

HOUSE BILL No. 1446

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34.

Synopsis: Child placement involving siblings. Provides that a juvenile court or the department of child services (DCS), when placing a child alleged to be a child in need of services in an out-of-home placement after detaining the child, shall consider whether the child's best interests would be served by placing the child: (1) with a relative or de facto custodian; or (2) in a household in which a sibling of the child has been placed; before considering any other placement for the child. (Current law provides that the juvenile court or DCS must consider placing the child with a relative or de facto custodian before considering any other placement for the child.) Provides that a juvenile court, when placing a child in need of services in an out-of-home placement under a dispositional decree, shall consider whether the child's best interests would be served by placing the child: (1) with a relative; or (2) in a household in which a sibling of the child has been placed; before considering any other placement for the child. (Current law provides that the juvenile court must consider placing the child with a relative before considering any other placement for the child.)

Effective: July 1, 2019.

Burton

January 15, 2019, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1446

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 31-34-6-2, AS AMENDED BY P.L.123-2014,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2. (a) A juvenile court or the department shall
4 consider ~~placing whether the best interests of~~ a child alleged to be a
5 child in need of services **would be served by placing the child:**
6 (1) with a suitable and willing relative or de facto custodian of the
7 child; **or**
8 (2) **in a household:**
9 (A) **that is suitable and willing to care for the child; and**
10 (B) **in which a sibling of the child has been placed;**
11 before considering any other placement for the child.
12 (b) A juvenile court or the department shall consider placing a child
13 described in subsection (a):
14 (1) with a relative; **or**
15 (2) **in a household described in subsection (a)(2) in which the**
16 **child would reside with a sibling;**
17 **who is** related by blood, marriage, or adoption before considering any



1 other placement of the child.

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

5 SECTION 2. IC 31-34-19-7, AS AMENDED BY P.L.123-2014,
 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 7. (a) In addition to the factors under section 6 of
 8 this chapter, if the court enters a dispositional decree regarding a child
 9 in need of services that includes an out-of-home placement, the court
 10 shall consider whether the **best interests of the child should be placed**
 11 **would be served by placing the child:**

12 (1) with the child's suitable and willing relative; **or**

13 (2) **in a household:**

14 (A) **that is suitable and willing to care for the child; and**

15 (B) **in which a sibling of the child has been placed;**

16 before considering other out-of-home placements for the child.

17 (b) A juvenile court shall consider placing a child described in
 18 subsection (a):

19 (1) with a relative; **or**

20 (2) **in a household described in subsection (a)(2) in which the**
 21 **child would reside with a sibling;**

22 **who is** related by blood, marriage, or adoption before considering any
 23 other placement of the child.

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

