

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 2017 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 381

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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:*

SECTION 1. IC 31-34-1-2, AS AMENDED BY P.L.2-2005, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; 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.

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

- (1) is a victim of:**
  - (A) an offense under IC 35-42-1-2.5;**
  - (B) an offense under IC 35-42-2-1;**
  - (C) an offense under IC 35-42-2-1.3;**
  - (D) an offense under IC 35-42-2-1.5;**
  - (E) an offense under IC 35-42-2-9;**
  - (F) an offense under IC 35-46-1-4;**
  - (G) an attempt or conspiracy to commit:**

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- (i) an offense listed in clauses (A) through (F); or
- (ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or
- (H) an offense under the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (G); and
- (2) 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.
- (c) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
  - (1) lives in the same household as an adult who:
    - (A) committed:
      - (i) an offense described in subsection (b)(1); or
      - (ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; against another child who lives in the household and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
      - (B) has been charged with committing an offense described in clause (A) against another child who lives in the household and is awaiting trial; and
    - (2) 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.
  - ~~(b)~~ (d) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

SECTION 2. IC 31-34-12-4.5, AS AMENDED BY P.L.46-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. (a) There is a rebuttable presumption that a child is a child in need of services if the state establishes that the child lives in the same household as an adult who:

- (1) committed an offense described in IC 31-34-1-2, IC 31-34-1-3, or IC 31-34-1-3.5 against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
- (2) has been charged with an offense described in IC 31-34-1-2, IC 31-34-1-3, or IC 31-34-1-3.5 against a child and is awaiting trial.



(b) The following may not be used as grounds to rebut the presumption under subsection (a):

(1) The child who is the victim of the offense described in **IC 31-34-1-2 or IC 31-34-1-3** is not genetically related to the adult who committed the act, but the child presumed to be the child in need of services under this section is genetically related to the adult who committed the act.

(2) The child who is the victim of the offense described in **IC 31-34-1-2 or IC 31-34-1-3** differs in age from the child presumed to be the child in need of services under this section.

(c) This section does not affect the ability to take a child into custody or emergency custody under IC 31-34-2 if the act of taking the child into custody or emergency custody is not based upon a presumption established under this section. However, if the presumption established under this section is the sole basis for taking a child into custody or emergency custody under IC 31-34-2, the court first must find cause to take the child into custody or emergency custody following a hearing in which the parent, guardian, or custodian of the child is accorded the rights described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5).



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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