

# SENATE BILL No. 484

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-23-18.

**Synopsis:** Appointed counsel for juveniles pilot project. Establishes the court appointed attorneys for children pilot program (pilot program). Provides that the Indiana office of court services (office) shall administer the pilot program. Requires the office to select participating courts. Specifies the requirements for participating courts.

**Effective:** July 1, 2023.

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## Ford Jon

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January 19, 2023, read first time and referred to Committee on Family and Children Services.

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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. 484



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 33-23-18 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2023]:
- 4 **Chapter 18. Court Appointed Attorneys for Children Pilot**
- 5 **Program**
- 6 **Sec. 1. The following terms are defined for this chapter:**
- 7 (1) "CHINS" means child in need of services.
- 8 (2) "Department" refers to the department of child services.
- 9 (3) "Eligible child" means a child who is:
- 10 (A) fourteen (14) years of age or older;
- 11 (B) a respondent in a CHINS case and has to admit or deny
- 12 the petition;
- 13 (C) a dual status child (as defined by IC 31-41-1-2) with an
- 14 open CHINS and delinquency case;
- 15 (D) the parent of an infant who also has a CHINS case; or
- 16 (E) involved with a residential treatment program.
- 17 (4) "Office" refers to the Indiana office of court services



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within the office of judicial administration.

(5) "Pilot program" refers to the court appointed attorneys for children pilot program established by section 2 of this chapter.

Sec. 2. The court appointed attorneys for children pilot program is established for the following purposes:

(1) Gathering information about current practices involving the appointment of counsel for children across Indiana, including:

- (A) the types of cases in which courts appoint counsel for children;
- (B) the ages of the children who receive appointed counsel;
- (C) whether there are sufficient attorneys to serve on cases in each community;
- (D) whether appointing counsel for children causes delays or improves the process; and
- (E) the cost and effectiveness of appointing counsel for children.

(2) Determining how appointed counsel would benefit the child.

(3) Collaborating with other stakeholders in CHINS cases regarding child representation.

(4) Developing a better understanding of the current practices and implications for implementing representation for children across Indiana.

Sec. 3. The pilot program expires on the later of the following:

- (1) Two (2) years after the date on which the office selects the participating courts.
- (2) December 31, 2025.

Sec. 4. (a) The office shall administer the pilot program.

(b) The office shall do the following:

- (1) Select six (6) courts to participate in the pilot program.
- (2) Provide each participating court a spreadsheet with data that must be collected when counsel is appointed for a child, including:
  - (A) the child's age;
  - (B) what circumstances led to the appointment;
  - (C) at which hearing the appointment was made;
  - (D) whether there were difficulties locating an attorney to appoint;
  - (E) whether complications arose from the appointment;
  - (F) whether the appointment affected the outcome;



- 1 (G) the number of:  
 2 (i) hours spent by the client directed attorney;  
 3 (ii) face to face contacts between the child and the  
 4 appointed counsel; and  
 5 (iii) times the child attended court;  
 6 (H) the cost of the appointment to represent the child;  
 7 (I) whether there was additional litigation that was not  
 8 focused primarily on achieving permanency; and  
 9 (J) the length of time from appointment to case closure.  
 10 (3) Assist each participating court with determining which  
 11 attorneys will represent children.  
 12 (4) Set guidelines for:  
 13 (A) training requirements;  
 14 (B) minimum face to face meeting requirements;  
 15 (C) expectations for children attending court, whether in  
 16 person or virtually;  
 17 (D) costs and availability of funding; and  
 18 (E) caseload limits.  
 19 (c) The office shall select participating courts under this section  
 20 that provide insight into court appointed counsel for children in  
 21 rural, urban, and suburban areas.  
 22 (d) The office shall contract with a third party entity to write a  
 23 report based on the data collected by the participating courts  
 24 under this section. The report must be submitted to the general  
 25 assembly, in an electronic format under IC 5-14-6, not later than  
 26 December 1 in each year, beginning on December 1, 2024.  
 27 **Sec. 5. (a) A participating court shall do the following:**  
 28 (1) Appoint counsel for a child in the following circumstances:  
 29 (A) The child is an eligible child.  
 30 (B) The department alleges that the child is a victim of  
 31 human trafficking under IC 31-34-1-3.5.  
 32 (C) There are concerns that the child needs the protection  
 33 of attorney client privilege and confidentiality.  
 34 (D) There is a significant difference between the child's  
 35 wishes and the child's best interest:  
 36 (i) at the detention hearing;  
 37 (ii) at the initial hearing; or  
 38 (iii) at any earlier time if the child is entitled to counsel  
 39 under IC 31-32-4-1(1) and has not waived the right to  
 40 counsel.  
 41 (2) Determine, in conjunction with the office, which attorneys  
 42 will represent children.



- 1           **(3) Complete the spreadsheet described in section 4(b)(2) of**  
2 **this chapter after removing all personally identifying**  
3 **information.**
- 4           **(4) Host meetings to:**
- 5               **(A) obtain input from local stakeholders, including:**
- 6                   **(i) the department;**  
7                   **(ii) public defenders;**  
8                   **(iii) guardians ad litem and court appointed special**  
9                   **advocates; and**  
10                  **(iv) older youth with experience in foster care, if**  
11                  **appropriate and available; and**
- 12               **(B) clarify roles and responsibilities.**
- 13           **(b) If a participating court finds it difficult to secure available**  
14 **attorneys, the participating court may allow a child's appointed**  
15 **counsel to appear remotely for hearings.**
- 16           **Sec. 6. The appointment described in section 5 of this chapter**  
17 **shall last through the entire duration of the child's case, even if the**  
18 **case continues after the pilot program expires.**
- 19           **Sec. 7. A child may waive the appointment of counsel if the**  
20 **following conditions are met:**
- 21               **(1) The child has a discussion with the appointed counsel.**  
22               **(2) The waiver is:**
- 23                   **(A) on the record;**  
24                   **(B) in writing; and**  
25                   **(C) made with the appointed attorney present.**
- 26           **Sec. 8. A participating court retains the discretion under**  
27 **IC 31-32-4-2 to appoint counsel for a child of any age in any other**  
28 **proceeding.**

