



Reprinted  
April 7, 2009

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# ENGROSSED HOUSE BILL No. 1063

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DIGEST OF HB 1063 (Updated April 6, 2009 2:03 pm - DI 107)

**Citations Affected:** IC 31-36; IC 34-30.

**Synopsis:** Youth shelters. Provides that an emergency shelter, a shelter care facility, or a program that provides services to homeless or low income individuals may provide shelter and certain other related services or items to a child without the permission of the child's parent, guardian, or custodian. Provides immunity from civil liability for a youth shelter and its director, employees, agents, and volunteers for any act or omission related to admitting, caring for, or releasing a runaway or homeless youth.

**Effective:** July 1, 2009.

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## Avery, Bell, Sullivan, Riecken

(SENATE SPONSORS — LAWSON C, BECKER, TALLIAN, BRODEN)

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January 8, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

January 29, 2009, reported — Do Pass.

February 2, 2009, read second time, ordered engrossed. Engrossed.

February 12, 2009, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.

March 30, 2009, amended, reported favorably — Do Pass.

April 6, 2009, read second time, amended, ordered engrossed.

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April 7, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1063

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

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

1 SECTION 1. IC 31-36-3-2, AS ADDED BY P.L.133-2008,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 2. **An emergency shelter, a shelter care facility,  
4 or a program that provides services or items that are directly  
5 related to providing shelter to individuals who:  
6 (1) are homeless; or  
7 (2) have a low income;**  
8 ~~A child may receive~~ **provide** shelter and services or items that are  
9 directly related to providing shelter to ~~the a child from:~~  
10 (1) an emergency shelter;  
11 (2) a shelter care facility; or  
12 (3) a program that provides services or items that are directly  
13 related to providing shelter to individuals who are homeless or  
14 have a low income;  
15 without the notification, consent, or permission of the child's parent,  
16 guardian, or custodian.  
17 SECTION 2. IC 34-30-25 IS ADDED TO THE INDIANA CODE

**EH 1063—LS 6638/DI 69+**



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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2009]:

3 **Chapter 25. Immunity for Youth Shelters**

4 **Sec. 1. As used in this chapter, "necessary services" means the**  
5 **following:**

- 6 (1) **Engaging in outreach services to locate and assist runaway**  
7 **or homeless youths.**
- 8 (2) **Providing food and access to overnight shelter to a**  
9 **runaway or homeless youth.**
- 10 (3) **Counseling a runaway or homeless youth to address**  
11 **immediate psychological or emotional problems.**
- 12 (4) **Screening a runaway or homeless youth for basic health**  
13 **needs and referring a runaway or homeless youth to public**  
14 **and private agencies for health care.**
- 15 (5) **Providing long term planning, placement, and follow-up**  
16 **services to a runaway or homeless youth.**
- 17 (6) **Referring a runaway or homeless youth to any other**  
18 **assistance or services offered by public and private agencies.**

19 **Sec. 2. As used in this chapter, "runaway or homeless youth"**  
20 **means an individual who:**

- 21 (1) **is:**
  - 22 (A) **at least twelve (12) years of age; and**
  - 23 (B) **less than eighteen (18) years of age;**
- 24 (2) **is unemancipated;**
- 25 (3) **is mentally competent; and**
- 26 (4) **lives in a situation described in:**
  - 27 (A) **42 U.S.C. 11434a(2)(B)(ii); or**
  - 28 (B) **42 U.S.C. 11434a(2)(B)(iii);**
- 29 **with or without the consent or knowledge of the individual's**  
30 **parent, guardian, or custodian.**

31 **Sec. 3. As used in this chapter, "youth shelter" means an entity**  
32 **that:**

- 33 (1) **is not operated for profit; and**
- 34 (2) **provides, at a minimum, necessary services to runaway or**  
35 **homeless youths.**

36 **Sec. 4. Except as provided in section 5 of this chapter, a youth**  
37 **shelter and the director, employees, agents, and volunteers of a**  
38 **youth shelter are immune from civil liability resulting from any act**  
39 **or omission related to:**

- 40 (1) **admitting a runaway or homeless youth to;**
- 41 (2) **caring for a runaway or homeless youth at; or**
- 42 (3) **releasing a runaway or homeless youth from;**

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1     **the youth shelter.**  
2         **Sec. 5. This chapter does not grant immunity from civil liability**  
3     **to a person who commits an act that amounts to gross negligence**  
4     **or willful and wanton misconduct.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1063, 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 10, nays 0.



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1063, 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 3, line 3, delete "gross".

and when so amended that said bill do pass.

(Reference is to HB 1063 as printed January 30, 2009.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.



SENATE MOTION

Madam President: I move that House Bill 1063 be amended to read as follows:

Page 3, line 3, after "amounts to" insert "**gross**".

(Reference is to HB 1063 as printed March 31, 2009.)

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