



January 21, 2022

SENATE BILL No. 180

DIGEST OF SB 180 (Updated January 20, 2022 11:57 am - DI 129)

Citations Affected: Noncode.

Synopsis: Interim study committee. Requests that the legislative council assign to the interim study committee on child services the topic of studying a requirement for and funding of court appointed attorneys in certain cases involving juveniles.

Effective: Upon passage.

**Ford Jon, Garten, Gaskill, Qaddoura,
Ford J.D.**

January 6, 2022, read first time and referred to Committee on Family and Children Services.
January 11, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
January 20, 2022, amended, reported favorably — Do Pass.

SB 180—LS 6440/DI 148



January 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 180

A BILL FOR AN ACT concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "committee" refers to the interim study committee on**
3 **child services established by IC 2-5-1.3-4(18).**
4 **(b) The legislative council is urged to assign to the committee the**
5 **topic of studying a requirement for and funding of court appointed**
6 **attorneys in certain cases involving juveniles.**
7 **(c) This SECTION expires January 1, 2023.**
8 SECTION 2. **An emergency is declared for this act.**

SB 180—LS 6440/DI 148



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 180, 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, strike lines 10 through 11.

Page 1, line 12, strike "(d)" and insert "(c)".

Page 1, line 17, strike "(e)" and insert "(d)".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 31-31-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY 1, 2022]:

Chapter 11. Court Appointed Attorneys for Children

Sec. 1. (a) As used in this chapter, "commission" means the commission for court appointed attorneys for children established by section 2 of this chapter.

(b) As used in this chapter, "juvenile court appointed attorney program" means a system for appointing an attorney for a child under IC 31-32-4-1.

Sec. 2. The commission for court appointed attorneys for children is established.

Sec. 3. The commission is composed of the following eleven (11) members, none of whom may be a law enforcement officer or a court employee:

(1) Three (3) members appointed by the governor, with not more than two (2) of these individuals belonging to the same political party.

(2) Three (3) members appointed by the chief justice of the supreme court, with not more than two (2) of these individuals belonging to the same political party.

(3) One (1) member appointed by the board of trustees of the Indiana criminal justice institute, who is an attorney admitted to practice law in Indiana.

(4) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be from the same political party.

(5) Two (2) members of the senate, to be appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be from the same political party.



Sec. 4. (a) The members of the commission shall designate one (1) member of the department as chairperson.

(b) The term of office of each member of the commission is four (4) years. A vacancy occurring among the members of the commission before the expiration of a term must be filled in the same manner as the original appointment. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term.

(c) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) A member of the commission who is not a state employee is entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The commission shall meet at least quarterly and at times called by the chairperson or at the request of three (3) commission members.

Sec. 5. The commission shall do the following:

(1) Make recommendations to the supreme court concerning standards for juvenile court appointed attorney programs, including the following:

(A) Determining eligibility for legal representation.

(B) Selection and qualifications of attorneys to represent children under IC 31-32-4 at public expense.

(C) Determining conflicts of interest.

(D) Investigative, clerical, and other support services necessary to provide adequate legal representation.

(2) Adopt guidelines and standards for juvenile court appointed attorney programs under which the counties will be eligible for reimbursement under this chapter, including the following:

(A) The issuance and enforcement of orders requiring the parent or guardian to pay for the cost for services.



(B) Qualifications for an attorney to represent a child under IC 31-32-4 at the public expense.

(C) Compensation rates for salaried, contractual, and assigned attorneys.

(D) Minimum and maximum caseloads of attorneys.

(3) Make an annual report to the governor, the general assembly, and the supreme court regarding the operation of the juvenile court appointed attorney fund.

The report to the general assembly under subdivision (3) must be in an electronic format under IC 5-14-6.

Sec. 6. The commission shall hire staff and may enter into contracts for any additional staff support that the commission determines is necessary to implement this section.

Sec. 7. (a) The juvenile court appointed attorney fund is established.

(b) The commission shall administer the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(e) A county may submit on a quarterly basis a certified request to the commission for reimbursement from the juvenile court appointed attorney fund for an amount equal to fifty percent (50%) of the county's expenditures for attorney services provided to a child under IC 31-32-4-1."

Page 2, line 10, delete "must be".

Page 2, line 11, delete "an attorney;" and insert "**may not be the child's attorney;**".

Page 2, line 15, delete "The" and insert "**(a) Subject to subsection (b),** the".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(b) In a proceeding described in subsection (a) that involves siblings, the juvenile court shall appoint only one (1) attorney to represent the siblings."

Page 2, line 34, reset in roman "and".

Page 2, line 36, delete "and".

Page 2, delete line 37.

Page 3, delete lines 23 through 32.

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 7. IC 31-35-2-4, AS AMENDED BY P.L.258-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:

- (1) The attorney for the department.
- (2) The child's court appointed special advocate.
- (3) The child's guardian ad litem.
- (4) The child's attorney.**

(b) The petition must meet the following requirements:

(1) The petition must be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)".

(2) The petition must allege:

(A) that one (1) of the following is true:

(i) The child has been removed from the parent for at least six (6) months under a dispositional decree.

(ii) A court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made.

(iii) The child has been removed from the parent and has been under the supervision of a local office or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;

(B) that one (1) of the following is true:

(i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.

(ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.

(iii) The child has, on two (2) separate occasions, been adjudicated a child in need of services;

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

(3) If the department intends to file a motion to dismiss under section 4.5 of this chapter, the petition must indicate whether at



least one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(4) of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.

(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a:

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or
- (2) permanency plan for the child as described by IC 31-34-21-7.5."

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 9. IC 31-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. Subject to IC 31-40-1-3, juvenile court may order the parent or guardian of the estate of any child for whom a guardian ad litem, ~~or~~ court appointed special advocate, **or an attorney** is appointed to pay to the probation department a user fee of not more than one hundred dollars (\$100) for deposit by the probation department in:

- (1) the guardian ad litem fund if a guardian ad litem has been appointed; ~~or~~
- (2) the court appointed special advocate fund if a court appointed special advocate has been appointed; **or**
- (3) the juvenile court appointed attorney fund if an attorney has been appointed.**

SECTION 11. IC 31-40-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. Money remaining in the:

- (1) guardian ad litem fund; ~~or~~
- (2) court appointed special advocate fund; **or**
- (3) juvenile court appointed attorney fund;**

at the end of the county's fiscal year does not revert to any other fund but continues in the guardian ad litem fund, ~~or~~ court appointed special advocate fund, **or juvenile court appointed attorney fund."**

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 180 as introduced.)

ROGERS, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 180, 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:

Delete the title and insert the following:

A BILL FOR AN ACT concerning family law and juvenile law.

Page 1, delete lines 1 through 17.

Page 2, delete line 1.

Page 2, line 2, delete "2. IC 31-31-11 IS ADDED TO THE INDIANA CODE" and insert "1. [EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 3 through 5.

Page 2, line 6, delete "Sec. 1."

Page 2, line 6, delete "chapter, "commission" means the" and insert **"SECTION, "committee" refers to the interim study committee on child services established by IC 2-5-1.3-4(18).**

(b) The legislative council is urged to assign to the committee the topic of studying a requirement for and funding of".

Page 2, run in lines 2 through 6.

Page 2, line 7, delete "commission for".

Page 2, line 7, delete, "for children established" and insert **"in certain cases involving juveniles.**

(c) This SECTION expires January 1, 2023.

SECTION 2. An emergency is declared for this act."

Page 2, delete line 8.

Page 2, delete lines 9 through 42.

Delete pages 3 through 8.



Page 9, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 180 as printed January 12, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

