

SENATE BILL No. 363

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-32.

Synopsis: Immunity for child and family service providers. Provides, with some exceptions, civil immunity to nongovernmental entities that contract with the department of child services and employees of nongovernmental entities that contract with the department of child services who act within the scope of the employee's employment for a loss resulting from injury to a person or property of a person under supervision of the nongovernmental entity and who is receiving services through the department of child services.

Effective: July 1, 2020.

Donato, Houchin

January 13, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 363

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-30-32 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]:

4 **Chapter 32. Immunity for Nongovernmental Entities That**
5 **Contract with Department of Child Services**

6 **Sec. 1. (a) Except as provided in subsection (b) and section 2 of**
7 **this chapter, a nongovernmental entity that contracts with the**
8 **department of child services or an employee of a nongovernmental**
9 **entity that contracts with the department of child services who acts**
10 **within the scope of the employee's employment is immune from**
11 **civil liability if a loss results from injury to a person or property of**
12 **a person:**

- 13 (1) under supervision of the nongovernmental entity; and
- 14 (2) who is receiving services under IC 31-26, IC 31-27, or
- 15 IC 31-28.

16 (b) Subsection (a) does not apply to an action brought against a
17 qualified health care provider for medical malpractice under



1 **IC 34-18-8.**
2 **Sec. 2. This chapter does not grant immunity from civil liability**
3 **to a person or entity that commits an act that amounts to:**
4 **(1) gross negligence;**
5 **(2) willful or wanton misconduct; or**
6 **(3) intentional misconduct.**

