

SENATE BILL No. 279

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-10-2-1; IC 31-31.

Synopsis: Juvenile facility visitation policies. Provides that it is the policy of Indiana to encourage and promote communication between a child and the child's family when a child in need of services or delinquency proceeding results in separation of a child from the child's family, unless communication between the child and the child's family is contrary to the child's best interests. Requires the department of correction to adopt specified rules with respect to communication and visitation privileges for residents of juvenile detention facilities.

Effective: July 1, 2024; January 1, 2025.

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January 16, 2024, read first time and referred to Committee on Corrections and Criminal Law.



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 BILL No. 279

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 31-10-2-1, AS AMENDED BY P.L.146-2021,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2025]: Sec. 1. It is the policy of this state and the
4 purpose of this title to:
5 (1) recognize the importance of family and children in our society,
6 including the parenting rights of a parent, regardless of whether
7 the parent has a disability;
8 (2) recognize the responsibility of the state to enhance the
9 viability of children and family in our society;
10 (3) acknowledge the responsibility each person owes to the other;
11 (4) strengthen family life by assisting parents to fulfill their
12 parental obligations;
13 (5) ensure that children within the juvenile justice system are
14 treated as persons in need of care, protection, treatment, and
15 rehabilitation;
16 (6) remove children from families only when it is in the child's
17 best interest or in the best interest of public safety;



- 1 (7) provide for adoption as a viable permanency plan for children
 2 who are adjudicated children in need of services;
 3 (8) provide a juvenile justice system that protects the public by
 4 enforcing the legal obligations that children have to society and
 5 society has to children;
 6 (9) use diversionary programs when appropriate;
 7 (10) provide a judicial procedure that:
 8 (A) ensures fair hearings;
 9 (B) recognizes and enforces the legal rights of children and
 10 their parents; and
 11 (C) recognizes and enforces the accountability of children and
 12 parents;
 13 (11) promote public safety and individual accountability by the
 14 imposition of appropriate sanctions; ~~and~~
 15 **(12) encourage and promote communication between a child**
 16 **and the child's family when a judicial proceeding under**
 17 **IC 31-34 or IC 31-37 results in separation of a child from the**
 18 **child's family, unless communication between the child and**
 19 **the child's family is contrary to the child's best interests; and**
 20 ~~(12)~~ **(13) provide a continuum of services developed in a**
 21 **cooperative effort by local governments and the state.**
 22 SECTION 2. IC 31-31-8-5.1 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2024]: **Sec. 5.1. (a) Rules adopted by the department of**
 25 **correction under section 5(a) of this chapter must require a**
 26 **juvenile detention facility to make reasonable efforts to meet the**
 27 **following minimum communication and visitation standards:**
 28 **(1) A juvenile detention facility shall allow at least one (1)**
 29 **hour of in person visitation at least twice weekly between a**
 30 **resident of the facility and the resident's parent, guardian, or**
 31 **other court approved designated adult.**
 32 **(2) A juvenile detention facility shall allow a resident of the**
 33 **facility at least two (2) weekly telephone, video teleconference,**
 34 **Internet, or other audiovisual visits of a duration of at least**
 35 **ten (10) minutes each.**
 36 **(3) A juvenile detention facility shall allow visitation on**
 37 **multiple days of the week, including both weekends and**
 38 **weekdays, and at times that are not limited to regular**
 39 **business hours.**
 40 **(4) A juvenile detention facility shall discourage the denial or**
 41 **curtailment of visitation and communications privileges as a**
 42 **form of discipline.**



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(b) Rules adopted by the department of correction under section 5(a) of this chapter must:

(1) require a juvenile detention facility to adopt formal procedures to determine when extraordinary conditions exist such that visitation and communications privileges under the standards described in subsection (a) may be denied or curtailed; and

(2) provide that in person visitation under subsection (a)(1) may be denied or curtailed only if the facility determines that extraordinary conditions exist such that in person visitation would place the safety or security of the resident or facility staff at risk.

SECTION 3. IC 31-31-9-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3.1. (a) Rules adopted by the department of correction under section 3 of this chapter must require a juvenile detention facility to make reasonable efforts to meet the following minimum communication and visitation standards:**

(1) A juvenile detention facility shall allow at least one (1) hour of in person visitation at least twice weekly between a resident of the facility and the resident's parent, guardian, or other court approved designated adult.

(2) A juvenile detention facility shall allow a resident of the facility at least two (2) weekly telephone, video teleconference, Internet, or other audiovisual visits of a duration of at least ten (10) minutes each.

(3) A juvenile detention facility shall allow visitation on multiple days of the week, including both weekends and weekdays, and at times that are not limited to regular business hours.

(4) A juvenile detention facility shall discourage the denial or curtailment of visitation and communications privileges as a form of discipline.

(b) Rules adopted by the department of correction under section 3 of this chapter must:

(1) require a juvenile detention facility to adopt formal procedures to determine when extraordinary conditions exist such that visitation and communications privileges under the standards described in subsection (a) may be denied or curtailed; and

(2) provide that in person visitation under subsection (a)(1) may be denied or curtailed only if the facility determines that



1 **extraordinary conditions exist such that in person visitation**
2 **would place the safety or security of the resident or facility**
3 **staff at risk.**

