



February 22, 2002

**ENGROSSED
HOUSE BILL No. 1298**

DIGEST OF HB 1298 (Updated February 20, 2002 2:05 PM - DI 105)

Citations Affected: IC 12-17.4.

Synopsis: Notification to foster parents. Provides that a foster home must notify the division of family and children if: (1) a foster child less than 16 years of age, while living in a foster home, engages in or is the victim of sexual contact; (2) a foster child, while living in a foster home, is charged with, convicted of, or is the victim of certain sex crimes or is charged with or adjudicated as a juvenile for having committed certain acts that would be sex crimes if committed by an adult; or (3) the foster home learns the foster child, before placement in the foster home, had engaged in or been the victim of sexual contact or certain other sex crimes. Specifies what information must be provided to the division. Requires the division to share certain information with former and prospective licensees.

Effective: July 1, 2002.

**Dillon, Smith V, Crosby, Klinker,
Summers, Duncan, Borrer, Budak,
Becker**

(SENATE SPONSORS — LONG, LANANE)

January 15, 2002, read first time and referred to Committee on Human Affairs.
January 30, 2002, reported — Do Pass.
February 4, 2002, read second time, ordered engrossed.
February 5, 2002, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Judiciary.
February 21, 2002, amended, reported favorably — Do Pass.

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EH 1298—LS 6081/DI 105+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1298

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.4-4-33.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 33.5. (a) A licensee must**
4 **immediately contact the division if:**
5 (1) a foster child less than sixteen (16) years of age, while
6 living in a foster home, engages in or is the victim of sexual
7 contact (as defined in IC 25-1-9-3.5);
8 (2) a foster child, while living in a foster home, is:
9 (A) charged with or adjudicated as having committed an
10 act that would be a crime under IC 35-42-4 if committed
11 by an adult;
12 (B) charged with or convicted of an offense under
13 IC 35-42-4; or
14 (C) the victim of an offense under IC 35-42-4; or
15 (3) the licensee learns that a foster child has, before placement
16 with the licensee, engaged in or been the victim of an act
17 described in subdivision (1) or (2).

EH 1298—LS 6081/DI 105+



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- 1 **(b) The information provided to the division under subsection**
- 2 **(a) must include:**
- 3 **(1) the name of the child;**
- 4 **(2) the date of the occurrence of the act if it can be**
- 5 **determined;**
- 6 **(3) a description of the act;**
- 7 **(4) the name of the responding law enforcement agency if a**
- 8 **law enforcement agency is contacted; and**
- 9 **(5) any other information the licensee determines is relevant.**
- 10 **(c) Notwithstanding any other law, the division shall provide**
- 11 **information described in subsection (b), whether received from a**
- 12 **licensee or another reliable source, to:**
- 13 **(1) a prospective licensee before the placement of the foster**
- 14 **child; and**
- 15 **(2) each licensee where the foster child has previously been**
- 16 **placed.**
- 17 **(d) The notification requirements of subsection (c) apply to a**
- 18 **foster child who has:**
- 19 **(1) engaged in sexual contact (as defined in IC 25-1-9-3.5);**
- 20 **(2) been charged with or adjudicated as having committed an**
- 21 **act that would be a crime under IC 35-42-4 if committed by**
- 22 **an adult; or**
- 23 **(3) been charged with or convicted of an offense under**
- 24 **IC 35-42-4.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 13, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1298, 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 2, line 10, delete "The" and insert "**Notwithstanding any other law, the**".

Page 2, line 11, after "(b)" insert "**, whether received from a licensee or another reliable source,**".

Page 2, line 12, after "a" insert "**prospective**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(d) The notification requirements of subsection (c) apply to a foster child who has:

- (1) engaged in sexual contact (as defined in IC 25-1-9-3.5);**
- (2) been charged with or adjudicated as having committed an act that would be a crime under IC 35-42-4 if committed by an adult; or**
- (3) been charged with or convicted of an offense under IC 35-42-4."**

Page 2, delete lines 15 through 16.

and when so amended that said bill do pass.

(Reference is to HB 1298 as printed January 31, 2002.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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