

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 ENROLLED ACT No. 135

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:

SECTION 1. IC 31-9-2-28, AS AMENDED BY P.L.48-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. (a) "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, **IC 31-32-3-10.5**, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

(b) "Court appointed special advocate", for purposes of **IC 31-32-3-10.5**, IC 31-33, IC 31-34, IC 31-35, and IC 31-37, means a community volunteer who:

- (1) has completed a training program approved by the court that includes training in:
 - (A) the identification and treatment of child abuse and neglect; and
 - (B) early childhood, child, and adolescent development; as required by 42 U.S.C. 5106a(b)(2)(B)(xiii);
- (2) has been appointed by a court to represent and protect the best

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interests of a child; and

(3) may research, examine, advocate, facilitate, and monitor a child's situation.

SECTION 2. IC 31-9-2-50, AS AMENDED BY P.L.48-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 50. (a) "Guardian ad litem", for purposes of IC 31-15-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, **IC 31-32-3-10.5**, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

- (1) represent and protect the best interests of a child; and
- (2) provide the child with services requested by the court, including:
 - (A) researching;
 - (B) examining;
 - (C) advocating;
 - (D) facilitating; and
 - (E) monitoring;
 the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

(b) "Guardian ad litem", for purposes of **IC 31-32-3-10.5**, IC 31-33, IC 31-34, IC 31-35 and IC 31-37, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who:

- (1) is appointed by a court to represent and protect the best interests of a child;
- (2) is appointed by a court to provide the child with services requested by the court, including:
 - (A) researching;
 - (B) examining;
 - (C) advocating;
 - (D) facilitating; and
 - (E) monitoring;
 the child's situation; and
- (3) has completed training appropriate for the person's role, including training in:
 - (A) the identification and treatment of child abuse and neglect; and
 - (B) early childhood, child, and adolescent development; as required by 42 U.S.C. 5106a(b)(2)(B)(xiii).

A guardian ad litem who is not an attorney must complete the same



court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 3. IC 31-32-3-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 10.5. (a) As used in this section, "court appointed special advocate" has the meaning set forth in IC 31-9-2-28.**

(b) As used in this section, "guardian ad litem" has the meaning set forth in IC 31-9-2-50.

(c) When a juvenile court appoints a guardian ad litem or court appointed special advocate in a proceeding from a volunteer based program funded through IC 33-24-6-4, and, due to the caseload of the guardian ad litem program or court appointed special advocate program, the child is placed on a waiting list for guardian ad litem or court appointed special advocate services:

- (1) the guardian ad litem program or court appointed special advocate program;**
 - (2) any employee of or volunteer for the guardian ad litem program or court appointed special advocate program; and**
 - (3) any individual acting as a contracted guardian ad litem;**
- are immune from civil liability based on the child being placed on the waiting list unless the placement of the child on the waiting list is the result of gross negligence or willful and wanton misconduct.**

(d) Nothing in this section shall be construed to negate the appointment of a:

- (1) guardian ad litem; or**
- (2) court appointed special advocate;**

when required by IC 31-34-10-3.

SECTION 4. IC 31-34-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4. The notice to the parent, guardian, or custodian required by this chapter must:**

- (1) identify a person or an entity that the parent, guardian, or custodian may contact to obtain more information regarding the child's removal from the child's residence; and**
- (2) be given to each of the child's parents as described in sections 1 through 3 of this chapter.**

SECTION 5. IC 31-34-3-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.7. If a child who is a student attending kindergarten through grade 12 is taken into custody under IC 31-34-2, the department shall, not later than seventy-two (72) hours after the child is taken into custody, provide written or verbal notice to the**



individual designated as the point of contact for the school that the child attends that the child has been removed from the child's home.

SECTION 6. IC 34-30-2-134.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 134.1. IC 31-32-3-10.5 (Concerning a guardian ad litem program or court appointed special advocate program, an employee of or volunteer for a guardian ad litem program or court appointed special advocate program, or an individual acting as a contracted guardian ad litem).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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