h) is
 23 limited to training during which the individual:

24 (A) does not have contact with children who are under the
 25 care and control of the child placing agency; and

26 (B) does not have access to records containing information
 27 regarding children who are under the care and control of
 28 the child placing agency.

29 (4) The individual completes an attestation, under penalty of
 30 perjury, disclosing:

31 (A) any abuse or neglect complaints made against the
 32 individual with the child welfare agency of a state other
 33 than Indiana in which the individual resided within the five
 34 (5) years preceding the date of the attestation; and

35 (B) any contact the individual had with a law enforcement
 36 agency in connection with the individual's suspected or
 37 alleged commission of a crime in a state other than Indiana
 38 in which the individual resided within the five (5) years
 39 preceding the date of the attestation.

40 (j) If:

41 (1) an individual who applies for employment with a child
 42 placing agency as an employee, volunteer, or contractor was



1 **previously employed by the child placing agency as an**
2 **employee, volunteer, or contractor; and**
3 **(2) the child placing agency possesses the results of each**
4 **criminal history check of the individual that:**
5 **(A) is required under this section; and**
6 **(B) was completed in connection with the individual's**
7 **previous employment with the child placing agency;**
8 **the criminal history check of the individual under subsection (h)**
9 **may be limited to a check of the state records of each state in which**
10 **the individual resided after the date on which the individual's**
11 **previous employment with the child placing agency ended.**
12 ⊕ **(k)** The applicant or facility is responsible for any fees associated
13 with a criminal history check.
14 ⊕ **(l)** The department shall, at the applicant's request, inform the
15 applicant whether the department has or does not have a record of the
16 person who is the subject of a criminal history check and if the
17 department has identified the person as an alleged perpetrator of abuse
18 or neglect. The department may not provide to the applicant any details
19 or personally identifying information contained in any child protective
20 investigation report.
21 ⊕ **(m)** A person who is the subject of a criminal history check
22 conducted in accordance with this section may request the state police
23 department to provide the person with a copy of any state or national
24 criminal history report concerning the person.
25 **(n) If an individual who is or was employed by a child placing**
26 **agency as an employee, volunteer, or contractor is employed, or**
27 **applies for employment, as an employee, volunteer, or contractor**
28 **with another entity that is required to be licensed under**
29 **IC 31-27-3, IC 31-27-5, or this chapter, the child placing agency**
30 **may provide to the other entity the results of any criminal history**
31 **check of the individual obtained by the child placing agency in**
32 **connection with the individual's employment with the child placing**
33 **agency.**
34 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1180 as introduced.)

DEVON

Committee Vote: Yeas 11, Nays 0

