



January 20, 2016

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## SENATE BILL No. 159

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DIGEST OF SB 159 (Updated January 14, 2016 11:12 am - DI 104)

**Citations Affected:** IC 31-9; IC 31-33.

**Synopsis:** Notification of abuse or neglect assessment. Requires the department of child services to notify the United States Department of Defense family advocacy program (program) if a child of an active duty member of the military is the subject of a substantiated investigation regarding an allegation of neglect or abuse. Allows the program to receive the assessment report. Allows the department of child services to seek assistance from the program in determining and providing appropriate services for the child and family of an active duty member.

**Effective:** July 1, 2016.

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### Banks, Grooms, Ford, Kruse

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January 5, 2016, read first time and referred to Committee on Family & Children Services.  
January 19, 2016, amended, reported favorably — Do Pass.

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SB 159—LS 6642/DI 125





January 20, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 159

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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 31-9-2-0.8, AS ADDED BY P.L.80-2010,  
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of  
4 IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and**  
5 **IC 31-33-14-3**, means full-time service in:  
6 (1) the armed forces of the United States (as defined in  
7 IC 5-9-4-3); or  
8 (2) the National Guard (as defined in IC 5-9-4-4);  
9 for a period that exceeds thirty (30) consecutive days in a calendar  
10 year.  
11 SECTION 2. IC 31-33-8-7, AS AMENDED BY P.L.162-2011,  
12 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2016]: Sec. 7. (a) The department's assessment, to the extent  
14 that is reasonably possible, must include the following:  
15 (1) The nature, extent, and cause of the known or suspected child  
16 abuse or neglect.  
17 (2) The identity of the person allegedly responsible for the child

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- 1 abuse or neglect.
- 2 (3) The names and conditions of other children in the home.
- 3 (4) An evaluation of the parent, guardian, custodian, or person
- 4 responsible for the care of the child.
- 5 (5) The home environment and the relationship of the child to the
- 6 parent, guardian, or custodian or other persons responsible for the
- 7 child's care.
- 8 (6) All other data considered pertinent.
- 9 (b) The assessment may include the following:
- 10 (1) A visit to the child's home.
- 11 (2) An interview with the subject child.
- 12 (3) A physical, psychological, or psychiatric examination of any
- 13 child in the home.
- 14 (c) If:
- 15 (1) admission to the home, the school, or any other place that the
- 16 child may be; or
- 17 (2) permission of the parent, guardian, custodian, or other persons
- 18 responsible for the child for the physical, psychological, or
- 19 psychiatric examination;
- 20 under subsection (b) cannot be obtained, the juvenile court, upon good
- 21 cause shown, shall follow the procedures under IC 31-32-12.
- 22 (d) If a custodial parent, a guardian, or a custodian of a child refuses
- 23 to allow the department to interview the child after the caseworker has
- 24 attempted to obtain the consent of the custodial parent, guardian, or
- 25 custodian to interview the child, the department may petition a court to
- 26 order the custodial parent, guardian, or custodian to make the child
- 27 available to be interviewed by the caseworker.
- 28 (e) If the court finds that:
- 29 (1) a custodial parent, a guardian, or a custodian has been
- 30 informed of the hearing on a petition described under subsection
- 31 (d); and
- 32 (2) the department has made reasonable and unsuccessful efforts
- 33 to obtain the consent of the custodial parent, guardian, or
- 34 custodian to interview the child;
- 35 the court shall specify in the order the efforts the department made to
- 36 obtain the consent of the custodial parent, guardian, or custodian and
- 37 may grant the motion to interview the child, either with or without the
- 38 custodial parent, guardian, or custodian being present.
- 39 **(f) If a parent, guardian, or custodian of a child who is the**
- 40 **subject of a substantiated investigation of abuse or neglect is an**
- 41 **active duty member of the military, the department shall notify the**
- 42 **United States Department of Defense family advocacy program of**



1 **the assessment concerning the active duty member of the military.**

2 SECTION 3. IC 31-33-8-9, AS AMENDED BY P.L.131-2009,  
3 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2016]: Sec. 9. (a) The department's report under section 8 of  
5 this chapter shall be made available to:

6 (1) the appropriate court;

7 (2) the prosecuting attorney; ~~or~~

8 (3) the appropriate law enforcement agency; **or**

9 **(4) the United States Department of Defense family advocacy**  
10 **program, if a parent, guardian, or custodian of a child who is**  
11 **the subject of the assessment is an active duty member of the**  
12 **military;**

13 upon request.

14 (b) If child abuse or neglect is substantiated after an assessment is  
15 conducted under section 7 of this chapter, the department shall forward  
16 its report to the office of the prosecuting attorney having jurisdiction in  
17 the county in which the alleged child abuse or neglect occurred.

18 (c) If the assessment substantiates a finding of child abuse or neglect  
19 as determined by the department, a report shall be sent to the  
20 coordinator of the community child protection team under IC 31-33-3.

21 SECTION 4. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE  
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2016]: **Sec. 3. If:**

24 **(1) the department determines that the best interests of the**  
25 **child require intervention by the department or action in the**  
26 **juvenile or criminal court; and**

27 **(2) a parent, guardian, or custodian of the child is an active**  
28 **duty member of:**

29 **(A) the armed forces of the United States;**

30 **(B) the reserve component of a branch of the armed forces**  
31 **of the United States; or**

32 **(C) the national guard;**

33 **the department may seek the assistance of the United States**  
34 **Department of Defense family advocacy program in determining**  
35 **and providing appropriate services for the child and family.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 159, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and IC 31-33-14-3**, means full-time service in:

(1) the armed forces of the United States (as defined in IC 5-9-4-3); or

(2) the National Guard (as defined in IC 5-9-4-4);

for a period that exceeds thirty (30) consecutive days in a calendar year."

Page 2, line 30, delete "reported allegation" and insert "**substantiated investigation**".

Page 2, line 42, delete ";" and insert "**, if a parent, guardian, or custodian of a child who is the subject of the assessment is an active duty member of the military;**".

Page 3, after line 8, begin a new paragraph and insert:

"SECTION 3. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. If:**

(1) **the department determines that the best interests of the child require intervention by the department or action in the juvenile or criminal court; and**

(2) **a parent, guardian, or custodian of the child is an active duty member of:**

(A) **the armed forces of the United States;**

(B) **the reserve component of a branch of the armed forces of the United States; or**

(C) **the national guard;**



**the department may seek the assistance of the United States Department of Defense family advocacy program in determining and providing appropriate services for the child and family."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 159 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 0.

