

HOUSE BILL No. 1210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34.

Synopsis: Child in need of services. Provides that in order for the child to be deemed a child in need of services (CHIN), the parent, guardian, or custodian must consent to the care, treatment, or rehabilitation for a child who substantially endangers the child's own health. Requires the juvenile court to release a child who substantially endangers the child's own health to the child's parent, guardian, or custodian unless: (1) the juvenile court also finds the child to be a CHIN for another reason; or (2) the parent, guardian, or custodian consents to removal of the child from the child's home. Prohibits the juvenile court from ordering that the child who substantially endangers the child's own health be removed from the child's home unless: (1) the juvenile court also finds the child to be a CHIN for another reason; or (2) the parent, guardian, or custodian consents to removal of the child from the child's home.

Effective: July 1, 2024.

Rowray

January 9, 2024, read first time and referred to Committee on Judiciary.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1210

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 31-34-1-6, AS AMENDED BY P.L.2-2005,
2 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 6. A child is a child in need of services if before
4 the child becomes eighteen (18) years of age:

- 5 (1) the child substantially endangers the ~~child's own health~~ or the
6 health of another individual; and
- 7 (2) the child needs care, treatment, or rehabilitation that:
 - 8 (A) the child is not receiving; and
 - 9 (B) is unlikely to be provided or accepted without the coercive
10 intervention of the court.

11 SECTION 2. IC 31-34-1-6.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2024]: **Sec. 6.5. A child is a child in need of services if before the
14 child becomes eighteen (18) years of age:**

- 15 **(1) the child substantially endangers the child's own health;**
16 **and**
- 17 **(2) the child needs care, treatment, or rehabilitation:**



1 **(A) that the child is not receiving;**

2 **(B) that is unlikely to be provided or accepted without the**
 3 **coercive intervention of the court; and**

4 **(C) to which the parent, guardian, or custodian consents.**

5 SECTION 3. IC 31-34-5-3, AS AMENDED BY P.L.146-2008,
 6 SECTION 580, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The juvenile court shall
 8 release the child to the child's parent, guardian, or custodian. However,
 9 the court may order the child detained if the court makes written
 10 findings of fact upon the record of probable cause to believe that the
 11 child is a child in need of services and that:

12 (1) detention is necessary to protect the child;

13 (2) the child is unlikely to appear before the juvenile court for
 14 subsequent proceedings;

15 (3) the child has a reasonable basis for requesting that the child
 16 not be released;

17 (4) the parent, guardian, or custodian:

18 (A) cannot be located; or

19 (B) is unable or unwilling to take custody of the child; or

20 (5) consideration for the safety of the child precludes the use of
 21 family services to prevent removal of the child.

22 **(b) If the juvenile court makes written findings of fact on the**
 23 **record of probable cause to believe that the child is a child in need**
 24 **of services under IC 31-34-1-6.5, the juvenile court shall release the**
 25 **child to the child's parent, guardian, or custodian unless the:**

26 **(1) juvenile court also makes a written finding of fact on the**
 27 **record of probable cause to believe that the child is a child in**
 28 **need of services under another section of IC 31-34-1; or**

29 **(2) parent, guardian, or custodian consents to the child being**
 30 **removed from the child's home.**

31 ~~(b)~~ **(c)** The juvenile court shall include in any order approving or
 32 requiring detention of a child all findings and conclusions required
 33 under:

34 (1) applicable provisions of Title IV-E of the federal Social
 35 Security Act (42 U.S.C. 670 et seq.); or

36 (2) any applicable federal regulation, including 45 CFR 1356.21;
 37 as a condition of eligibility of a child in need of services for assistance
 38 under Title IV-E or any other federal law.

39 ~~(c)~~ **(d)** Inclusion in a juvenile court order of language approved and
 40 recommended by the judicial conference of Indiana, in relation to:

41 (1) removal from the child's home; or

42 (2) detention;



1 of a child who is alleged to be, or adjudicated as, a child in need of
 2 services constitutes compliance with subsection ~~(b)~~: **(c)**.

3 SECTION 4. IC 31-34-20-1, AS AMENDED BY P.L.172-2022,
 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2024]: Sec. 1. (a) Subject to this section and section 1.5 of this
 6 chapter, if a child is a child in need of services, the juvenile court may
 7 enter one (1) or more of the following dispositional decrees:

8 (1) Order supervision of the child by the department.

9 (2) Order the child to receive outpatient treatment:

10 (A) at a social service agency or a psychological, a psychiatric,
 11 a medical, or an educational facility; or

12 (B) from an individual practitioner.

13 (3) Remove the child from the child's home and authorize the
 14 department to place the child in another home, shelter care
 15 facility, child caring institution, group home, or secure private
 16 facility. Placement under this subdivision includes authorization
 17 to control and discipline the child.

18 (4) Award wardship of the child to the department for
 19 supervision, care, and placement.

20 (5) Partially or completely emancipate the child under section 6
 21 of this chapter.

22 (6) Order the child's parent, guardian, or custodian to complete
 23 services recommended by the department and approved by the
 24 court under IC 31-34-18 and IC 31-34-19, which may include
 25 services described in section 3(a) of this chapter.

26 (7) Order a person who is a party to refrain from direct or indirect
 27 contact with the child.

28 (8) Order a perpetrator of child abuse or neglect to refrain from
 29 returning to the child's residence.

30 (b) A juvenile court may not place a child in a home or facility that
 31 is located outside Indiana unless:

32 (1) the placement is recommended or approved by the director of
 33 the department or the director's designee; or

34 (2) the juvenile court makes written findings based on clear and
 35 convincing evidence that:

36 (A) the out-of-state placement is appropriate because there is
 37 not an equivalent facility with adequate services located in
 38 Indiana;

39 (B) institutional care in the other jurisdiction is in the best
 40 interest of the child and will not produce undue hardship; or

41 (C) the location of the home or facility is within a distance not
 42 greater than fifty (50) miles from the county of residence of



- 1 the child.
- 2 **(c) If the juvenile court finds the child to be a child in need of**
3 **services under IC 31-34-1-6.5, the court may not enter a**
4 **dispositional decree ordering removal of the child from the child's**
5 **home unless the:**
- 6 **(1) juvenile court also finds that the child is a child in need of**
7 **services under another section of IC 31-34-1; or**
8 **(2) parent, guardian, or custodian consents to the child being**
9 **removed from the child's home.**
- 10 ~~(c)~~ **(d) If a dispositional decree under this section:**
11 **(1) orders or approves removal of a child from the child's home or**
12 **awards wardship of the child to the department; and**
13 **(2) is the first juvenile court order in the child in need of services**
14 **proceeding that authorizes or approves removal of the child from**
15 **the child's parent, guardian, or custodian;**
16 **the juvenile court shall include in the decree the appropriate findings**
17 **and conclusions described in IC 31-34-5-3(b), ~~and~~ IC 31-34-5-3(c),**
18 **and IC 31-34-5-3(d).**

