



January 19, 2018

SENATE BILL No. 130

DIGEST OF SB 130 (Updated January 18, 2018 11:22 am - DI 128)

Citations Affected: IC 31-32; IC 34-30.

Synopsis: Court appointed child advocate immunity. Provides immunity from civil liability for: (1) a guardian ad litem program; (2) a court appointed special advocate program; (3) an employee of or volunteer for a guardian ad litem program or court appointed special advocate program; and (4) an individual acting as a contracted guardian ad litem; when a child is placed on a waiting list for guardian ad litem or court appointed special advocate services.

Effective: July 1, 2018.

Bohacek, Niezgodski

January 3, 2018, read first time and referred to Committee on Civil Law.
January 18, 2018, amended, reported favorably — Do Pass.

SB 130—LS 6210/DI 125



January 19, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 130

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 31-32-3-10.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 10.5. If a juvenile court appoints**
4 **a guardian ad litem or court appointed special advocate in a**
5 **proceeding, and, due to the caseload of the guardian ad litem**
6 **program or court appointed special advocate program, the child is**
7 **placed on a waiting list for guardian ad litem or court appointed**
8 **special advocate services:**
9 (1) **the guardian ad litem program or court appointed special**
10 **advocate program;**
11 (2) **any employee of or volunteer for the guardian ad litem**
12 **program or court appointed special advocate program; and**
13 (3) **any individual acting as a contracted guardian ad litem;**
14 **are immune from civil liability based on the child being placed on**
15 **the waiting list unless the placement of the child on the waiting list**
16 **is the result of gross negligence or willful and wanton misconduct.**
17 SECTION 2. IC 34-30-2-134.1 IS ADDED TO THE INDIANA

SB 130—LS 6210/DI 125



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: **Sec. 134.1. IC 31-32-3-10.5**
3 **(Concerning a guardian ad litem program or court appointed**
4 **special advocate program, an employee of or volunteer for a**
5 **guardian ad litem program or court appointed special advocate**
6 **program, or an individual acting as a contracted guardian ad**
7 **litem).**



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete "and".

Page 1, line 11, delete "employee, contract employee," and insert **"employee of"**.

Page 1, line 13, after "program;" insert **"and"**.

Page 1, between lines 13 and 14, begin a new line block indented and insert:

"(3) any individual acting as a contracted guardian ad litem;".

Page 1, line 14, delete "and criminal".

Page 2, line 4, delete "program," and insert **"program or"**.

Page 2, line 5, delete "or employee, contract employee," and insert **"an employee of"**.

Page 2, line 7, delete "program)." and insert **"program, or an individual acting as a contracted guardian ad litem)." .**

and when so amended that said bill do pass.

(Reference is to SB 130 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 1.

