



February 9, 2021

HOUSE BILL No. 1531

DIGEST OF HB 1531 (Updated February 9, 2021 10:15 am - DI 119)

Citations Affected: IC 31-33; IC 31-34.

Synopsis: DCS and the education community. Allows the department of child services (DCS) to interview a child at the child's school without parental consent if: (1) the DCS employee presents his or her credentials or other proof of employment for inspection; and (2) there is written proof of exigent circumstances. Requires that the DCS provide assurances that the child's school, or its representative, has been invited to participate in the case plan process.

Effective: July 1, 2021.

DeVon, Cook, Rowray

January 14, 2021, read first time and referred to Committee on Family, Children and Human Affairs.
February 9, 2021, amended, reported — Do Pass.

HB 1531—LS 7288/DI 136



February 9, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1531

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 31-33-8-7, AS AMENDED BY P.L.183-2017,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 7. (a) The department's assessment, to the extent
4 that is reasonably possible, must include the following:
5 (1) The nature, extent, and cause of the known or suspected child
6 abuse or neglect.
7 (2) The identity of the person allegedly responsible for the child
8 abuse or neglect.
9 (3) The names and conditions of other children in the home.
10 (4) An evaluation of the parent, guardian, custodian, or person
11 responsible for the care of the child.
12 (5) The home environment and the relationship of the child to the
13 parent, guardian, or custodian or other persons responsible for the
14 child's care.
15 (6) All other data considered pertinent.
16 (b) The assessment may include the following:
17 (1) A visit to the child's home.

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- 1 (2) An interview with the subject child.
- 2 (3) A physical, psychological, or psychiatric examination of any
- 3 child in the home.
- 4 (c) If:
- 5 (1) admission to the home, the school, or any other place that the
- 6 child may be; or
- 7 (2) permission of the parent, guardian, custodian, or other persons
- 8 responsible for the child for the physical, psychological, or
- 9 psychiatric examination;
- 10 under subsection (b) cannot be obtained, the juvenile court, upon good
- 11 cause shown, shall follow the procedures under IC 31-32-12.
- 12 (d) If a custodial parent, a guardian, or a custodian of a child refuses
- 13 to allow the department to interview the child after the caseworker has
- 14 attempted to obtain the consent of the custodial parent, guardian, or
- 15 custodian to interview the child, the department may petition a court to
- 16 order the custodial parent, guardian, or custodian to make the child
- 17 available to be interviewed by the caseworker.
- 18 (e) If the court finds that:
- 19 (1) a custodial parent, a guardian, or a custodian has been
- 20 informed of the hearing on a petition described under subsection
- 21 (d); and
- 22 (2) the department has made reasonable and unsuccessful efforts
- 23 to obtain the consent of the custodial parent, guardian, or
- 24 custodian to interview the child;
- 25 the court shall specify in the order the efforts the department made to
- 26 obtain the consent of the custodial parent, guardian, or custodian and
- 27 may grant the motion to interview the child, either with or without the
- 28 custodial parent, guardian, or custodian being present.
- 29 **(f) If the department requests to interview a child at the child's**
- 30 **school, the school shall grant access to the department to interview**
- 31 **the child if:**
- 32 **(1) the department employee presents his or her credentials as**
- 33 **a department case worker, or other proof of employment with**
- 34 **the department, for inspection upon arrival at the school; and**
- 35 **(2) written proof of exigent circumstances exists per the**
- 36 **department manual making parental consent to interview the**
- 37 **child unnecessary.**
- 38 (†) (g) If a parent, guardian, or custodian of a child who is the
- 39 subject of a substantiated investigation of abuse or neglect is an active
- 40 duty member of the military, the department shall notify the United
- 41 States Department of Defense Family Advocacy Program of the
- 42 assessment concerning the child of the active duty member of the



- 1 military upon request.
- 2 SECTION 2. IC 31-34-15-4, AS AMENDED BY P.L.258-2019,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2021]: Sec. 4. A child's case plan must be set out in a form
 5 prescribed by the department that meets the specifications set by 45
 6 CFR 1356.21. The case plan must include a description and discussion
 7 of the following:
- 8 (1) A permanent plan, or two (2) permanent plans if concurrent
 9 planning, for the child and an estimated date for achieving the
 10 goal of the plan or plans.
 - 11 (2) The appropriate placement for the child based on the child's
 12 special needs and best interests.
 - 13 (3) The least restrictive family-like setting that is close to the
 14 home of the child's parent, custodian, or guardian if out-of-home
 15 placement is recommended. If an out-of-home placement is
 16 appropriate, the local office or department shall consider whether
 17 a child in need of services should be placed with the child's
 18 suitable and willing blood or adoptive relative caretaker,
 19 including a grandparent, an aunt, an uncle, or an adult sibling,
 20 before considering other out-of-home placements for the child.
 - 21 (4) Family services recommended for the child, parent, guardian,
 22 or custodian.
 - 23 (5) Efforts already made to provide family services to the child,
 24 parent, guardian, or custodian.
 - 25 (6) Efforts that will be made to provide family services that are
 26 ordered by the court.
 - 27 (7) If the parent of a child is incarcerated:
 - 28 (A) the services and treatment available to the parent at the
 29 facility at which the parent is incarcerated; and
 - 30 (B) how the parent and the child may be afforded visitation
 31 opportunities, unless visitation with the parent is not in the
 32 best interests of the child.
 - 33 (8) A plan for ensuring the educational stability of the child while
 34 in foster care that includes assurances that the:
 - 35 (A) placement of the child in foster care considers the
 36 appropriateness of the current educational setting of the child
 37 and the proximity to the school where the child is presently
 38 enrolled; ~~and~~
 - 39 (B) department has coordinated with local educational
 40 agencies to ensure:
 - 41 (i) the child remains in the school where the child is enrolled
 42 at the time of removal; or



- 1 (ii) immediate, appropriate enrollment of the child in a
2 different school, including arrangements for the transfer of
3 the child's school records to the new school, if remaining in
4 the same school is not in the best interests of the child; **and**
5 **(C) child's school, or its representative, has been invited to**
6 **participate in the case plan process.**
- 7 (9) Any age appropriate activities that the child is interested in
8 pursuing.
- 9 (10) If the case plan is for a child in foster care who is at least
10 fourteen (14) years of age, the following:
- 11 (A) A document that describes the rights of the child with
12 respect to:
- 13 (i) education, health, visitation, and court participation;
14 (ii) the right to be provided with the child's medical
15 documents and other medical information; and
16 (iii) the right to stay safe and avoid exploitation.
- 17 (B) A signed acknowledgment by the child that the:
- 18 (i) child has been provided with a copy of the document
19 described in clause (A); and
20 (ii) rights contained in the document have been explained to
21 the individual in an age appropriate manner.
- 22 (11) Any efforts made by the department to enable the child's
23 school to provide appropriate support to and protect the safety of
24 the child, if, in developing the case plan, the department
25 coordinates with officials in the child's school to enable the school
26 to provide appropriate support to and protect the safety of the
27 child.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1531, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 22.

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 30.

Page 7, delete lines 15 through 42.

Delete pages 8 through 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1531 as introduced.)

DEVON

Committee Vote: yeas 8, nays 2.

