



April 1, 2021

**ENGROSSED
SENATE BILL No. 239**

DIGEST OF SB 239 (Updated April 1, 2021 10:20 am - DI 119)

Citations Affected: IC 31-25.

Synopsis: Remote provision of child and family services. Requires the department of child services (department) to establish before October 1, 2021, policies and procedures to allow for child and family services to be provided remotely. Requires a child and family services provider to collaborate with the department in determining whether remote
(Continued next page)

Effective: Upon passage.

**Brown L, Ford Jon, Zay,
Randolph Lonnie M**

(HOUSE SPONSORS — HEINE, DEVON, OLTHOFF)

January 11, 2021, read first time and referred to Committee on Family and Children Services.

January 26, 2021, reported favorably — Do Pass.

January 28, 2021, read second time, ordered engrossed. Engrossed.

February 1, 2021, returned to second reading.

February 4, 2021, re-read second time, amended, ordered engrossed.

February 5, 2021, re-engrossed.

February 8, 2021, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Family, Children and Human Affairs.

April 1, 2021, amended, reported — Do Pass.

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Digest Continued

services are appropriate in a particular case, and specifies factors that the provider and the department may consider in making the determination. Provides that a child and family services provider has the discretion to provide services remotely for up to 14 days after a request for consultation if providing services remotely is in the best interest of the child and family, unless: (1) a decision is reached on the use of remote services at a child and family team meeting less than 14 days after the request for consultation; or (2) the department communicates to the provider a preliminary determination as to the role of remote services pending the child and family team meeting.



April 1, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 239

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 31-25-2-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 7.5. (a) The department shall before
4 October 1, 2021, establish policies and procedures to allow for
5 child and family services to be provided remotely by October 1,
6 2021. These policies and procedures must allow a child and family
7 services provider the discretion to initiate a consultation with the
8 department for any child and family services the provider believes
9 should be provided remotely. The child and family services
10 provider and the child's case manager may take into consideration
11 the following when determining whether remote child and family
12 services are appropriate:**
13 (1) **The child's:**
14 (A) **CANS assessment;**
15 (B) **case plan; and**
16 (C) **safety plan.**
17 (2) **The child's and family's:**

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1 (A) initial safety assessment;
2 (B) initial family risk assessment; and
3 (C) preferences regarding the manner of receiving
4 services.
5 (3) Federal reimbursement requirements.
6 (4) Evidence based practice requirements.
7 (b) A child and family services provider has the discretion to
8 provide services remotely for up to fourteen (14) days after a
9 request for consultation if providing services remotely is in the best
10 interests of the child and family, unless:
11 (1) a decision is reached on the use of remote services at a
12 child and family team meeting less than fourteen (14) days
13 after the request for consultation; or
14 (2) the department communicates to the child, family, and
15 service provider a preliminary determination as to the role of
16 remote services pending the child and family team meeting.
17 The child and family services provider shall continue to meet with
18 the child and family in person at least once a week as the
19 department deems necessary.
20 SECTION 2. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 239, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 239 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 1

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 239, which is eligible for third reading, be returned to second reading for purposes of amendment.

BROWN L

 SENATE MOTION

Madam President: I move that Senate Bill 239 be amended to read as follows:

Page 1, line 3, after "7.5." insert "(a)".

Page 1, line 4, after "child" insert "**and family**".

Page 1, line 6, delete "for child services to" and insert "**a child and family services provider the discretion to initiate a consultation with the department for any child and family services the provider believes should**".

Page 1, line 6, after "remotely" insert ".".

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "manager."

Page 1, line 10, after "The child" insert "**and family**".

Page 1, line 12, after "remote child" insert "**and family**".

Page 1, line 12, delete "appropriate for a child:" and insert "**appropriate:**".

Page 1, line 15, after "plan;" insert "**and**".

Page 1, line 16, delete "plan;" and insert "**plan.**".

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Page 1, delete line 17, begin a new line block indented and insert:

**"(2) The child's and family's:
(A) initial safety assessment;
(B) initial family risk assessment; and
(C) preferences regarding the manner of receiving services."**

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(2)" and insert "(3)".

Page 2, delete lines 4 through 5, begin a new line block indented and insert:

"(4) Evidence based practice requirements.

(b) A child and family services provider may, at the discretion of the child and family services provider, provide child and family services remotely:

(1) before the family team meeting while the child and family services provider and the department are in consultation under subsection (a); and

(2) until the department communicates to the child and family services provider and the family a determination as to the role of remote services for the child at or after the family team meeting.

The child and family services provider shall continue to meet with the child and family in person at least once a week as the department deems necessary."

(Reference is to SB 239 as printed January 27, 2021.)

Senator BROWN L

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 7 through 16, begin a new paragraph and insert:

"(b) A child and family services provider has the discretion to provide services remotely for up to fourteen (14) days after a request for consultation if providing services remotely is in the best interests of the child and family, unless:

(1) a decision is reached on the use of remote services at a

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**child and family team meeting less than fourteen (14) days after the request for consultation; or
(2) the department communicates to the child, family, and service provider a preliminary determination as to the role of remote services pending the child and family team meeting."**

and when so amended that said bill do pass.

(Reference is to SB 239 Digest Correction as reprinted February 5, 2021.)

DEVON

Committee Vote: yeas 13, nays 0.

