

## SENATE BILL No. 423

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37-26; IC 34-30-2-134.7.

**Synopsis:** Court appointed youth advocate pilot program. Creates the youth advocate pilot program (pilot program) for purposes of providing early intervention and mentoring services for children who are adjudicated delinquent. Provides: (1) for five counties to participate in the pilot program; and (2) for the pilot program to terminate after two years if not extended. Provides that the pilot program is administered by the prosecuting attorneys council of Indiana. Provides that a youth advocate appointed under the pilot program is: (1) a volunteer; (2) appointed by a court to provide services for a child who is adjudicated delinquent; and (3) an officer of the court during the youth advocate's appointment. Provides that a youth advocate serves under the pilot program until: (1) the child for whom the youth advocate is appointed becomes 18 years of age; or (2) the court discharges the youth advocate; but may continue to serve in a volunteer capacity as a resource for the child thereafter. Provides that, except for gross misconduct, a youth advocate is immune from civil liability resulting from the youth advocate's performance of the youth advocate's duties: (1) in good faith; and (2) within the scope of the youth advocate's duties. Provides that information provided to a youth advocate by a child for whom the youth advocate is appointed: (1) is confidential; (2) may be disclosed only to the court that appointed the youth advocate or to the child's parent or guardian; and (3) may not be used against the child in a criminal or civil proceeding; except as required to report child abuse or neglect. Provides that the pilot program is funded through a combination of state, county, local, and private funding, with the state providing a dollar-for-dollar match of county and local funding, up to a maximum of \$25,000 for any one county in any one state fiscal year. Provides for the reversion or return of funds upon the expiration of the pilot program. Makes an appropriation.

**Effective:** July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 423

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

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

- 1 SECTION 1. IC 31-37-26 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2019]:
- 4 **Chapter 26. Court Appointed Youth Advocate Pilot Program**
- 5 **Sec. 1. As used in this chapter, "council" refers to the**
- 6 **prosecuting attorneys council of Indiana established by**
- 7 **IC 33-39-8-2.**
- 8 **Sec. 2. As used in this chapter, "county program" means a court**
- 9 **appointed youth advocate program established in a pilot county**
- 10 **under section 9 of this chapter.**
- 11 **Sec. 3. As used in this chapter, "fund" means the court**
- 12 **appointed youth advocate pilot program fund established by**
- 13 **section 13 of this chapter.**
- 14 **Sec. 4. As used in this chapter, "pilot county" refers to any one**
- 15 **(1) of the following:**
- 16 **(1) Elkhart County.**
- 17 **(2) Tippecanoe County.**



- 1           **(3) Bartholomew County.**  
 2           **(4) Clark County.**  
 3           **(5) Lake County.**  
 4           **Sec. 5. As used in this chapter, "pilot program" refers to the**  
 5 **court appointed youth advocate pilot program established by**  
 6 **section 7 of this chapter.**  
 7           **Sec. 6. As used in this chapter, "youth advocate" means an**  
 8 **individual appointed by a court under section 10 of this chapter.**  
 9           **Sec. 7. (a) The court appointed youth advocate pilot program is**  
 10 **established for the purpose of providing volunteer early**  
 11 **intervention and mentoring services for children in a pilot county**  
 12 **who are adjudicated delinquent under this article.**  
 13           **(b) The council shall administer the pilot program.**  
 14           **(c) The pilot program terminates on July 1, 2021, unless**  
 15 **extended.**  
 16           **Sec. 8. The council shall establish:**  
 17           **(1) qualifications for youth advocates; and**  
 18           **(2) an application process by which an individual in a pilot**  
 19 **county can apply to volunteer as a youth advocate.**  
 20           **Sec. 9. (a) The council shall establish a court appointed youth**  
 21 **advocate program in each pilot county.**  
 22           **(b) The council shall provide for the staffing and administration**  
 23 **of each county program and may enter into an agreement with a**  
 24 **public or private entity to staff or administer a county program.**  
 25           **(c) A county program shall:**  
 26           **(1) solicit applicants to volunteer as youth advocates in the**  
 27 **county;**  
 28           **(2) conduct a criminal history check for each individual who**  
 29 **applies to volunteer as a youth advocate;**  
 30           **(3) evaluate each applicant according to the qualifications**  
 31 **established by the council under section 8 of this chapter; and**  
 32           **(4) maintain and provide to the administrator of the county's**  
 33 **juvenile courts a list of applicants who:**  
 34           **(A) meet the qualifications to serve as a youth advocate;**  
 35           **and**  
 36           **(B) are not disqualified from serving as a youth advocate**  
 37 **under subsection (d).**  
 38           **(d) An individual may not serve as a youth advocate if the**  
 39 **results of the criminal history check conducted under subsection**  
 40 **(c) disclose that the individual has:**  
 41           **(1) a conviction for a felony;**  
 42           **(2) a conviction for a misdemeanor relating to the health and**



1 safety of a child; or

2 (3) a juvenile adjudication for an act that, if committed by an  
3 adult, would be a nonwaivable offense, as defined in  
4 IC 31-9-2-84.8.

5 **Sec. 10. (a)** A court in a pilot county may appoint a youth  
6 advocate for a child who is adjudicated delinquent under this  
7 article.

8 (b) A youth advocate is considered an officer of the court.

9 (c) A youth advocate appointed for a child under this section  
10 shall represent and protect the best interests of the child, including  
11 by doing any of the following:

12 (1) Providing counseling, tutoring, or mentoring to the child.

13 (2) Acting as a point of contact and advocate for the child with  
14 the child's school, the court system, social services providers,  
15 and any other individual or entity involved in the child's care,  
16 treatment, or rehabilitation.

17 (3) Providing to the child's parent or guardian:

18 (A) information regarding the child's care, treatment, or  
19 rehabilitation; and

20 (B) information regarding, and assistance in applying for,  
21 any local, county, state, or federal resources for which the  
22 child or the child's parent may qualify.

23 (4) Providing a positive role model and source of constancy  
24 and stability for the child.

25 (5) Providing any other service as ordered by the court that  
26 appoints the youth advocate.

27 (d) A court may not appoint any of the following as a youth  
28 advocate for a child:

29 (1) A party to the child's delinquency proceedings.

30 (2) An employee of a party to the child's delinquency  
31 proceedings.

32 (3) A representative of a party to the child's delinquency  
33 proceedings.

34 (e) A youth advocate serves under the pilot program until the  
35 earlier of the following:

36 (1) The date on which the child for whom the youth advocate  
37 is appointed becomes eighteen (18) years of age.

38 (2) The date on which the court that appointed the youth  
39 advocate issues an order discharging the youth advocate.

40 (f) A youth advocate whose service under the pilot program  
41 ends as described in subsection (e) may continue to provide  
42 counseling and mentoring services to the child for whom the youth



1 advocate was appointed. An individual who provides counseling  
 2 and mentoring services to a child under this subsection is not  
 3 considered an officer of the court and serves only in a volunteer  
 4 capacity.

5 Sec. 11. Except for gross misconduct, a youth advocate is  
 6 immune from civil liability resulting from the youth advocate's  
 7 performance of the youth advocate's duties:

- 8 (1) in good faith; and
- 9 (2) within the scope of the youth advocate's duties as an  
 10 officer of the court under this chapter.

11 Sec. 12. Except as provided under IC 31-33-5, information  
 12 provided to a youth advocate by a child for whom the youth  
 13 advocate is appointed:

- 14 (1) is confidential;
- 15 (2) may be disclosed only to:  
 16 (A) the court that appointed the youth advocate; or  
 17 (B) the child's parent or guardian; and
- 18 (3) may not be used against the child in a criminal or civil  
 19 proceeding.

20 Sec. 13. (a) The court appointed youth advocate pilot program  
 21 fund is established for the purpose of receiving and disbursing  
 22 funds for purposes of this chapter.

- 23 (b) The council shall administer the fund.
- 24 (c) The fund consists of:  
 25 (1) state appropriations to the fund; and  
 26 (2) county, local, and private funds deposited in the fund by a  
 27 county program.
- 28 (d) The expenses of administering the fund shall be paid from  
 29 money in the fund.

30 (e) A general account is established within the fund for purposes  
 31 of receiving and disbursing state appropriations to the fund.

32 (f) A local match account is established within the fund for each  
 33 county program for purposes of:

- 34 (1) receiving:  
 35 (A) county, local, and private funds provided to the county  
 36 program; and  
 37 (B) state appropriations transferred to the county program  
 38 under section 14(c) of this chapter; and
- 39 (2) disbursing funds described in subdivision (1).

40 (g) The council shall maintain an accurate accounting of the  
 41 source of any county, local, and private funds deposited in each  
 42 local match account.



1           **(h) If the pilot program is not extended, the following apply**  
2 **upon termination of the pilot program:**

3           **(1) Any state appropriated funds remaining in the fund revert**  
4 **to the state general fund.**

5           **(2) After the reversion of state appropriated funds under**  
6 **subdivision (1), the council shall:**

7                   **(A) to the extent practicable, return any funds remaining**  
8 **in each local match account to the individual or entity that**  
9 **contributed the funds; and**

10                   **(B) after funds are returned under clause (A), transfer any**  
11 **money remaining in a local match account to the pilot**  
12 **county of the county program for which the local match**  
13 **account was created.**

14           **Sec. 14. (a) Expenses of a county program shall be paid by the**  
15 **county program from funds in the county program's local match**  
16 **account established under section 13 of this chapter.**

17           **(b) A county program shall deposit in the county program's**  
18 **local match account any local or county funds provided to the**  
19 **county program.**

20           **(c) Subject to subsection (d), the council shall transfer from the**  
21 **general account established under section 13 of this chapter to a**  
22 **county program's local match account one dollar (\$1) for every one**  
23 **dollar (\$1) deposited by the county program in the county**  
24 **program's local match account under subsection (b).**

25           **(d) The amount transferred from the general account to a**  
26 **county program's local match account under subsection (c) may**  
27 **not exceed twenty-five thousand dollars (\$25,000) in any one (1)**  
28 **state fiscal year.**

29           **(e) A county program may accept private funds for deposit in**  
30 **the county program's local match account. The council shall not**  
31 **include private funds deposited by a county program in the county**  
32 **program's local match account in the council's calculation of the**  
33 **amount the council must transfer to the county program's local**  
34 **match account under subsection (c).**

35           **(f) A county program may accept in-kind contributions for use**  
36 **in the county program's provision of services under this chapter.**  
37 **Not more than twenty percent (20%) of the amount of funds**  
38 **deposited by a county program in the county program's local**  
39 **match account may be in the form of in-kind contributions. The**  
40 **council shall establish policies and procedures for appraising the**  
41 **dollar value of in-kind contributions for purposes of this**  
42 **subsection.**



1           **Sec. 15. Not later than December 1, 2020, the council shall issue**  
 2 **a report to the legislative council that provides an assessment of the**  
 3 **pilot program. The report must include at least the following**  
 4 **information for the period covered by the report:**

5           **(1) The number of appointments of youth advocates made in**  
 6 **each pilot county.**

7           **(2) Any statistically measurable effect attributable to the pilot**  
 8 **program in each pilot county, including changes in:**

9           **(A) the number of:**

10           **(i) children adjudicated delinquent; and**

11           **(ii) petitions filed alleging that a child is a child in need**  
 12 **of services;**

13           **(B) the number of families of:**

14           **(i) delinquent children; and**

15           **(ii) children in need of services;**

16           **that applied for and received federal, state, and local**  
 17 **services;**

18           **(C) crime rates; and**

19           **(D) rates of recidivism among juveniles adjudicated**  
 20 **delinquent;**

21           **as compared to previous calendar years.**

22           **The report issued under this section must be in an electronic**  
 23 **format under IC 5-14-6.**

24           **Sec. 16. This chapter expires July 1, 2021.**

25           SECTION 2. IC 34-30-2-134.7 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2019]: **Sec. 134.7. (a) IC 31-37-26-11**  
 28 **(Concerning individuals serving as youth advocates under the**  
 29 **court appointed youth advocate pilot program).**

30           **(b) This section expires July 1, 2021.**

31           SECTION 3. [EFFECTIVE JULY 1, 2019] **(a) There is**  
 32 **appropriated to the court appointed youth advocate pilot program**  
 33 **fund established by IC 31-37-26-13, as added by this act, four**  
 34 **hundred thousand dollars (\$400,000) from the state general fund**  
 35 **for the purposes of:**

36           **(1) paying administrative costs of the court appointed youth**  
 37 **advocate pilot program established by IC 31-37-26-7, as**  
 38 **added by this act; and**

39           **(2) making matching payments from the fund under**  
 40 **IC 31-37-26-14, as added by this act;**

41           **for the period beginning July 1, 2019, and ending June 30, 2021.**

42           **(b) This SECTION expires July 1, 2021.**



1           SECTION 4. [EFFECTIVE JULY 1, 2019] (a) Notwithstanding  
2 the expiration of IC 31-37-26, as added by this act, the prosecuting  
3 attorneys council of Indiana shall continue to return or transfer  
4 funds as required under IC 31-37-26-13(h), as added by this act,  
5 until the prosecuting attorneys council of Indiana has returned or  
6 transferred all funds remaining in the court appointed youth  
7 advocate pilot program fund after July 1, 2021, as if  
8 IC 31-37-26-13(h), as added by this act, had not expired.

9           (b) The prosecuting attorneys council of Indiana shall complete  
10 the return or transfer of funds as required under  
11 IC 31-37-26-13(h), as added by this act, not later than December  
12 30, 2021.

13           (c) This SECTION expires December 31, 2021.

