



Reprinted  
January 26, 2016

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## SENATE BILL No. 305

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DIGEST OF SB 305 (Updated January 25, 2016 3:22 pm - DI 125)

**Citations Affected:** IC 20-26; IC 20-50; IC 31-9; IC 31-33; IC 31-34; IC 31-37; IC 35-46.

**Synopsis:** Department of child services matters. Adds a definition of foster care. Amends the deadline for the department of child services (department) to notify a school corporation that a child in foster care will attend a school to September 1. Adds: (1) human or sexual trafficking offenses; (2) sexual battery against a child; (3) vicarious sexual gratification offenses; (4) child solicitation; (5) patronizing a prostitute; and (6) promoting prostitution; to the list of offenses under which a child victim may be designated as a child in need of services. Adds a child in need of services designation for a child who: (1) lives in the same household as an adult who committed or is charged with human or sexual trafficking; and (2) needs care, treatment, or  
(Continued next page)

**Effective:** July 1, 2016.

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**Head, Miller Patricia, Lanane,  
Breau, Kruse**

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January 6, 2016, read first time and referred to Committee on Family & Children Services.  
January 19, 2016, amended, reported favorably — Do Pass.  
January 25, 2016, read second time, amended, ordered engrossed.

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SB 305—LS 6656/DI 125



Digest Continued

rehabilitation that the child is not receiving or is unlikely to be provided without intervention. Permits a finding by a juvenile court that reasonable efforts for reunification are not necessary if a child is a child in need of services as a result of being a victim of a human or sexual trafficking offense that was committed by a parent, guardian, or custodian that resulted in a: (1) conviction or judgment; or (2) charge of human or sexual trafficking filed against the parent, guardian, or custodian. Removes the requirement that a delinquent child must be removed from the home in order to enter an informal adjustment. Allows any court with jurisdiction over a child in an adoption matter to approve excess payments for costs incurred by the birth mother. Repeals language regarding foster care review boards. Adds missing Interstate Compact on the Placement of Children language. Adds the National Center for Missing and Exploited Children to the entities with which the department may share assessment reports.

**SB 305—LS 6656/DI 125**



Reprinted  
January 26, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 305

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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 20-26-11-9, AS AMENDED BY P.L.131-2009,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 9. (a) This section applies to each student:  
4 (1) described in section 8(a) of this chapter;  
5 (2) who is placed in a home or facility in Indiana that is outside  
6 the school corporation where the student has legal settlement; and  
7 (3) for which the state is not obligated to pay transfer tuition.  
8 (b) Not later than ten (10) days after the department of child  
9 services or a probation department places or changes the placement of  
10 a student, the department of child services or probation department that  
11 placed the student shall notify the school corporation where the student  
12 has legal settlement and the school corporation where the student will  
13 attend school of the placement or change of placement. Before ~~June 30~~  
14 **September 1** of each year, the department of child services or a  
15 probation department that places a student in a home or facility shall  
16 notify the school corporation where a student has legal settlement and  
17 the school corporation in which a student will attend school if a

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1 student's placement will continue for the ensuing school year. The  
2 notifications required under this subsection must be made by:

- 3 (1) the department of child services, if the child is a child in need  
4 of services; or  
5 (2) if subdivision (1) does not apply, the court or other agency  
6 making the placement.

7 SECTION 2. IC 20-50-2-1.1 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
9 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the**  
10 **meaning set forth in IC 31-9-2-46.7.**

11 SECTION 3. IC 20-50-3-1.1 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
13 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the**  
14 **meaning set forth in IC 31-9-2-46.7.**

15 SECTION 4. IC 31-9-2-14, AS AMENDED BY P.L.48-2012,  
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2016]: Sec. 14. (a) "Child abuse or neglect", for purposes of  
18 IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a  
19 child described in IC 31-34-1-1 through IC 31-34-1-5 and  
20 **IC 31-34-1-8 through IC 31-34-1-11**, regardless of whether the child  
21 needs care, treatment, rehabilitation, or the coercive intervention of a  
22 court.

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

29 (c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to  
30 acts or omissions by a person against a child as described in  
31 IC 31-34-1-1 through ~~IC 31-34-1-9~~, **IC 31-34-1-11**, regardless of  
32 whether the child needs care, treatment, rehabilitation, or the coercive  
33 intervention of a court.

34 SECTION 5. IC 31-9-2-133.1 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
36 [EFFECTIVE JULY 1, 2016]: **Sec. 133.1. "Victim of human or**  
37 **sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child**  
38 **who is recruited, harbored, transported, or engaged in:**

- 39 (1) **forced labor;**  
40 (2) **involuntary servitude;**  
41 (3) **prostitution;**  
42 (4) **child exploitation, as defined in IC 35-42-4-4(b);**



- 1           **(5) marriage, unless authorized by a court under**
- 2           **IC 31-11-1-6; or**
- 3           **(6) trafficking for the purpose of prostitution or participation**
- 4           **in sexual conduct as defined in IC 35-42-4-4(a)(4).**
- 5           SECTION 6. IC 31-33-18-2, AS AMENDED BY P.L.123-2014,
- 6           SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7           JULY 1, 2016]: Sec. 2. The reports and other material described in
- 8           section 1(a) of this chapter and the unredacted reports and other
- 9           material described in section 1(b) of this chapter shall be made
- 10          available only to the following:
- 11          (1) Persons authorized by this article.
- 12          (2) A legally mandated public or private child protective agency
- 13          investigating a report of child abuse or neglect or treating a child
- 14          or family that is the subject of a report or record.
- 15          (3) Any of the following who are investigating a report of a child
- 16          who may be a victim of child abuse or neglect:
- 17                (A) A police officer or other law enforcement agency.
- 18                (B) A prosecuting attorney.
- 19                (C) A coroner, in the case of the death of a child.
- 20          (4) A physician who has before the physician a child whom the
- 21          physician reasonably suspects may be a victim of child abuse or
- 22          neglect.
- 23          (5) An individual legally authorized to place a child in protective
- 24          custody if:
- 25                (A) the individual has before the individual a child whom the
- 26                individual reasonably suspects may be a victim of abuse or
- 27                neglect; and
- 28                (B) the individual requires the information in the report or
- 29                record to determine whether to place the child in protective
- 30                custody.
- 31          (6) An agency having the legal responsibility or authorization to
- 32          care for, treat, or supervise a child who is the subject of a report
- 33          or record or a parent, guardian, custodian, or other person who is
- 34          responsible for the child's welfare.
- 35          (7) An individual named in the report or record who is alleged to
- 36          be abused or neglected or, if the individual named in the report is
- 37          a child or is otherwise incompetent, the individual's guardian ad
- 38          litem or the individual's court appointed special advocate, or both.
- 39          (8) Each parent, guardian, custodian, or other person responsible
- 40          for the welfare of a child named in a report or record and an
- 41          attorney of the person described under this subdivision, with
- 42          protection for the identity of reporters and other appropriate



- 1 individuals.
- 2 (9) A court, for redaction of the record in accordance with section  
3 1.5 of this chapter, or upon the court's finding that access to the  
4 records may be necessary for determination of an issue before the  
5 court. However, except for disclosure of a redacted record in  
6 accordance with section 1.5 of this chapter, access is limited to in  
7 camera inspection unless the court determines that public  
8 disclosure of the information contained in the records is necessary  
9 for the resolution of an issue then pending before the court.
- 10 (10) A grand jury upon the grand jury's determination that access  
11 to the records is necessary in the conduct of the grand jury's  
12 official business.
- 13 (11) An appropriate state or local official responsible for child  
14 protection services or legislation carrying out the official's official  
15 functions.
- 16 ~~(12) A foster care review board established by a juvenile court~~  
17 ~~under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the~~  
18 ~~court's determination that access to the records is necessary to~~  
19 ~~enable the foster care review board to carry out the board's~~  
20 ~~purpose under IC 31-34-21.~~
- 21 ~~(13)~~ (12) The community child protection team appointed under  
22 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to  
23 enable the team to carry out the team's purpose under IC 31-33-3.
- 24 ~~(14)~~ (13) A person about whom a report has been made, with  
25 protection for the identity of:
- 26 (A) any person reporting known or suspected child abuse or  
27 neglect; and
- 28 (B) any other person if the person or agency making the  
29 information available finds that disclosure of the information  
30 would be likely to endanger the life or safety of the person.
- 31 ~~(15)~~ (14) An employee of the department, a caseworker, or a  
32 juvenile probation officer conducting a criminal history check  
33 under IC 31-26-5, IC 31-34, or IC 31-37 to determine the  
34 appropriateness of an out-of-home placement for a:
- 35 (A) child at imminent risk of placement;
- 36 (B) child in need of services; or
- 37 (C) delinquent child.
- 38 The results of a criminal history check conducted under this  
39 subdivision must be disclosed to a court determining the  
40 placement of a child described in clauses (A) through (C).
- 41 ~~(16)~~ (15) A local child fatality review team established under  
42 IC 16-49-2.



- 1           ~~(17)~~ **(16)** The statewide child fatality review committee  
 2 established by IC 16-49-4.  
 3           ~~(18)~~ **(17)** The department.  
 4           ~~(19)~~ **(18)** The division of family resources, if the investigation  
 5 report:  
 6           (A) is classified as substantiated; and  
 7           (B) concerns:  
 8           (i) an applicant for a license to operate;  
 9           (ii) a person licensed to operate;  
 10           (iii) an employee of; or  
 11           (iv) a volunteer providing services at;  
 12 a child care center licensed under IC 12-17.2-4 or a child care  
 13 home licensed under IC 12-17.2-5.  
 14           ~~(20)~~ **(19)** A citizen review panel established under  
 15 IC 31-25-2-20.4.  
 16           ~~(21)~~ **(20)** The department of child services ombudsman  
 17 established by IC 4-13-19-3.  
 18           ~~(22)~~ **(21)** The state superintendent of public instruction with  
 19 protection for the identity of:  
 20           (A) any person reporting known or suspected child abuse or  
 21 neglect; and  
 22           (B) any other person if the person or agency making the  
 23 information available finds that disclosure of the information  
 24 would be likely to endanger the life or safety of the person.  
 25           ~~(23)~~ **(22)** The state child fatality review coordinator employed by  
 26 the state department of health under IC 16-49-5-1.  
 27           ~~(24)~~ **(23)** A person who operates a child caring institution, group  
 28 home, or secure private facility if all the following apply:  
 29           (A) The child caring institution, group home, or secure private  
 30 facility is licensed under IC 31-27.  
 31           (B) The report or other materials concern:  
 32           (i) an employee of;  
 33           (ii) a volunteer providing services at; or  
 34           (iii) a child placed at;  
 35 the child caring institution, group home, or secure private  
 36 facility.  
 37           (C) The allegation in the report occurred at the child caring  
 38 institution, group home, or secure private facility.  
 39           ~~(25)~~ **(24)** A person who operates a child placing agency if all the  
 40 following apply:  
 41           (A) The child placing agency is licensed under IC 31-27.  
 42           (B) The report or other materials concern:



- 1 (i) a child placed in a foster home licensed by the child  
 2 placing agency;  
 3 (ii) a person licensed by the child placing agency to operate  
 4 a foster family home;  
 5 (iii) an employee of the child placing agency or a foster  
 6 family home licensed by the child placing agency; or  
 7 (iv) a volunteer providing services at the child placing  
 8 agency or a foster family home licensed by the child placing  
 9 agency.
- 10 (C) The allegations in the report occurred in the foster family  
 11 home or in the course of employment or volunteering at the  
 12 child placing agency or foster family home.
- 13 **(25) The National Center for Missing and Exploited Children.**  
 14 SECTION 7. IC 31-34-1-3, AS AMENDED BY P.L.168-2014,  
 15 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2016]: Sec. 3. (a) A child is a child in need of services if,  
 17 before the child becomes eighteen (18) years of age:  
 18 (1) the child is the victim of ~~a sex~~ **an** offense under:  
 19 (A) IC 35-42-4-1;  
 20 (B) IC 35-42-4-2 (before its repeal);  
 21 (C) IC 35-42-4-3;  
 22 (D) IC 35-42-4-4;  
 23 **(E) IC 35-42-4-5;**  
 24 **(F) IC 35-42-4-6;**  
 25 ~~(G)~~ **(G)** IC 35-42-4-7;  
 26 **(H) IC 35-42-4-8;**  
 27 ~~(I)~~ **(I)** IC 35-42-4-9;  
 28 ~~(J)~~ **(J)** IC 35-45-4-1;  
 29 ~~(K)~~ **(K)** IC 35-45-4-2;  
 30 **(L) IC 35-45-4-3;**  
 31 **(M) IC 35-45-4-4;**  
 32 ~~(N)~~ **(N)** IC 35-46-1-3; or  
 33 ~~(O)~~ **(O)** the law of another jurisdiction, including a military  
 34 court, that is substantially equivalent to any of the offenses  
 35 listed in clauses (A) through ~~(H)~~; **(N)**; and  
 36 (2) the child needs care, treatment, or rehabilitation that:  
 37 (A) the child is not receiving; and  
 38 (B) is unlikely to be provided or accepted without the coercive  
 39 intervention of the court.
- 40 (b) A child is a child in need of services if, before the child becomes  
 41 eighteen (18) years of age:  
 42 (1) the child lives:





- 1 (A) in the same household as another child who is the victim  
 2 of a ~~sex an~~ offense under:  
 3 ~~(A) (i)~~ IC 35-42-4-1;  
 4 ~~(B) (ii)~~ IC 35-42-4-2 (before its repeal);  
 5 ~~(C) (iii)~~ IC 35-42-4-3;  
 6 ~~(D) (iv)~~ IC 35-42-4-4;  
 7 **(v) IC 35-42-4-5;**  
 8 **(vi) IC 35-42-4-6;**  
 9 ~~(E) (vii)~~ IC 35-42-4-7;  
 10 **(viii) IC 35-42-4-8;**  
 11 ~~(F) (ix)~~ IC 35-42-4-9;  
 12 ~~(G) (x)~~ IC 35-45-4-1;  
 13 ~~(H) (xi)~~ IC 35-45-4-2;  
 14 **(xii) IC 35-45-4-3;**  
 15 **(xiii) IC 35-45-4-4;**  
 16 ~~(I) (xiv)~~ IC 35-46-1-3; or  
 17 ~~(J) (xv)~~ the law of another jurisdiction, including a military  
 18 court, that is substantially equivalent to any of the offenses  
 19 listed in ~~clauses (A) items (i) through (I); (xiv); or~~  
 20 ~~(2) the child lives (B)~~ in the same household as the adult who:  
 21 ~~(A) (i)~~ committed the ~~sex~~ offense under ~~subdivision (1)~~  
 22 **clause A** and the ~~sex~~ offense resulted in a conviction or a  
 23 judgment under IC 31-34-11-2; or  
 24 ~~(B) (ii)~~ has been charged with a ~~sex an~~ offense listed in  
 25 ~~subdivision (1) clause (A)~~ and is awaiting trial;  
 26 ~~(3) (2)~~ the child needs care, treatment, or rehabilitation that:  
 27 (A) the child is not receiving; and  
 28 (B) is unlikely to be provided or accepted without the coercive  
 29 intervention of the court; and  
 30 ~~(4) (3)~~ a caseworker assigned to provide services to the child:  
 31 (A) places the child in a program of informal adjustment or  
 32 other family or rehabilitative services based upon the existence  
 33 of the circumstances described in ~~subdivisions (1) and (2)~~  
 34 **subdivision (1)** and the assigned caseworker subsequently  
 35 determines further intervention is necessary; or  
 36 (B) determines that a program of informal adjustment or other  
 37 family or rehabilitative services is inappropriate.  
 38 **(c) A child is a child in need of services if, before the child**  
 39 **becomes eighteen (18) years of age:**  
 40 **(1) the child lives in the same household as an adult who:**  
 41 **(A) committed a human or sexual trafficking offense under**  
 42 **IC 35-42-3.5-1 that resulted in a conviction or a judgment**



- 1           under IC 31-34-11-2; or  
 2           **(B) has been charged with a human or sexual trafficking**  
 3           **offense under IC 35-42-3.5-1 and is awaiting trial; and**  
 4           **(2) the child needs care, treatment, or rehabilitation that:**  
 5           **(A) the child is not receiving; and**  
 6           **(B) is unlikely to be provided or accepted without the**  
 7           **coercive intervention of the court.**

8           SECTION 8. IC 31-34-1-3.5 IS ADDED TO THE INDIANA CODE  
 9           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 10          1, 2016]: **Sec. 3.5. (a) A child is a child in need of services if, before**  
 11          **the child becomes eighteen (18) years of age:**

- 12           **(1) the child is a victim of human or sexual trafficking (as**  
 13           **defined in IC 31-9-2-133.1); and**  
 14           **(2) the child needs care, treatment, or rehabilitation that:**  
 15           **(A) the child is not receiving; and**  
 16           **(B) is unlikely to be provided or accepted without the**  
 17           **coercive intervention of the court.**

18          **(b) A child is considered a victim of human or sexual trafficking**  
 19          **regardless of whether the child consented to the conduct described**  
 20          **in subsection (a)(1).**

21          SECTION 9. IC 31-34-7-4 IS AMENDED TO READ AS  
 22          FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A person who is  
 23          accused of committing child abuse or neglect is entitled under  
 24          ~~IC 31-33-18-2(14)~~ **IC 31-33-18-2(13)** to access to a report relevant to  
 25          an alleged accusation.

26          SECTION 10. IC 31-34-10-3, AS AMENDED BY P.L.234-2005,  
 27          SECTION 180, IS AMENDED TO READ AS FOLLOWS  
 28          [EFFECTIVE JULY 1, 2016]: Sec. 3. Before complying with the other  
 29          requirements of this chapter, the juvenile court shall first determine  
 30          whether the following conditions make it appropriate to appoint a  
 31          guardian ad litem or a court appointed special advocate, or both, for the  
 32          child:

- 33           (1) If the child is alleged to be a child in need of services:  
 34           (A) under IC 31-34-1-6;  
 35           (B) under IC 31-34-1-10 or IC 31-34-1-11;  
 36           (C) due to the inability, refusal, or neglect of the child's parent,  
 37           guardian, or custodian to supply the child with the necessary  
 38           medical care; or  
 39           (D) because the location of both of the child's parents is  
 40           unknown;

41          the court shall appoint a guardian ad litem or court appointed  
 42          special advocate, or both, for the child.



- 1 (2) If the child is alleged to be a child in need of services under:  
 2 (A) IC 31-34-1-1;  
 3 (B) IC 31-34-1-2;  
 4 (C) IC 31-34-1-3;  
 5 **(D) IC 31-34-1-3.5;**  
 6 ~~(E)~~ (E) IC 31-34-1-4;  
 7 ~~(F)~~ (F) IC 31-34-1-5;  
 8 ~~(G)~~ (G) IC 31-34-1-7; or  
 9 ~~(H)~~ (H) IC 31-34-1-8;  
 10 the court shall appoint a guardian ad litem, court appointed  
 11 special advocate, or both, for the child.  
 12 (3) If the parent, guardian, or custodian of a child denies the  
 13 allegations of a petition under section 6 of this chapter, the court  
 14 shall appoint a guardian ad litem, court appointed special  
 15 advocate, or both, for the child.  
 16 SECTION 11. IC 31-34-10-6 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Except if a petition  
 18 is filed under IC 31-34-1-6 **or IC 31-34-1-3.5**, the juvenile court shall  
 19 determine whether the parent, guardian, or custodian admits or denies  
 20 the allegations of the petition. A failure to respond constitutes a denial.  
 21 SECTION 12. IC 31-34-10-7 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If a petition alleges  
 23 that the child is a child in need of services under IC 31-34-1-6 **or**  
 24 **IC 31-34-1-3.5**, the juvenile court shall determine whether the child  
 25 admits or denies the allegations. A failure to respond constitutes a  
 26 denial.  
 27 SECTION 13. IC 31-34-12-4.5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) There is a  
 29 rebuttable presumption that a child is a child in need of services if the  
 30 state establishes that:  
 31 (1) another child in the same household is the victim of:  
 32 (A) a ~~sex~~ an offense described in IC 31-34-1-3; **or**  
 33 (B) **an offense described in IC 31-34-1-3.5;** and  
 34 (2) the ~~sex~~ offense described in IC 31-34-1-3 **or IC 31-34-1-3.5:**  
 35 (A) was committed by an adult who lives in the household  
 36 with the child; and  
 37 (B) resulted in a conviction of the adult or a judgment under  
 38 IC 31-34-11-2 as it relates to the child against whom the ~~sex~~  
 39 offense was committed.  
 40 (b) The following may not be used as grounds to rebut the  
 41 presumption under subsection (a):  
 42 (1) The child who is the victim of:



1                   (A) ~~the sex an~~ offense described in IC 31-34-1-3; or  
2                   (B) **an offense described in IC 31-34-1-3.5;**  
3           is not genetically related to the adult who committed the act, but  
4           the child presumed to be the child in need of services under this  
5           section is genetically related to the adult who committed the act.  
6           (2) The child who is the victim of:  
7                   (A) ~~the sex an~~ offense described in IC 31-34-1-3; or  
8                   (B) **an offense described in IC 31-34-1-3.5;**  
9           differs in age from the child presumed to be the child in need of  
10          services under this section.  
11          (c) This section does not affect the ability to take a child into  
12          custody or emergency custody under IC 31-34-2 if the act of taking the  
13          child into custody or emergency custody is not based upon a  
14          presumption established under this section. However, if the  
15          presumption established under this section is the sole basis for taking  
16          a child into custody or emergency custody under IC 31-34-2, the court  
17          first must find cause to take the child into custody or emergency  
18          custody following a hearing in which the parent, guardian, or custodian  
19          of the child is accorded the rights described in IC 31-34-4-6(a)(2)  
20          through IC 31-34-4-6(a)(5).  
21          SECTION 14. IC 31-34-20-1, AS AMENDED BY P.L.104-2015,  
22          SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23          JULY 1, 2016]: Sec. 1. (a) Subject to this section and section 1.5 of this  
24          chapter, if a child is a child in need of services, the juvenile court may  
25          enter one (1) or more of the following dispositional decrees:  
26                  (1) Order supervision of the child by the department.  
27                  (2) Order the child to receive outpatient treatment:  
28                          (A) at a social service agency or a psychological, a psychiatric,  
29                          a medical, or an educational facility; or  
30                          (B) from an individual practitioner.  
31                  (3) Remove the child from the child's home and authorize the  
32                  department to place the child in another home, shelter care  
33                  facility, child caring institution, group home, or secure private  
34                  facility. Placement under this subdivision includes authorization  
35                  to control and discipline the child.  
36                  (4) Award wardship of the child to the department for  
37                  supervision, care, and placement.  
38                  (5) Partially or completely emancipate the child under section 6  
39                  of this chapter.  
40                  (6) Order the child's parent, guardian, or custodian to complete  
41                  services recommended by the department and approved by the  
42                  court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.



- 1 (7) Order a person who is a party to refrain from direct or indirect
- 2 contact with the child.
- 3 (8) Order a perpetrator of child abuse or neglect to refrain from
- 4 returning to the child's residence.
- 5 (b) A juvenile court may not place a child in a home or facility that
- 6 is located outside Indiana unless:
- 7 (1) the placement is recommended or approved by the director of
- 8 the department or the director's designee; or
- 9 (2) the juvenile court makes written findings based on clear and
- 10 convincing evidence that:
- 11 (A) the out-of-state placement is appropriate because there is
- 12 not a comparable facility with adequate services located in
- 13 Indiana;
- 14 **(B) institutional care in the other jurisdiction is in the best**
- 15 **interest of the child and will not produce undue hardship;**
- 16 or
- 17 ~~(B)~~ **(C)** the location of the home or facility is within a distance
- 18 not greater than fifty (50) miles from the county of residence
- 19 of the child.
- 20 (c) If a dispositional decree under this section:
- 21 (1) orders or approves removal of a child from the child's home or
- 22 awards wardship of the child to the department; and
- 23 (2) is the first juvenile court order in the child in need of services
- 24 proceeding that authorizes or approves removal of the child from
- 25 the child's parent, guardian, or custodian;
- 26 the juvenile court shall include in the decree the appropriate findings
- 27 and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).
- 28 SECTION 15. IC 31-34-21-5.6, AS AMENDED BY P.L.158-2013,
- 29 SECTION 323, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2016]: Sec. 5.6. (a) A court may make a finding
- 31 described in this section at any phase of a child in need of services
- 32 proceeding.
- 33 (b) Reasonable efforts to reunify a child with the child's parent,
- 34 guardian, or custodian or preserve a child's family as described in
- 35 section 5.5 of this chapter are not required if the court finds any of the
- 36 following:
- 37 (1) A parent, guardian, or custodian of a child who is a child in
- 38 need of services has been convicted of:
- 39 (A) an offense described in IC 31-35-3-4(1)(B) or
- 40 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
- 41 victim who is:
- 42 (i) a child described in IC 31-35-3-4(2); or



- 1 (ii) a parent of the child; or  
 2 (B) a comparable offense as described in clause (A) in any  
 3 other state, territory, or country by a court of competent  
 4 jurisdiction.  
 5 (2) A parent, guardian, or custodian of a child who is a child in  
 6 need of services:  
 7 (A) has been convicted of:  
 8 (i) the murder (IC 35-42-1-1) or voluntary manslaughter  
 9 (IC 35-42-1-3) of a victim who is a child described in  
 10 IC 31-35-3-4(2)(B) or a parent of the child; or  
 11 (ii) a comparable offense described in item (i) in any other  
 12 state, territory, or country; or  
 13 (B) has been convicted of:  
 14 (i) aiding, inducing, or causing another person;  
 15 (ii) attempting; or  
 16 (iii) conspiring with another person;  
 17 to commit an offense described in clause (A).  
 18 (3) A parent, guardian, or custodian of a child who is a child in  
 19 need of services has been convicted of:  
 20 (A) battery as a Class A felony (for a crime committed before  
 21 July 1, 2014) or Level 2 felony (for a crime committed after  
 22 June 30, 2014);  
 23 (B) battery as a Class B felony (for a crime committed before  
 24 July 1, 2014) or Level 3 or Level 4 felony (for a crime  
 25 committed after June 30, 2014);  
 26 (C) battery as a Class C felony (for a crime committed before  
 27 July 1, 2014) or Level 5 felony (for a crime committed after  
 28 June 30, 2014);  
 29 (D) aggravated battery (IC 35-42-2-1.5);  
 30 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony  
 31 (for a crime committed before July 1, 2014) or a Level 5  
 32 felony (for a crime committed after June 30, 2014);  
 33 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony  
 34 (for a crime committed before July 1, 2014) or a Level 1 or  
 35 Level 3 felony (for a crime committed after June 30, 2014); or  
 36 (G) a comparable offense described in clauses (A) through (F)  
 37 in another state, territory, or country;  
 38 against a child described in IC 31-35-3-4(2)(B).  
 39 (4) The parental rights of a parent with respect to a biological or  
 40 adoptive sibling of a child who is a child in need of services have  
 41 been involuntarily terminated by a court under:  
 42 (A) IC 31-35-2 (involuntary termination involving a



- 1 delinquent child or a child in need of services);
- 2 (B) IC 31-35-3 (involuntary termination involving an
- 3 individual convicted of a criminal offense); or
- 4 (C) any comparable law described in clause (A) or (B) in any
- 5 other state, territory, or country.
- 6 (5) The child is an abandoned infant, provided that the court:
- 7 (A) has appointed a guardian ad litem or court appointed
- 8 special advocate for the child; and
- 9 (B) after receiving a written report and recommendation from
- 10 the guardian ad litem or court appointed special advocate, and
- 11 after a hearing, finds that reasonable efforts to locate the
- 12 child's parents or reunify the child's family would not be in the
- 13 best interests of the child.
- 14 **(6) A parent, guardian, or custodian of a The child who is a**
- 15 **child in need of services has been convicted of an offense as**
- 16 **described in IC 31-34-1-3.5, and the child's parent, guardian,**
- 17 **or custodian:**
- 18 **(A) committed a human or sexual trafficking offense**
- 19 **against the child that resulted in a conviction or a**
- 20 **judgment under IC 31-34-11-2; or**
- 21 **(B) has been charged with a human or sexual trafficking**
- 22 **offense under IC 35-42-3.5-1 against the child and is**
- 23 **awaiting trial.**

24 SECTION 16. IC 31-34-21-9 IS REPEALED [EFFECTIVE JULY  
 25 1, 2016]. Sec. 9: (a) The juvenile court may assign cases to a foster care  
 26 review board established by the court to assist the court in reviewing  
 27 foster care placements:

28 (b) The foster care review board shall review a foster care  
 29 placement at the juvenile court's request and shall file a report,  
 30 including findings and recommendations with the court:

31 (c) If the juvenile court believes the contents of a confidential report  
 32 or document would benefit the review board, the court may provide the  
 33 review board with an order authorizing disclosure of the document to  
 34 the review board. The review board may not disclose the contents of a  
 35 confidential report or document to any person who is not allowed  
 36 disclosure by the court or by statute:

37 SECTION 17. IC 31-37-9-1, AS AMENDED BY P.L.146-2008,  
 38 SECTION 629, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) After the preliminary inquiry  
 40 and upon approval by the juvenile court, the intake officer may  
 41 implement a program of informal adjustment if the officer has probable  
 42 cause to believe that the child is a delinquent child. ~~and the child is not~~



1 removed from the child's home:

2 (b) If the program of informal adjustment includes services  
3 requiring payment by the department under IC 31-40-1, the intake  
4 officer shall submit a copy of the proposed program to the department  
5 before submitting it to the juvenile court for approval. Upon receipt of  
6 the proposed program, the department may submit its comments and  
7 recommendations, if any, to the intake officer and the juvenile court.

8 SECTION 18. IC 31-37-19-3, AS AMENDED BY P.L.146-2008,  
9 SECTION 649, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A juvenile court may not  
11 place a child who is a delinquent child under IC 31-37-2 in a shelter  
12 care facility that is located outside the child's county of residence  
13 unless:

- 14 (1) placement of the child in a shelter care facility with adequate  
15 services located in the child's county of residence is unavailable;  
16 or  
17 (2) the child's county of residence does not have an appropriate  
18 shelter care facility with adequate services.

19 (b) A juvenile court may not place a child in a home or facility that  
20 is not a secure detention facility and that is located outside Indiana  
21 unless:

- 22 (1) the placement is recommended or approved by the director of  
23 the department or the director's designee; or  
24 (2) the court makes written findings based on clear and  
25 convincing evidence that:  
26 (A) the out-of-state placement is appropriate because there is  
27 not a comparable facility with adequate services located in  
28 Indiana;  
29 **(B) institutional care in the other jurisdiction is in the best**  
30 **interest of the child and will not produce undue hardship;**  
31 or  
32 ~~(B)~~ (C) the location of the home or facility is within a distance  
33 not more than fifty (50) miles from the county of residence of  
34 the child.

35 SECTION 19. IC 31-37-20-5 IS REPEALED [EFFECTIVE JULY  
36 1, 2016]. Sec. 5: (a) The juvenile court may assign cases to a foster care  
37 review board established by the court to assist the court in reviewing  
38 foster care placements. The board shall:

- 39 (1) review a foster care placement at the juvenile court's request;  
40 and  
41 (2) file a report, including findings and recommendations, with  
42 the court.





1 (b) If the juvenile court believes the contents of a confidential report  
 2 or document would benefit the review board, the court may provide the  
 3 review board with an order authorizing disclosure of the document to  
 4 the review board. The review board may not disclose the contents of a  
 5 confidential report or document to a person who is not allowed  
 6 disclosure by the court or by statute.

7 SECTION 20. IC 35-46-1-9, AS AMENDED BY P.L.158-2013,  
 8 SECTION 555, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in  
 10 subsection (b), a person who, with respect to an adoption, transfers or  
 11 receives any property in connection with the waiver of parental rights,  
 12 the termination of parental rights, the consent to adoption, or the  
 13 petition for adoption commits profiting from an adoption, a Level 6  
 14 felony.

15 (b) This section does not apply to the transfer or receipt of:

- 16 (1) reasonable attorney's fees;
- 17 (2) hospital and medical expenses concerning childbirth and
- 18 pregnancy incurred by the adopted person's birth mother;
- 19 (3) reasonable charges and fees levied by a child placing agency
- 20 licensed under IC 31-27 or the department of child services;
- 21 (4) reasonable expenses for psychological counseling relating to
- 22 adoption incurred by the adopted person's birth parents;
- 23 (5) reasonable costs of housing, utilities, and phone service for the
- 24 adopted person's birth mother during the second or third trimester
- 25 of pregnancy and not more than six (6) weeks after childbirth;
- 26 (6) reasonable costs of maternity clothing for the adopted person's
- 27 birth mother;
- 28 (7) reasonable travel expenses incurred by the adopted person's
- 29 birth mother that relate to the pregnancy or adoption;
- 30 (8) any additional itemized necessary living expenses for the
- 31 adopted person's birth mother during the second or third trimester
- 32 of pregnancy and not more than six (6) weeks after childbirth, not
- 33 listed in subdivisions (5) through (7) in an amount not to exceed
- 34 one thousand dollars (\$1,000); or
- 35 (9) other charges and fees approved by the court supervising the
- 36 adoption, including reimbursement of not more than actual wages
- 37 lost as a result of the inability of the adopted person's birth mother
- 38 to work at her regular, existing employment due to a medical
- 39 condition, excluding a psychological condition, if:
  - 40 (A) the attending physician of the adopted person's birth
  - 41 mother has ordered or recommended that the adopted person's
  - 42 birth mother discontinue her employment; and



1 (B) the medical condition and its direct relationship to the  
 2 pregnancy of the adopted person's birth mother are  
 3 documented by her attending physician.

4 In determining the amount of reimbursable lost wages, if any, that are  
 5 reasonably payable to the adopted person's birth mother under  
 6 subdivision (9), the court shall offset against the reimbursable lost  
 7 wages any amounts paid to the adopted person's birth mother under  
 8 subdivisions (5) and (8) and any unemployment compensation received  
 9 by or owed to the adopted person's birth mother.

10 (c) Except as provided in this subsection, payments made under  
 11 subsection (b)(5) through (b)(9) may not exceed three thousand dollars  
 12 (\$3,000) and must be disclosed to the court supervising the adoption.  
 13 The amounts paid under subsection (b)(5) through (b)(9) may exceed  
 14 three thousand dollars (\$3,000) to the extent that a court in Indiana  
 15 with jurisdiction over the child who is the subject of the adoption  
 16 approves the expenses after determining that:

- 17 (1) the expenses are not being offered as an inducement to  
 18 proceed with an adoption; and  
 19 (2) failure to make the payments may seriously jeopardize the  
 20 health of either the child or the mother of the child and the direct  
 21 relationship is documented by a licensed social worker or the  
 22 attending physician.

23 (d) The payment limitation under subsection (c) applies to the total  
 24 amount paid under subsection (b)(5) through (b)(9) in connection with  
 25 an adoption from all prospective adoptive parents, attorneys, and  
 26 licensed child placing agencies.

27 (e) An attorney or licensed child placing agency shall inform a birth  
 28 mother of the penalties for committing adoption deception under  
 29 section 9.5 of this chapter before the attorney or agency transfers a  
 30 payment for adoption related expenses under subsection (b) in relation  
 31 to the birth mother.

32 (f) The limitations in this section apply regardless of the state or  
 33 country in which the adoption is finalized.



## COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 305, 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 7, between lines 37 and 38, begin a new paragraph and insert:

**"(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:**

**(1) the child lives in the same household as an adult who:**

**(A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 that resulted in a conviction or a judgment under IC 31-34-11-2; or**

**(B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 and is awaiting trial; and**

**(2) the child needs care, treatment, or rehabilitation that:**

**(A) the child is not receiving; and**

**(B) is unlikely to be provided or accepted without the coercive intervention of the court."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 305 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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 SENATE MOTION

Madam President: I move that Senate Bill 305 be amended to read as follows:

Page 11, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 14. IC 31-34-21-5.6, AS AMENDED BY P.L. 158-2013, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the

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following:

- (1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:
  - (A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:
    - (i) a child described in IC 31-35-3-4(2); or
    - (ii) a parent of the child; or
  - (B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.
- (2) A parent, guardian, or custodian of a child who is a child in need of services:
  - (A) has been convicted of:
    - (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
    - (ii) a comparable offense described in item (i) in any other state, territory, or country; or
  - (B) has been convicted of:
    - (i) aiding, inducing, or causing another person;
    - (ii) attempting; or
    - (iii) conspiring with another person;

to commit an offense described in clause (A).
- (3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:
  - (A) battery as a Class A felony (for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);
  - (B) battery as a Class B felony (for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);
  - (C) battery as a Class C felony (for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);
  - (D) aggravated battery (IC 35-42-2-1.5);
  - (E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
  - (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014); or



(G) a comparable offense described in clauses (A) through (F) in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

(5) The child is an abandoned infant, provided that the court:

(A) has appointed a guardian ad litem or court appointed special advocate for the child; and

(B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

**(6) The child is a child in need of services as described in IC 31-34-1-3.5, and the child's parent, guardian, or custodian:**

**(A) committed a human or sexual trafficking offense against the child that resulted in a conviction or a judgment under IC 31-34-11-2; or**

**(B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 against the child and is awaiting trial."**

Renumber all SECTIONS consecutively.

(Reference is to SB 305 as printed January 20, 2016.)

HEAD



## SENATE MOTION

Madam President: I move that Senate Bill 305 be amended to read as follows:

Page 11, between lines 27 and 28, begin a new paragraph and insert:  
 "SECTION 14. IC 31-34-21-5.6, AS AMENDED BY P.L. 158-2013, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

- (i) a child described in IC 31-35-3-4(2); or
- (ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

- (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
- (ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

- (i) aiding, inducing, or causing another person;
- (ii) attempting; or
- (iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery as a Class A felony (for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);



- (B) battery as a Class B felony (for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);
- (C) battery as a Class C felony (for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);
- (D) aggravated battery (IC 35-42-2-1.5);
- (E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
- (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014); or
- (G) a comparable offense described in clauses (A) through (F) in another state, territory, or country;
- against a child described in IC 31-35-3-4(2)(B).
- (4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:
- (A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);
- (B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or
- (C) any comparable law described in clause (A) or (B) in any other state, territory, or country.
- (5) The child is an abandoned infant, provided that the court:
- (A) has appointed a guardian ad litem or court appointed special advocate for the child; and
- (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.
- (6) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of an offense described in IC 35-42-3.5-1 against the child."**

Renumber all SECTIONS consecutively.

(Reference is to SB 305 as printed January 20, 2016.)

HEAD

