



February 13, 2019

SENATE BILL No. 423

DIGEST OF SB 423 (Updated February 11, 2019 12:37 pm - DI 104)

Citations Affected: IC 31-37; IC 34-30; noncode.

Synopsis: Court appointed youth advocate pilot program. Creates the youth advocate pilot program (pilot program) until July 1, 2021, for purposes of providing early intervention and mentoring services for children who are adjudicated delinquent. Provides that the pilot program is administered by the office of judicial administration. 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
(Continued next page)

Effective: July 1, 2019.

Bohacek

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

January 15, 2019, reassigned to the Committee on Family and Children Services pursuant to Rule 68(b).

February 12, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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Digest Continued

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.



February 13, 2019

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, "county program" means a court**
6 **appointed youth advocate program established in a pilot county**
7 **under section 9 of this chapter.**
8 **Sec. 2. As used in this chapter, "fund" means the court**
9 **appointed youth advocate pilot program fund established by**
10 **section 13 of this chapter.**
11 **Sec. 3. As used in this section, "office" refers to the office of**
12 **judicial administration created by IC 33-24-6-1.**
13 **Sec. 4. As used in this chapter, "pilot county" refers to any**
14 **county selected by the office to participate in a county program.**
15 **Sec. 5. As used in this chapter, "pilot program" refers to the**
16 **court appointed youth advocate pilot program established by**
17 **section 7 of this chapter.**

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1 **Sec. 6.** As used in this chapter, "youth advocate" means an
2 individual appointed by a court under section 10 of this chapter.

3 **Sec. 7. (a)** The court appointed youth advocate pilot program is
4 established for the purpose of providing volunteer early
5 intervention and mentoring services for children in a pilot county
6 who are adjudicated delinquent under this article.

7 **(b)** The office shall administer the pilot program.

8 **Sec. 8.** The office shall establish:

9 **(1)** qualifications for youth advocates; and

10 **(2)** an application process by which an individual in a pilot
11 county can apply to volunteer as a youth advocate.

12 **Sec. 9. (a)** The office shall establish a court appointed youth
13 advocate program in each pilot county.

14 **(b)** The office shall provide for the staffing and administration
15 of each county program and may enter into an agreement with a
16 public or private entity to staff or administer a county program.

17 **(c)** A county program shall:

18 **(1)** solicit applicants to volunteer as youth advocates in the
19 county;

20 **(2)** conduct a criminal history check for each individual who
21 applies to volunteer as a youth advocate;

22 **(3)** evaluate each applicant according to the qualifications
23 established by the office under section 8 of this chapter; and

24 **(4)** maintain and provide to the administrator of the county's
25 juvenile courts a list of applicants who:

26 **(A)** meet the qualifications to serve as a youth advocate;
27 and

28 **(B)** are not disqualified from serving as a youth advocate
29 under subsection (d).

30 **(d)** An individual may not serve as a youth advocate if the
31 results of the criminal history check conducted under subsection

32 **(c)** disclose that the individual has:

33 **(1)** a conviction for a felony;

34 **(2)** a conviction for a misdemeanor relating to the health and
35 safety of a child; or

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (f) A youth advocate whose service under the pilot program
 33 ends as described in subsection (e) may continue to provide
 34 counseling and mentoring services to the child for whom the youth
 35 advocate was appointed. An individual who provides counseling
 36 and mentoring services to a child under this subsection is not
 37 considered an officer of the court and serves only in a volunteer
 38 capacity.

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

42 (1) in good faith; and



- 1 (2) within the scope of the youth advocate's duties as an
2 officer of the court under this chapter.
- 3 **Sec. 12. Except as provided under IC 31-33-5, information**
4 **provided to a youth advocate by a child for whom the youth**
5 **advocate is appointed:**
- 6 (1) is confidential;
- 7 (2) may be disclosed only to:
- 8 (A) the court that appointed the youth advocate; or
- 9 (B) the child's parent or guardian; and
- 10 (3) may not be used against the child in a criminal or civil
11 proceeding.
- 12 **Sec. 13. (a) The court appointed youth advocate pilot program**
13 **fund is established for the purpose of receiving and disbursing**
14 **funds for purposes of this chapter.**
- 15 (b) The office shall administer the fund.
- 16 (c) The fund consists of:
- 17 (1) state appropriations to the fund; and
- 18 (2) county, local, and private funds deposited in the fund by a
19 county program.
- 20 (d) The expenses of administering the fund shall be paid from
21 money in the fund.
- 22 (e) A general account is established within the fund for purposes
23 of receiving and disbursing state appropriations to the fund.
- 24 (f) A local match account is established within the fund for each
25 county program for purposes of:
- 26 (1) receiving:
- 27 (A) county, local, and private funds provided to the county
28 program; and
- 29 (B) state appropriations transferred to the county program
30 under section 14(c) of this chapter; and
- 31 (2) disbursing funds described in subdivision (1).
- 32 (g) The office shall maintain an accurate accounting of the
33 source of any county, local, and private funds deposited in each
34 local match account.
- 35 (h) The following apply upon expiration of the pilot program:
- 36 (1) Any state appropriated funds remaining in the fund revert
37 to the state general fund.
- 38 (2) After the reversion of state appropriated funds under
39 subdivision (1), the office shall:
- 40 (A) to the extent practicable, return any funds remaining
41 in each local match account to the individual or entity that
42 contributed the funds; and



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

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

8 **(b) A county program shall deposit in the county program's**
 9 **local match account any local or county funds provided to the**
 10 **county program.**

11 **(c) Subject to subsection (d), the office shall transfer from the**
 12 **general account established under section 13 of this chapter to a**
 13 **county program's local match account one dollar (\$1) for every one**
 14 **dollar (\$1) deposited by the county program in the county**
 15 **program's local match account under subsection (b).**

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

20 **(e) A county program may accept private funds for deposit in**
 21 **the county program's local match account. The office shall not**
 22 **include private funds deposited by a county program in the county**
 23 **program's local match account in the office's calculation of the**
 24 **amount the office must transfer to the county program's local**
 25 **match account under subsection (c).**

26 **(f) A county program may accept in-kind contributions for use**
 27 **in the county program's provision of services under this chapter.**
 28 **Not more than twenty percent (20%) of the amount of funds**
 29 **deposited by a county program in the county program's local**
 30 **match account may be in the form of in-kind contributions. The**
 31 **office shall establish policies and procedures for appraising the**
 32 **dollar value of in-kind contributions for purposes of this**
 33 **subsection.**

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

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

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

42 **(A) the number of:**



- 1 (i) children adjudicated delinquent; and
 2 (ii) petitions filed alleging that a child is a child in need
 3 of services;
 4 (B) the number of families of:
 5 (i) delinquent children; and
 6 (ii) children in need of services;
 7 that applied for and received federal, state, and local
 8 services;
 9 (C) crime rates; and
 10 (D) rates of recidivism among juveniles adjudicated
 11 delinquent;
 12 as compared to previous calendar years.

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

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

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

21 (b) This section expires July 1, 2021.

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

- 27 (1) paying administrative costs of the court appointed youth
 28 advocate pilot program established by IC 31-37-26-7, as
 29 added by this act; and
 30 (2) making matching payments from the fund under
 31 IC 31-37-26-14, as added by this act;

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

33 (b) This SECTION expires July 1, 2021.

34 SECTION 4. [EFFECTIVE JULY 1, 2019] (a) Notwithstanding
 35 the expiration of IC 31-37-26, as added by this act, the office of
 36 judicial administration created by IC 33-24-6-1 shall continue to
 37 return or transfer funds as required under IC 31-37-26-13(h), as
 38 added by this act, until the office of judicial administration has
 39 returned or transferred all funds remaining in the court appointed
 40 youth advocate pilot program fund after July 1, 2021, as if
 41 IC 31-37-26-13(h), as added by this act, had not expired.

42 (b) The office of judicial administration shall complete the



1 **return or transfer of funds as required under IC 31-37-26-13(h), as**
2 **added by this act, not later than December 30, 2021.**

3 **(c) This SECTION expires December 31, 2021.**



REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 423, currently assigned to the Committee on Corrections and Criminal Law, be reassigned to the Committee on Family and Children Services.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 423, 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 1, delete lines 5 through 7.

Page 1, line 8, delete "2." and insert "1."

Page 1, line 11, delete "3." and insert "2."

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 3. As used in this section, "office" refers to the office of judicial administration created by IC 33-24-6-1."

Page 1, line 14, delete "one" and insert **"county selected by the office to participate in a county program."**

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 3.

Page 2, line 13, delete "council" and insert **"office"**.

Page 2, delete lines 14 through 15.

Page 2, line 16, delete "council" and insert **"office"**.

Page 2, line 20, delete "council" and insert **"office"**.

Page 2, line 22, delete "council" and insert **"office"**.

Page 2, line 31, delete "council" and insert **"office"**.

Page 4, line 23, delete "council" and insert **"office"**.

Page 4, line 40, delete "council" and insert **"office"**.

Page 5, line 1, delete "If the pilot program is not extended, the" and insert **"The"**.

Page 5, line 2, delete "termination" and insert **"expiration"**.

Page 5, line 6, delete "council" and insert **"office"**.

Page 5, line 20, delete "council" and insert **"office"**.

Page 5, line 30, delete "council" and insert **"office"**.

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Page 5, line 32, delete "council's" and insert "**office's**".

Page 5, line 33, delete "council" and insert "**office**".

Page 5, line 40, delete "council" and insert "**office**".

Page 6, line 1, delete "council" and insert "**office**".

Page 7, line 2, delete "prosecuting" and insert "**office of judicial administration created by IC 33-24-6-1**".

Page 7, line 3, delete "attorneys council of Indiana".

Page 7, line 5, delete "prosecuting attorneys council of Indiana" and insert "**office of judicial administration**".

Page 7, line 9, delete "prosecuting attorneys council of Indiana" and insert "**office of judicial administration**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 423 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0.

