

SENATE BILL No. 441

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-31-8-7.

Synopsis: Visitation of juveniles in detention facilities. Imposes requirements on juvenile detention facilities with regard to contact and visitation of residents of juvenile detention facilities.

Effective: July 1, 2023.

Breaux

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 441



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 31-31-8-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 7. (a) A juvenile detention facility shall comply with**
4 **the following with respect to residents of the detention facility:**
5 (1) **A juvenile detention facility shall offer a resident in**
6 **person, contact visitation with:**
7 (A) **the resident's parent, guardian, or custodian;**
8 (B) **another adult who:**
9 (i) **has a supportive relationship with the resident; and**
10 (ii) **has been approved for visitation with the resident by**
11 **a court; and**
12 (C) **the resident's own children.**
13 (2) **A juvenile detention facility shall allow a resident in**
14 **person, contact visits at least twice weekly, for at least one (1)**
15 **hour per visit, unless the detention facility determines that**
16 **extraordinary conditions exist such that in person, contact**
17 **visitation would place the safety or security of the resident or**



1 detention facility staff at risk. If the detention facility
 2 determines that in person, contact visitation cannot safely be
 3 accommodated, the detention facility shall:

4 (A) document the reasons and circumstances that
 5 prompted the detention facility's determination;

6 (B) notify family or visitors of the resident that in person,
 7 contact visitation cannot be accommodated; and

8 (C) make reasonable efforts to arrange an alternative to an
 9 in person, contact visit, such as remote, audiovisual contact
 10 through an electronic device.

11 (3) A juvenile detention facility shall allow a resident to
 12 communicate with the resident's parent, guardian, custodian,
 13 or own child by a minimum of two (2) free telephone calls
 14 each week, the length of which may not be limited to less than
 15 ten (10) minutes.

16 (4) A juvenile detention facility shall provide notice to a
 17 resident, and the resident's family, of the schedule for:

18 (A) in person, contact visitation with the resident; and

19 (B) the resident's weekly telephone calls or remote visits.

20 (5) A juvenile detention facility shall make reasonable efforts
 21 to allow visitation of residents on multiple days of the week,
 22 including both weekends and weekdays, and at times that are
 23 not limited to regular business hours.

24 (6) A juvenile detention facility:

25 (A) shall supervise visits with residents; but

26 (B) shall not monitor conversations that take place during
 27 visits, except upon reasonable suspicion that a crime,
 28 escape, or threat to safety or security is likely to occur.

29 (7) A juvenile detention facility shall not revoke or cancel a
 30 resident's visitation under this section on the basis of the
 31 resident's behavior, unless the resident's behavior interferes
 32 with the safe conduct of a visit. If the detention facility
 33 determines that a safety risk prevents a visit from occurring,
 34 the detention facility shall:

35 (A) document the reasons and circumstances that
 36 prompted the detention facility's determination;

37 (B) notify the visitor of the revocation or cancellation of
 38 the visit; and

39 (C) make reasonable efforts to reschedule the visit when
 40 the detention facility determines that the visit no longer
 41 presents a risk to safety.

42 (b) This section provides a minimum standard for visitation of



1 **a juvenile resident of a juvenile detention facility, and does not**
2 **limit a detention facility's ability to implement additional visitation**
3 **opportunities and behavioral incentives.**

