



February 22, 2019

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## SENATE BILL No. 423

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DIGEST OF SB 423 (Updated February 21, 2019 1:27 pm - DI 120)

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

**Synopsis:** Court appointed youth advocate pilot program. Provides that office of judicial administration may establish a 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 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  
(Continued next page)

**Effective:** July 1, 2019.

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### Bohacek

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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.

February 21, 2019, amended, reported favorably — Do Pass.

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## Digest Continued

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.



February 22, 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.

*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**

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1 court appointed youth advocate pilot program established by  
2 section 7 of this chapter.

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

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

9 (b) The office shall administer the pilot program.

10 Sec. 8. The office shall establish:

11 (1) qualifications for youth advocates; and

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

14 Sec. 9. (a) The office may establish a court appointed youth  
15 advocate program in each pilot county.

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

19 (c) A county program shall:

20 (1) solicit applicants to volunteer as youth advocates in the  
21 county;

22 (2) conduct a criminal history check for each individual who  
23 applies to volunteer as a youth advocate;

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

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

28 (A) meet the qualifications to serve as a youth advocate;  
29 and

30 (B) are not disqualified from serving as a youth advocate  
31 under subsection (d).

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

34 (c) disclose that the individual has:

35 (1) a conviction for a felony;

36 (2) a conviction for a misdemeanor relating to the health and  
37 safety of a child; or

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

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



1 article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 Sec. 11. Except for gross misconduct, a youth advocate is  
42 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 as an officer of the court under this chapter.

Sec. 12. Except as provided under IC 31-33-5, 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:

(A) the court that appointed the youth advocate; or

(B) the child's parent or guardian; and

(3) may not be used against the child in a criminal or civil proceeding.

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

(b) The office shall administer the fund.

(c) The fund consists of:

(1) state appropriations to the fund; and

(2) county, local, and private funds deposited in the fund by a county program.

(d) The expenses of administering the fund shall be paid from money in the fund.

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

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

(1) receiving:

(A) county, local, and private funds provided to the county program; and

(B) state appropriations transferred to the county program under section 14(c) of this chapter; and

(2) disbursing funds described in subdivision (1).

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

(h) The following apply upon expiration of the pilot program:

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

(2) After the reversion of state appropriated funds under subdivision (1), the office shall:

(A) to the extent practicable, return any funds remaining



1 in each local match account to the individual or entity that  
 2 contributed the funds; and  
 3 (B) after funds are returned under clause (A), transfer any  
 4 money remaining in a local match account to the pilot  
 5 county of the county program for which the local match  
 6 account was created.

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

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

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

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

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

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

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

41 (1) The number of appointments of youth advocates made in  
 42 each pilot county.



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

**(A) the number of:**

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

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

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

**(i) delinquent children; and**

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

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

**(C) crime rates; and**

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

**as compared to previous calendar years.**

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

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

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

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

**SECTION 3. [EFFECTIVE JULY 1, 2019] (a) Notwithstanding the expiration of IC 31-37-26, as added by this act, the office of judicial administration created by IC 33-24-6-1 shall continue to return or transfer funds as required under IC 31-37-26-13(h), as added by this act, until the office of judicial administration has returned or transferred all funds remaining in the court appointed youth advocate pilot program fund after July 1, 2021, as if IC 31-37-26-13(h), as added by this act, had not expired.**

**(b) The office of judicial administration shall complete the return or transfer of funds as required under IC 31-37-26-13(h), as added by this act, not later than December 30, 2021.**

**(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

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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"**.

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

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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.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, 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:

Delete the title and insert the following:

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

Page 2, line 12, delete "shall" and insert "**may**".

Page 5, line 11, delete "(d)," insert "**(d) and available state funds,**".

Page 6, delete lines 22 through 33.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 423 as printed February 13, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

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