
HOUSE BILL No. 1221

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-1-16; IC 34-31-4-1; IC 34-31-4-3.

Synopsis: Supervision of suspended or expelled children. Provides that a court may declare a child to be a child in need of services if a parent, guardian, or custodian fails to provide care or supervision of a child who is suspended or expelled from school. Provides that a parent or guardian loses the \$5,000 cap on liability for the acts of a child if the parent or guardian fails to provide reasonable supervision of a child who is suspended or expelled from school. Inserts the phrase "guardian or custodian" into the parent liability statute.

Effective: July 1, 2001.

Mellinger

January 9, 2001, read first time and referred to Committee on Human Affairs.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1221



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 31-34-1-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 16. A child is a child in need of services if before the**
4 **child becomes eighteen (18) years of age:**

5 **(1) the child's parent, guardian, or custodian fails to provide**
6 **for care or supervision of the child during the time that:**

7 **(A) the child is expelled or suspended from school; and**

8 **(B) the school from which the student was suspended or**
9 **expelled is in session; and**

10 **(2) the child needs care or supervision that the child:**

11 **(A) is not receiving; and**

12 **(B) is unlikely to be provided or accepted without the**
13 **coercive intervention of the court.**

14 SECTION 2. IC 34-31-4-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Except as provided
16 in ~~section~~ **sections 2 and 3** of this chapter, a parent or **guardian** is
17 liable for not more than five thousand dollars (\$5,000) in actual



1 damages arising from harm to a person or damage to property
 2 knowingly, intentionally, or recklessly caused by the parent's **or**
 3 **guardian's** child if:
 4 (1) the parent **or guardian** has custody of the child; and
 5 (2) the child is living with the parent **or guardian**.
 6 SECTION 3. IC 34-31-4-3 IS ADDED TO THE INDIANA CODE
 7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2001]: **Sec. 3. A parent or guardian of a child who is suspended**
 9 **or expelled from school is liable for actual damages arising from**
 10 **harm to a person or property knowingly, intentionally, or**
 11 **recklessly caused by the child during the hours that the school**
 12 **from which the child was suspended or expelled is regularly in**
 13 **session if:**
 14 (1) the parent or guardian has custody of the child;
 15 (2) the child is living with the parent or guardian; and
 16 (3) the parent failed to provide reasonable supervision of the
 17 child while the school from which the child was suspended or
 18 expelled is regularly in session.
 19 SECTION 4. [EFFECTIVE JULY 1], 2001] IC 31-34-1-16 and
 20 IC 34-31-4-3, both as added by this act, and IC 34-31-4-1, as
 21 amended by this act, apply only to conduct occurring during school
 22 years beginning after June 30, 2001.

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