

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 169

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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 31-9-2-11, AS AMENDED BY P.L.146-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. "Caseworker", for purposes of the juvenile law (**excluding IC 31-27**), means an employee of the department of child services who is classified as a family case manager.

SECTION 2. IC 31-9-2-13, AS AMENDED BY P.L.243-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

- (1) Children born out of wedlock to the parties.
- (2) Children born or adopted during the marriage of the parties.
- (b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.
- (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
- (d) Except as otherwise provided in this section, "child", for purposes of the juvenile law and IC 31-27, means:
  - (1) a person who is less than eighteen (18) years of age;
  - (2) a person:
    - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

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(B) who either:

- (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
- (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

- (A) who is alleged to have committed an act that would have been murder if committed by an adult;
- (B) who was less than eighteen (18) years of age at the time of the alleged act; and
- (C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

- (1) a child support order issued under IC 31-14-10 or IC 31-16-6; or
- (2) any other child support order that is enforceable under IC 31-16-12.5.

(h) "Child", for purposes of IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

(j) "Child", for purposes of IC 31-35-2-4.5, means an individual who is:

- (1) less than eighteen (18) years of age; and
- (2) a delinquent child or a child in need of services.

**(k) "Child", for purposes of IC 31-33, includes an individual who:**

- (1) is at least eighteen (18) years of age but less than twenty-one (21) years of age; and**
- (2) resides, or has previously resided, at a residential facility licensed by the department.**

SECTION 3. IC 31-9-2-14, AS AMENDED BY P.L.46-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to:

- (1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive**



intervention of a court; or

**(2) an individual who:**

**(A) is at least eighteen (18) years of age but less than twenty-one (21) years of age;**

**(B) resides, or has previously resided, at a residential facility licensed by the department; and**

**(C) is harmed or threatened with harm as a result of:**

**(i) a battery offense included in IC 35-42-2; or**

**(ii) sexual activity (as defined in IC 35-42-4-13(b));**

**committed by a member of the staff at the residential facility.**

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

SECTION 4. IC 31-9-2-43.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 43.6. "Emergency shelter", for purposes of IC 31-27, means a short term place of residence, other than a private secure facility, that:**

**(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and**

**(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child who is six (6) years of age or older admitted on an emergency basis.**

SECTION 5. IC 31-9-2-96.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 96.5. (a) Except as provided in subsection (b), "private secure facility", for purposes of the juvenile law, means the following:**

**(1) A facility that is licensed under IC 31-27 to operate as a private secure facility.**

**(2) A private facility that is licensed in another state to**



provide residential care and treatment to one (1) or more children in a secure facility other than a detention center, prison, jail, or similar correctional facility.

(b) "Private secure facility", for purposes of IC 31-27, means a private secure facility other than the following:

(1) A juvenile detention facility established under IC 31-31-8 or IC 31-31-9 (or IC 31-6-9-5 or IC 31-6-9.5 before their repeal).

(2) A facility operated by the department of correction.

(3) A county jail.

(4) A detention center operated by a county sheriff.

SECTION 6. IC 31-9-2-133, AS AMENDED BY P.L.86-2018, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 133. (a) "Victim of child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to:

(1) a child as described in:

(~~1~~) (A) IC 31-34-1-1 through IC 31-34-1-5;

(~~2~~) (B) IC 31-34-1-10; or

(~~3~~) (C) IC 31-34-1-11;

regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court; or

(2) an individual who:

(A) is at least eighteen (18) years of age but less than twenty-one (21) years of age;

(B) resides, or has previously resided, at a residential facility licensed by the department; and

(C) is harmed or threatened with harm as a result of:

(i) a battery offense included in IC 35-42-2; or

(ii) sexual activity (as defined in IC 35-42-4-13(b));

committed by a member of the staff at the residential facility.

(b) The term does not include a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

SECTION 7. IC 31-27-6-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15.5. (a) A child placing agency shall establish minimum qualifications for each classification of employee. The standards in subsections (b) through (e) must be used as a guide by each child placing agency in establishing minimum qualifications for the classifications of an executive, a



casework supervisor, a caseworker, and a worker in training, and by the department in the licensing of each child placing agency.

(b) An executive must have the following:

(1) A bachelor's degree.

(2) At least one (1) of the following:

(A) Five (5) years of paid experience in a field related to social work, at least two (2) years of which were:

(i) in social work; or

(ii) in a supervisory or administrative capacity in a field related to social work, including working for the department.

(B) A master's degree in social work, counseling, or a related human services area and at least two (2) years of paid experience:

(i) in social work; or

(ii) in a supervisory or administrative capacity in a field related to social work, including working for the department.

(c) A casework supervisor must have the following:

(1) A bachelor's degree.

(2) One (1) year of graduate training in social work, counseling, or a related human service area of study.

(3) At least one (1) of the following:

(A) Three (3) years of supervised paid casework experience, at least one (1) year of which was with a licensed child placing agency or with the department.

(B) A master's degree from a recognized school of social work and at least one (1) year of supervised paid casework experience in a licensed child placing agency or with the department.

(d) A caseworker must have the following:

(1) A bachelor's degree.

(2) At least one (1) of the following:

(A) Three (3) years of supervised paid casework experience.

(B) One (1) year of supervised paid casework experience in a licensed child placing agency or with the department.

(C) One (1) year of graduate training in a recognized school of social work.

(e) A worker in training must have a bachelor's degree.

(f) A child placing agency must only employ a staff member who is:



- (1) duly qualified;
- (2) of good moral character; and
- (3) in satisfactory health.

**(g) An employee who is in a position on January 1, 2012, and who qualified for that position on December 31, 2011, is exempt from the requirements of this section.**

SECTION 8. IC 31-27-6-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 15.7. (a) The following restrictions apply to caseworker caseloads:**

- (1) Except as otherwise provided in this section, a caseworker may not supervise more than eighteen (18) children.**
- (2) The department shall determine the appropriate caseworker to child ratio, which may be between 1:8 and 1:12 for children requiring enhanced supervision.**
- (3) A caseworker with a caseload including some children requiring enhanced supervision may not supervise more than fifteen (15) children. The caseworker may, if needed, carry a reduced caseload of not more than ten (10) children based on the level of enhanced supervision required for the children being served.**

**(b) A casework supervisor may supervise at least five (5) caseworkers but not more than eight (8) caseworkers, depending on the level of enhanced supervision required for the children being served.**

SECTION 9. IC 31-27-6-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 15.8. (a) A child placing agency shall employ a sufficient number of office staff members to properly maintain office administrative procedures on a current basis.**

**(b) A child placing agency shall adopt specific written policies regarding personnel practices affecting staff members of the agency.**

SECTION 10. IC 31-27-6-15.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 15.9. (a) A child placing agency providing medical or dental care to a child in the agency's care must only use the services of licensed professionals, and the services rendered must be within the licensed professional's scope of practice.**

**(b) Each child must receive a thorough physical examination**



once the child placing agency accepts the child for placement in foster care. The physical examination must be performed by a licensed professional in Indiana whose scope of practice includes providing physical examinations. The child placing agency shall make every effort to arrange for any treatment recommended by the examining licensed professional.

(c) Each child in foster care must receive a physical examination described in subsection (b) at least one (1) time every calendar year.

(d) Each child must receive a dental examination once the child placing agency accepts the child for placement in foster care. The child placing agency shall arrange for any treatment recommended by the examining dentist.

(e) Each child in foster care must receive a dental examination at least one (1) time every calendar year. However, the child placing agency shall arrange for an additional examination and any required treatment if the child's condition indicates the need.

(f) The child placing agency shall maintain a record of the medical and dental history and treatment for each child.

SECTION 11. IC 31-27-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 8. Personnel Records and Qualifications**

**Sec. 1.** For purposes of this chapter, the following definitions apply:

- (1) "Caseworker" includes staff who perform casework, group work tasks, or planning of services for children and their families.
- (2) "Licensee" means a person who is licensed to operate one (1) or more of the following:
  - (A) A children's home.
  - (B) A child caring institution.
  - (C) Emergency shelter care.
  - (D) A private secure facility.
  - (E) A group home.
  - (F) An emergency shelter care group home.

**Sec. 2. (a)** A caseworker shall meet one (1) of the following requirements:

- (1) Have a bachelor's degree.
- (2) Have an associate's degree and at least two (2) years of human services job experience.
- (3) Completed thirty (30) college credit hours from an



accredited institution and at least four (4) years of human services job experience.

(4) Have a high school diploma and at least five (5) years of human services job experience.

(b) Except as provided in subsection (c), a licensee shall have at least one (1) caseworker for every twenty-four (24) children in care.

(c) A private secure facility shall have one (1) caseworker for every fifteen (15) children in care.

(d) A licensee shall employ a supervisor for casework staff when the licensee employs six (6) or more caseworkers.

Sec. 3. (a) A licensee shall establish and maintain an individual record for each staff member.

(b) The record must include the following information before employment:

(1) Application.

(2) Name, address, and telephone number.

(3) Name, address, and telephone number of the person to be notified in the event of an emergency.

(4) Documentation of training, education, experience, and any other required qualifications.

(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.

(6) Signed, notarized criminal history affidavit.

(c) The record must include the following information after employment:

(1) Documentation of initial physical examination and results of initial tuberculosis test.

(2) Annual report of tuberculosis screening results.

(3) Annual evaluation of staff member's performance.

(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.

(5) Dates of employment and termination with any reason for termination.

(6) Copies of any incident report involving the staff member.

Sec. 4. A licensee shall maintain the following information for each volunteer:

(1) Name, address, and telephone number.

(2) Name, address, and telephone number of the person to be notified in the event of an emergency.

(3) Documentation of reference with an evaluation of the following:





- (A) Ability, character, and suitability for working with children.
- (B) Orientation and training, as required by 465 IAC 2-9-54 (in effect on January 1, 2023).
- (4) Documentation of initial physical examination and annual tuberculosis testing, if working in food service or having direct contact with children.

SECTION 12. IC 31-27-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 9. Health Records and Medications**

**Sec. 1.** For purposes of this chapter, the following definitions apply:

- (1) "Caseworker" includes staff who perform casework, group work tasks, or planning of services for children and their families.
- (2) "Licensed professional" means any of the following:
  - (A) A physician licensed under IC 25-22.5.
  - (B) An advanced practice registered nurse licensed under IC 25-23.
  - (C) A physician assistant licensed under IC 25-27.5.
- (3) "Licensee" means a person who is licensed to operate one
  - (1) or more of the following:
    - (A) A children's home.
    - (B) A child caring institution.
    - (C) Emergency shelter care.
    - (D) A private secure facility.
    - (E) A group home.
    - (F) An emergency shelter care group home.

**Sec. 2. (a)** A licensee shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the agency's or parent's knowledge, been exposed to a communicable disease within twenty-one (21) days before the date of admission.

**(b)** Each child must receive a health examination by a licensed professional within ninety-three (93) days before admission, or not later than twenty-one (21) days after admission. The examination must include the following:

- (1) Health history.
- (2) Physical examination.
- (3) Vision and hearing screening.
- (4) A test for tuberculosis if the last such test is known to be



negative or if there is no record of a test. If the test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory tests to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed professional that in the professional's opinion there is no health condition that would be hazardous either to the child or to other children in the licensee's care.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a tuberculosis screen annually and a tuberculosis test whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child must receive a dental examination from a licensed dentist as follows:

(1) Within forty-five (45) days of admission unless the child caring institution has documentation of a dental examination within the one hundred eighty-five (185) days before admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed professional or dentist must be arranged by the licensee, as approved by a parent, legal guardian, or placing agency.

(e) A licensee, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required under IC 20-34-4-2(c)(1).

(f) All children must be immunized against routine childhood diseases unless exempted by a licensed professional's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine under subsection (e) must be those recommended by the Indiana department of health.

(i) Adequate documentation of an immunization history must



consist of one (1) of the following:

- (1) A licensed professional's certificate, including the number and dates of doses administered.
- (2) Immunization records forwarded from a school corporation, including the number and dates of doses administered.
- (3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed professional certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) A licensee shall maintain a health record for each child. The record must include the following:

- (1) Admission and periodic health and dental examination information.
- (2) A licensed professional's written instructions with regard to special dietary or health care required.
- (3) Record of all medications and treatments.
- (4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

Sec. 3. (a) A licensee shall provide psychotropic medications to a child only as prescribed by a licensed professional in Indiana:

- (1) whose scope of work includes prescribing psychotropic medications; and
- (2) who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) A licensee shall obtain from the prescribing licensed professional a written report at least every thirty-five (35) days for each child receiving psychotropic medication. The written report must state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report must be based on the licensed professional's review of reports by staff as well as the professional's actual observation of the child at least every ninety-three (93) days.

SECTION 13. [EFFECTIVE JULY 1, 2024] (a) The following administrative rules are void:

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- (1) 465 IAC 2-2-5.
- (2) 465 IAC 2-2-6.
- (3) 465 IAC 2-2-11.
- (4) 465 IAC 2-9-44.
- (5) 465 IAC 2-9-49.
- (6) 465 IAC 2-9-73.
- (7) 465 IAC 2-9-75.
- (8) 465 IAC 2-9-76.
- (9) 465 IAC 2-10-44.
- (10) 465 IAC 2-10-45.
- (11) 465 IAC 2-10-49.
- (12) 465 IAC 2-10-73.
- (13) 465 IAC 2-10-75.
- (14) 465 IAC 2-11-44.
- (15) 465 IAC 2-11-45.
- (16) 465 IAC 2-11-49.
- (17) 465 IAC 2-11-73.
- (18) 465 IAC 2-11-75.
- (19) 465 IAC 2-11-76.
- (20) 465 IAC 2-12-44.
- (21) 465 IAC 2-12-45.
- (22) 465 IAC 2-12-49.
- (23) 465 IAC 2-12-71.
- (24) 465 IAC 2-12-73.
- (25) 465 IAC 2-12-74.
- (26) 465 IAC 2-13-44.
- (27) 465 IAC 2-13-45.
- (28) 465 IAC 2-13-49.
- (29) 465 IAC 2-13-71.

**(b) The publisher of the Indiana Administrative Code and Indiana Register shall remove the following provisions from the Indiana Administrative Code:**

- (1) 465 IAC 2-2-5.
- (2) 465 IAC 2-2-6.
- (3) 465 IAC 2-2-11.
- (4) 465 IAC 2-9-44.
- (5) 465 IAC 2-9-49.
- (6) 465 IAC 2-9-73.
- (7) 465 IAC 2-9-75.
- (8) 465 IAC 2-9-76.
- (9) 465 IAC 2-10-44.
- (10) 465 IAC 2-10-45.



- (11) 465 IAC 2-10-49.
  - (12) 465 IAC 2-10-73.
  - (13) 465 IAC 2-10-75.
  - (14) 465 IAC 2-11-44.
  - (15) 465 IAC 2-11-45.
  - (16) 465 IAC 2-11-49.
  - (17) 465 IAC 2-11-73.
  - (18) 465 IAC 2-11-75.
  - (19) 465 IAC 2-11-76.
  - (20) 465 IAC 2-12-44.
  - (21) 465 IAC 2-12-45.
  - (22) 465 IAC 2-12-49.
  - (23) 465 IAC 2-12-71.
  - (24) 465 IAC 2-12-73.
  - (25) 465 IAC 2-12-74.
  - (26) 465 IAC 2-13-44.
  - (27) 465 IAC 2-13-45.
  - (28) 465 IAC 2-13-49.
  - (29) 465 IAC 2-13-71.
- (c) This SECTION expires July 1, 2025.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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