

SENATE BILL No. 272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-19-2-7.2; IC 31-27-4-6.

Synopsis: Requirements for foster families. Prohibits a licensed child placing agency from: (1) requiring, as a condition for obtaining an adoption, that an individual or a member of the individual's household receive an immunization; or (2) discriminating against an individual with respect to the immunization status of or a refusal to receive an immunization by the individual or a member of the individual's household. Requires the department of child services to assess certain penalties in certain circumstances. Provides that immunization status or the refusal to receive an immunization do not constitute a sufficient basis to deny a foster home license application.

Effective: July 1, 2023.

Johnson T

January 11, 2023, read first time and referred to Committee on Family and Children Services.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 272

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 31-19-2-7.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 7.2. (a) A licensed child placing agency may not:**
4 **(1) require, as a condition for obtaining an adoption, that an**
5 **individual or a member of the individual's household receive**
6 **an immunization; or**
7 **(2) discriminate against an individual with respect to:**
8 **(A) the immunization status of; or**
9 **(B) a refusal to receive an immunization by;**
10 **the individual or a member of the individual's household.**
11 **(b) If a licensed child placing agency knowingly violates this**
12 **section, the department shall assess one (1) or more of the following**
13 **against the person:**
14 **(1) A fine of one thousand dollars (\$1,000) for the first offense.**
15 **(2) A fine of five thousand dollars (\$5,000) for each**
16 **subsequent offense and probationary status of the child**
17 **placing agency's license.**



1 **(3) Termination of the person's child placing agency license.**

2 SECTION 2. IC 31-27-4-6, AS AMENDED BY P.L.183-2017,
3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 6. (a) The following constitute sufficient grounds
5 for a denial of a license application:

6 (1) A determination by the department of child abuse or neglect
7 by:

8 (A) the applicant;

9 (B) an employee or a volunteer of the applicant who has direct
10 contact, on a regular and continuous basis, with children who
11 are under the direct supervision of the applicant; or

12 (C) a person residing in the applicant's residence.

13 (2) A criminal conviction of the applicant of any of the following:

14 (A) a felony;

15 (B) a misdemeanor related to the health and safety of a child;

16 (C) a misdemeanor for operating a child care center or child
17 care home without a license under IC 12-17.2-5; or

18 (D) a misdemeanor for operating a foster family home without
19 a license under this chapter (or IC 12-17.4-4 before its repeal).

20 (3) A determination by the department that the applicant made
21 false statements in the applicant's application for licensure.

22 (4) A determination by the department that the applicant made
23 false statements in the records required by the department.

24 (5) A determination by the department that:

25 (A) the applicant;

26 (B) an employee or a volunteer of the applicant who has direct
27 contact, on a regular and continuous basis, with children who
28 are under the direct supervision of the applicant; or

29 (C) a person residing in the applicant's residence;

30 previously operated a child care center or child care home without
31 a license under IC 12-17.2-5 or a foster family home without a
32 license under this chapter (or IC 12-17.4-4 before its repeal).

33 (6) A juvenile adjudication of the applicant for a nonwaivable
34 offense, as defined in IC 31-9-2-84.8 that, if committed by an
35 adult, would be a felony.

36 (b) An application for a license may also be denied if an individual
37 who resides in the residence of the applicant or an employee or
38 volunteer of the applicant who has direct contact on a regular and
39 continuous basis with children who are under the direct supervision of
40 the applicant has had any of the following:

41 (1) A conviction of a nonwaivable offense, as defined in
42 IC 31-9-2-84.8.



1 (2) A conviction of any other felony or a misdemeanor relating to
 2 the health and safety of a child, unless the applicant is granted a
 3 waiver by the department to employ or assign the person as a
 4 volunteer in a position described in this subsection or to permit
 5 the individual to reside in the applicant's residence.

6 (3) A juvenile adjudication for a nonwaivable offense, as defined
 7 in IC 31-9-2-84.8 that, if committed by an adult, would be a
 8 felony, unless the applicant is granted a waiver by the department
 9 to:

10 (A) employ or assign the person as a volunteer in a position
 11 described in this subsection; or

12 (B) permit the individual to reside in the applicant's residence.

13 (c) In determining whether to grant a waiver under subsection (b),
 14 the department shall consider the following factors:

15 (1) The length of time that has passed since the disqualifying
 16 conviction.

17 (2) The severity, nature, and circumstances of the offense.

18 (3) Evidence of rehabilitation.

19 (4) The duties and qualifications required for the proposed
 20 employment positions or volunteer assignment.

21 (5) The nature and extent of unsupervised contact with children
 22 residing in the home.

23 (d) Notwithstanding subsection (a) or (b), if:

24 (1) a license application could be denied due to a criminal
 25 conviction of, or a determination of child abuse or neglect by, an
 26 employee, a volunteer, or a person residing in the residence of the
 27 applicant; and

28 (2) the department determines that the employee or volunteer has
 29 been dismissed before the employee or volunteer has direct
 30 contact on a regular and continuing basis with a child who is or
 31 will be placed in a facility operated by the applicant or that the
 32 person residing in the residence no longer resides there;

33 the criminal conviction of, or determination of child abuse or neglect
 34 by, the former employee, former volunteer, or former household
 35 resident does not constitute a sufficient basis for the denial of a license
 36 application.

37 **(e) The following do not constitute a sufficient basis for the**
 38 **denial of a license application:**

39 **(1) The applicant's immunization status or refusal to receive**
 40 **an immunization.**

41 **(2) The immunization status of or refusal to receive an**
 42 **immunization by:**



- 1 **(A) an individual who resides in the applicant's residence;**
- 2 **or**
- 3 **(B) an employee or volunteer of the applicant who has**
- 4 **direct contact on a regular and continuous basis with**
- 5 **children who are under the direct supervision of the**
- 6 **applicant.**
- 7 ~~(e)~~ **(f) The department may adopt rules to implement this section.**

