
HOUSE BILL No. 1063

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-36-3-2; IC 34-30-25.

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.

Avery

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

C
o
p
y



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.

C
o
p
y

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



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;**

C
O
P
Y



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.**

**C
o
p
y**

