

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 12 be amended to read as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 2. IC 4-13-19-4, AS ADDED BY P.L.182-2009(ss),
- 3 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2012]: Sec. 4. (a) The governor shall appoint the ombudsman.
- 5 The ombudsman serves at the pleasure of the governor. An individual
- 6 may not be appointed as ombudsman if the individual has been
- 7 employed by the department of child services at any time during the
- 8 preceding twelve (12) months. The governor shall appoint a successor
- 9 ombudsman not later than thirty (30) days after a vacancy occurs in the
- 10 position of the ombudsman.
- 11 (b) The office of the department of child services ombudsman:
- 12 (1) shall employ at least two (2) full-time employees to assist
- 13 the ombudsman with receiving, investigating, and attempting
- 14 to resolve complaints described in section 5 of this chapter;
- 15 and
- 16 (2) may employ technical experts and other employees to carry
- 17 out the purposes of this chapter.
- 18 (c) ~~However,~~ The office of the department of child services
- 19 ombudsman may not hire an individual to serve as an ombudsman if
- 20 the individual has been employed by the department of child services
- 21 during the preceding twelve (12) months.
- 22 (e) (d) The ombudsman and any other person employed or
- 23 authorized by the ombudsman:
- 24 (1) are subject to the same criminal history and background

1 checks, to be performed by the department of child services, that
 2 are required for department of child services family case
 3 managers; and

4 (2) are subject to the same disqualification for employment
 5 criteria as department of child services family case managers.

6 SECTION 3. IC 4-13-19-13 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 13. (a) This section applies to any of the**
 9 **following:**

10 (1) **An appropriation for the department of administration,**
 11 **department of child services ombudsman bureau.**

12 (2) **An appropriation for the department of administration,**
 13 **office of the department of child services ombudsman.**

14 (3) **An amount directly appropriated for the department of**
 15 **child services ombudsman bureau.**

16 (4) **An amount directly appropriated for the office of the**
 17 **department of child services ombudsman.**

18 (b) **An amount described in subsection (a):**

19 (1) **is to fund the responsibilities of the office of the**
 20 **department of child services ombudsman under this chapter;**

21 (2) **does not revert at the end of any state fiscal year but**
 22 **remains available for the purposes of the appropriation in**
 23 **subsequent state fiscal years, notwithstanding IC 4-13-2-19 or**
 24 **any other law; and**

25 (3) **is not subject to transfer to any other fund or to transfer,**
 26 **assignment, or reassignment for any other use or purpose by:**

27 (A) **the state board of finance notwithstanding IC 4-9.1-1-7,**
 28 **IC 4-13-2-23, or any other law; or**

29 (B) **the budget agency notwithstanding IC 4-12-1-12 or any**
 30 **other law.**

31 (c) **This subsection applies notwithstanding IC 4-13-2-18 or any**
 32 **other law. The department of administration and office of the**
 33 **department of child services ombudsman shall:**

34 (1) **expend amounts described in subsection (a) for the**
 35 **purposes of the office of the department of child services**
 36 **ombudsman in the state fiscal year for which the**
 37 **appropriation is made; or**

38 (2) **encumber the appropriated amounts within that state**
 39 **fiscal year for expenditure within a reasonable period**
 40 **following the end of that state fiscal year.**

41 **The department of administration and the office of the department**
 42 **of child services ombudsman may not withhold or reduce a request**
 43 **for an allotment of an amount described in subsection (a) in order**
 44 **to revert or fail to expend an appropriation described in subsection**
 45 **(a). To the extent that an appropriation has not been previously**
 46 **allotted, the budget agency shall allot an amount described in**
 47 **subsection (a) to the department of administration (if the**

1 appropriation was made to the department of administration) or
 2 otherwise to the office of the department of child services
 3 ombudsman for the purposes of the office of the department of
 4 child services ombudsman upon request by the department of
 5 administration or the office of the department of child services
 6 ombudsman."

7 Page 5, between lines 41 and 42, begin a new paragraph and insert:

8 "SECTION 5. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: **Sec. 33. The department shall perform all
 11 investigations necessary for the department of child services as
 12 required under IC 31-25-2.5."**

13 Page 27, between lines 10 and 11, begin a new paragraph and insert:

14 "SECTION 43. IC 31-9-2-20.7 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. "Committee", for the
 17 purposes of IC 31-25-2-24, has the meaning set forth in
 18 IC 31-25-2-24(a).**

19 SECTION 44. IC 31-25-2-23 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) Beginning June 10,
 22 2012, the department shall submit a report to the legislative council
 23 not later than the tenth day of each March, June, September, and
 24 December concerning the department's expenditures for the
 25 preceding three (3) months.**

26 **(b) The report described in subsection (a) must be in an
 27 electronic format under IC 5-14-6.**

28 SECTION 45. IC 31-25-2-24 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) As used in this section,
 31 "committee" means the audit advisory committee established
 32 under subsection (b).**

33 **(b) The audit advisory committee is established.**

34 **(c) The committee consists of the following members:**

35 **(1) A representative of the Children's Coalition of Indiana
 36 appointed by the minority leader of the house of
 37 representatives.**

38 **(2) A representative of the Indiana Coalition for Human
 39 Services appointed by the speaker of the house of
 40 representatives.**

41 **(3) A representative of IARCCA— An Association of Children
 42 and Family Services appointed by the president pro tempore
 43 of the senate.**

44 **(4) A representative of Mental Health America of Indiana
 45 appointed by the minority leader of the senate.**

46 **(5) A representative of the Arc of Indiana appointed by the**

- 1 chairperson of the legislative council.
- 2 (6) A representative of the Indiana Prosecuting Attorneys
3 Council appointed by the director of the Indiana Prosecuting
4 Attorneys Council or the director's designee.
- 5 (7) A representative of the Indiana Judges Association
6 appointed by the director of the Indiana Judges Association
7 or the director's designee.
- 8 (8) One (1) member of the house of representatives appointed
9 by the speaker of the house of representatives.
- 10 (9) One (1) member of the house of representatives appointed
11 by the minority leader of the house of representatives.
- 12 (10) One (1) member of the senate appointed by the president
13 pro tempore of the senate.
- 14 (11) One (1) member of the senate appointed by the minority
15 leader of the senate.
- 16 (d) A member of the committee listed in subsection (c)(1)
17 through (c)(7) is not entitled to:
- 18 (1) the minimum salary per diem provided by
19 IC 4-10-11-2.1(b); or
- 20 (2) reimbursement from state funds for traveling expenses
21 and other expenses actually incurred in connection with the
22 member's duties.
- 23 (e) Each member of the committee who is a member of the
24 general assembly is entitled to receive the same per diem, mileage,
25 and travel allowances paid to legislative members of interim study
26 committees established by the legislative council.
- 27 (f) The committee shall select a member of the committee to
28 serve as chairperson. The committee shall meet at the call of the
29 chairperson of the committee. A vacancy on the committee shall be
30 filled by the original appointing authority. The affirmative votes of
31 a majority of the members appointed to the committee are
32 required for the committee to take action on any measure,
33 including the report described in subsection (g).
- 34 (g) The committee shall, not later than May 1, 2013, submit a
35 report to the legislative council recommending the names of
36 private entities to perform an audit of the department concerning:
- 37 (1) caseworker turnover rates;
- 38 (2) the effectiveness of the department's investigation of
39 alleged child abuse and neglect reports;
- 40 (3) the department's oversight of caseworkers;
- 41 (4) the effectiveness and quality control of the child abuse
42 hotline;
- 43 (5) the training, education levels, and supervision of the
44 employees who receive reports on the child abuse hotline;
- 45 (6) caseload levels;
- 46 (7) caseworker training; and
- 47 (8) any other department matters recommended by the

1 committee.

2 The report described in this subsection must be in an electronic
3 format under IC 5-14-6.

4 (h) The legislative council shall contract with one (1) of the
5 private entities recommended by the committee under subsection
6 (g) to audit the department. The legislative council shall pay the
7 expenses of an audit conducted under this section.

8 (i) The private entity with which the legislative council contracts
9 under subsection (h) shall provide a report concerning the audit
10 described under subsection (g) to the legislative council not later
11 than November 1, 2013.

12 (j) This section expires July 1, 2014.

13 SECTION 46. IC 31-25-2-25 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An appropriation to
16 the department:

17 (1) is to fund the responsibilities of the department specified
18 in section 7 of this chapter;

19 (2) does not revert at the end of any state fiscal year but
20 remains available for the purposes of the appropriation in
21 subsequent state fiscal years, notwithstanding IC 4-13-2-19 or
22 any other law; and

23 (3) is not subject to transfer to any other fund or to transfer,
24 assignment, or reassignment for any other use or purpose by:

25 (A) the state board of finance notwithstanding IC 4-9.1-1-7,
26 IC 4-13-2-23, or any other law; or

27 (B) the budget agency notwithstanding IC 4-12-1-12 or any
28 other law.

29 However, the budget agency may, upon request from the
30 department, assign or reassign an appropriation to the department
31 from one (1) purpose of the department to another purpose of the
32 department to meet the most critical needs of children and families
33 in Indiana.

34 (b) This subsection applies notwithstanding IC 4-13-2-18 or any
35 other law. The department shall expend amounts appropriated to
36 the department for the purposes of the department in the state
37 fiscal year for which the appropriation is made or encumber the
38 appropriated amounts within that state fiscal year for expenditure
39 within a reasonable period following the end of that state fiscal
40 year. The department may not withhold or reduce a request for an
41 allotment of an amount appropriated to the department in order
42 to revert or fail to expend an appropriation to the department. To
43 the extent that an appropriation has not been previously allotted,
44 the budget agency shall allot an amount appropriated to the
45 department for the purposes of the department upon request by
46 the department.

47 SECTION 47. IC 31-25-2.5 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]:

3 **Chapter 2.5. Investigations**

4 **Sec. 1. All investigations required for the department shall be**
5 **referred to the state police department.**

6 **Sec. 2. The state police department shall perform all**
7 **investigations necessary for the department.**

8 SECTION 48. IC 31-27-4-13, AS AMENDED BY P.L.162-2011,
9 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 13. (a) The department shall deny a license when
11 an applicant fails to meet the requirements for a license. The
12 department shall deny a license to an applicant who has been convicted
13 of any of the following felonies:

- 14 (1) Murder (IC 35-42-1-1).
- 15 (2) Causing suicide (IC 35-42-1-2).
- 16 (3) Assisting suicide (IC 35-42-1-2.5).
- 17 (4) Voluntary manslaughter (IC 35-42-1-3).
- 18 (5) Reckless homicide (IC 35-42-1-5).
- 19 (6) Battery (IC 35-42-2-1) within the past five (5) years.
- 20 (7) Domestic battery (IC 35-42-2-1.3).
- 21 (8) Aggravated battery (IC 35-42-2-1.5).
- 22 (9) Kidnapping (IC 35-42-3-2).
- 23 (10) Criminal confinement (IC 35-42-3-3) within the past five (5)
24 years.
- 25 (11) A felony sex offense under IC 35-42-4.
- 26 (12) Carjacking (IC 35-42-5-2) within the past five (5) years.
- 27 (13) Arson (IC 35-43-1-1) within the past five (5) years.
- 28 (14) Incest (IC 35-46-1-3).
- 29 (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and
30 IC 35-46-1-4(a)(2)).
- 31 (16) Child selling (IC 35-46-1-4(d)).
- 32 (17) A felony involving a weapon under IC 35-47 or IC 35-47.5
33 within the past five (5) years.
- 34 (18) A felony relating to controlled substances under IC 35-48-4
35 within the past five (5) years.
- 36 (19) An offense relating to material or a performance that is
37 harmful to minors or obscene under IC 35-49-3.
- 38 **(20) A felony under IC 9-30-5.**
- 39 ~~(20)~~ **(21)** A felony that is substantially equivalent to a felony
40 listed in subdivisions (1) through ~~(19)~~ **(20)** for which the
41 conviction was entered in another state.
- 42 **(22) An attempt under IC 35-41-5-1 to commit an offense**
43 **under subdivisions (1) through (21).**
- 44 **(23) A conspiracy under IC 35-41-5-2 to commit an offense**
45 **under subdivisions (1) through (21).**

46 **(b) The department shall deny a license to an applicant if the**

1 **applicant is a sex or violent offender (as defined in IC 11-8-8-5) or**
 2 **a sexually violent predator (as defined in IC 35-38-1-7.5).**

3 ~~(b)~~ (c) The department may deny a license to an applicant who:

4 (1) has been convicted of a felony that is not listed in subsection

5 (a); or

6 (2) has had a juvenile adjudication for an act listed in subsection

7 (a) that, if committed by an adult, would be a felony.

8 ~~(c)~~ (d) The department shall send written notice by certified mail
 9 that the application has been denied and give the reasons for the denial.

10 ~~(d)~~ (e) An administrative hearing concerning the denial of a license
 11 shall be provided upon written request by the applicant. The request
 12 must be made not more than thirty (30) days after receiving the written
 13 notice under subsection ~~(c)~~: (d).

14 ~~(e)~~ (f) An administrative hearing shall be held not more than sixty
 15 (60) days after receiving a written request.

16 ~~(f)~~ (g) An administrative hearing shall be held in accordance with
 17 IC 4-21.5-3.

18 ~~(g)~~ (h) The department shall issue a decision not more than sixty
 19 (60) days after the conclusion of a hearing.

20 SECTION 49. IC 31-33-18-1, AS AMENDED BY
 21 P.L.182-2009(ss), SECTION 378, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
 23 provided in ~~section~~ **sections 1.5 and 1.8** of this chapter, the following
 24 are confidential:

25 (1) Reports made under this article (or IC 31-6-11 before its
 26 repeal).

27 (2) Any other information obtained, reports written, or
 28 photographs taken concerning the reports in the possession of:

29 (A) the division of family resources;

30 (B) the county office;

31 (C) the department; or

32 (D) the department of child services ombudsman established
 33 by IC 4-13-19-3.

34 (b) Except as provided in section 1.5 of this chapter, all records held
 35 by:

36 (1) the division of family resources;

37 (2) a county office;

38 (3) the department;

39 (4) a local child fatality review team established under
 40 IC 31-33-24;

41 (5) the statewide child fatality review committee established
 42 under IC 31-33-25; or

43 (6) the department of child services ombudsman established by
 44 IC 4-13-19-3;

45 regarding the death of a child determined to be a result of abuse,
 46 abandonment, or neglect are confidential and may not be disclosed.

1 SECTION 50. IC 31-33-18-1.8 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. A prosecuting attorney**
 4 **is entitled to an unredacted copy of any department record**
 5 **concerning a child who:**

6 (1) resides;

7 (2) has resided; or

8 (3) has been involved in an incident that the department has
 9 investigated;

10 **in the prosecuting attorney's county.**

11 SECTION 51. IC 31-33-18-2, AS AMENDED BY
 12 P.L.182-2009(ss), SECTION 380, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The reports and
 14 other material described in section 1(a) of this chapter and the
 15 unredacted reports and other material described in section 1(b) of this
 16 chapter shall be made available only to the following:

17 (1) Persons authorized by this article.

18 (2) A legally mandated public or private child protective agency
 19 investigating a report of child abuse or neglect or treating a child
 20 or family that is the subject of a report or record.

21 (3) A police or other law enforcement agency ~~prosecuting~~
 22 ~~attorney~~, or coroner in the case of the death of a child who is
 23 investigating a report of a child who may be a victim of child
 24 abuse or neglect.

25 (4) A physician who has before the physician a child whom the
 26 physician reasonably suspects may be a victim of child abuse or
 27 neglect.

28 (5) An individual legally authorized to place a child in protective
 29 custody if:

30 (A) the individual has before the individual a child whom the
 31 individual reasonably suspects may be a victim of abuse or
 32 neglect; and

33 (B) the individual requires the information in the report or
 34 record to determine whether to place the child in protective
 35 custody.

36 (6) An agency having the legal responsibility or authorization to
 37 care for, treat, or supervise a child who is the subject of a report
 38 or record or a parent, guardian, custodian, or other person who is
 39 responsible for the child's welfare.

40 (7) An individual named in the report or record who is alleged to
 41 be abused or neglected or, if the individual named in the report is
 42 a child or is otherwise incompetent, the individual's guardian ad
 43 litem or the individual's court appointed special advocate, or both.

44 (8) Each parent, guardian, custodian, or other person responsible
 45 for the welfare of a child named in a report or record and an
 46 attorney of the person described under this subdivision, with

- 1 protection for the identity of reporters and other appropriate
 2 individuals.
- 3 (9) A court, for redaction of the record in accordance with section
 4 1.5 of this chapter, or upon the court's finding that access to the
 5 records may be necessary for determination of an issue before the
 6 court. However, except for disclosure of a redacted record in
 7 accordance with section 1.5 of this chapter, access is limited to in
 8 camera inspection unless the court determines that public
 9 disclosure of the information contained in the records is necessary
 10 for the resolution of an issue then pending before the court.
- 11 (10) A grand jury upon the grand jury's determination that access
 12 to the records is necessary in the conduct of the grand jury's
 13 official business.
- 14 (11) An appropriate state or local official responsible for child
 15 protection services or legislation carrying out the official's official
 16 functions.
- 17 (12) A foster care review board established by a juvenile court
 18 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
 19 court's determination that access to the records is necessary to
 20 enable the foster care review board to carry out the board's
 21 purpose under IC 31-34-21.
- 22 (13) The community child protection team appointed under
 23 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
 24 enable the team to carry out the team's purpose under IC 31-33-3.
- 25 (14) A person about whom a report has been made, with
 26 protection for the identity of:
- 27 (A) any person reporting known or suspected child abuse or
 28 neglect; and
- 29 (B) any other person if the person or agency making the
 30 information available finds that disclosure of the information
 31 would be likely to endanger the life or safety of the person.
- 32 (15) An employee of the department, a caseworker, or a juvenile
 33 probation officer conducting a criminal history check under
 34 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
 35 appropriateness of an out-of-home placement for a:
- 36 (A) child at imminent risk of placement;
- 37 (B) child in need of services; or
- 38 (C) delinquent child.
- 39 The results of a criminal history check conducted under this
 40 subdivision must be disclosed to a court determining the
 41 placement of a child described in clauses (A) through (C).
- 42 (16) A local child fatality review team established under
 43 IC 31-33-24-6.
- 44 (17) The statewide child fatality review committee established by
 45 IC 31-33-25-6.
- 46 (18) The department.

- 1 (19) The division of family resources, if the investigation report:
- 2 (A) is classified as substantiated; and
- 3 (B) concerns:
- 4 (i) an applicant for a license to operate;
- 5 (ii) a person licensed to operate;
- 6 (iii) an employee of; or
- 7 (iv) a volunteer providing services at;
- 8 a child care center licensed under IC 12-17.2-4 or a child care
- 9 home licensed under IC 12-17.2-5.
- 10 (20) A citizen review panel established under IC 31-25-2-20.4.
- 11 (21) The department of child services ombudsman established by
- 12 IC 4-13-19-3.

13 SECTION 52. IC 31-33-24-7, AS AMENDED BY P.L.225-2007,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 7. (a) A child fatality review consists of
 16 determining:

- 17 (1) whether similar future deaths could be prevented; ~~and~~
- 18 (2) agencies or resources that should be involved to adequately
- 19 prevent future deaths of children;
- 20 **(3) whether any party or state agency may have violated any**
- 21 **law; and**
- 22 **(4) whether a potential criminal act should be referred to the**
- 23 **prosecuting attorney.**

24 (b) In conducting the child fatality review under subsection (a), the
 25 local child fatality review team shall review every record concerning
 26 the deceased child that is held by the department.

27 (c) If a local child fatality review team requests records from a
 28 hospital, physician, coroner, or mental health professional regarding a
 29 death that the local child fatality review team is investigating, the
 30 hospital, physician, coroner, or mental health professional shall provide
 31 the requested records, subject to IC 34-30-15, to the child fatality
 32 review team.

33 **(d) If a local child fatality review team determines that an**
 34 **individual person may have committed a criminal act, the local**
 35 **child fatality review team shall inform the prosecuting attorney of**
 36 **the possible criminal act and shall forward to the prosecuting**
 37 **attorney all documents concerning the possible criminal act that**
 38 **the local child fatality review team possesses.**

39 SECTION 53. IC 31-33-24-16 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 16. The department shall**
 42 **reimburse a county for all expenses incurred under this chapter.**

43 SECTION 54. IC 31-33-25-6, AS AMENDED BY
 44 P.L.182-2009(ss), SECTION 381, IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The
 46 statewide child fatality review committee is established to review a

1 child's death that is:
2 (1) sudden;
3 (2) unexpected; ~~or~~
4 (3) unexplained; **or**
5 (4) **assessed by the department for alleged abuse or neglect**
6 **that resulted in the fatality;**
7 if the county where the child died does not have a local child fatality
8 review team or if the local child fatality review team requests a review
9 of the child's death by the statewide committee.
10 (b) The statewide child fatality review committee may also review
11 the death of a child upon request by an individual or the department of
12 child services ombudsman established by IC 4-13-19-3.
13 (c) A request submitted under subsection (b) must set forth:
14 (1) the name of the child;
15 (2) the age of the child;
16 (3) the county where the child died;
17 (4) whether a local child fatality review team reviewed the death;
18 and
19 (5) the cause of death of the deceased child.
20 (d) **In conducting a child fatality review, the statewide child**
21 **fatality review committee shall determine whether:**
22 (1) **any party or state agency may have violated any law; and**
23 (2) **a potential criminal act should be referred to the**
24 **prosecuting attorney.**
25 **If the statewide child fatality review committee determines that an**
26 **individual person may have committed a criminal act, the**
27 **statewide child fatality review committee shall inform the**
28 **prosecuting attorney of the county where the incident occurred of**
29 **the possible criminal act and shall forward to the prosecuting**
30 **attorney all documents concerning the possible criminal act that**
31 **the statewide child fatality review committee possesses.**
32 SECTION 55. IC 31-33-27.1 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]:
35 **Chapter 27.1. Retention of Child Abuse and Neglect Assessment**
36 **Information**
37 **Sec. 1. The department shall retain information relating to an**
38 **unsubstantiated assessment of child abuse or neglect for at least**
39 **five (5) years after the completion of the assessment under this**
40 **article.**
41 SECTION 56. IC 31-33-28 IS ADDED TO THE INDIANA CODE
42 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
43 UPON PASSAGE]:
44 **Chapter 28. Grand Jury**
45 **Sec. 1. (a) A court may call a grand jury under IC 35-34-2 into**
46 **session, at the request of a prosecuting attorney, to hear and**

- 1 **examine evidence concerning:**
- 2 **(1) investigations and determinations made by the department**
- 3 **concerning a child:**
- 4 **(A) who is a child in need of services; or**
- 5 **(B) whom the department investigated as a potential child**
- 6 **in need of services; or**
- 7 **(2) potential crimes that involved a child:**
- 8 **(A) who is a child in need of services;**
- 9 **(B) whom the department investigated as a potential child**
- 10 **in need of services; or**
- 11 **(C) who satisfies both clauses (A) and (B).**

12 **Sec. 2. Except as set forth in this chapter, the court shall use the**
 13 **procedures set forth under IC 35-34-2 for a grand jury under this**
 14 **chapter.**

15 **Sec. 3. (a) If a member of the grand jury has reason to believe**
 16 **that the department failed to properly investigate a child in need**
 17 **of services or failed to properly request a juvenile court to**
 18 **authorize the filing of a petition that a child is a child in need of**
 19 **services under IC 31-34-9-1, the juror may report this information**
 20 **to fellow jurors who may then investigate the department's**
 21 **decision.**

22 **(b) If a member of the grand jury has reason to believe that a**
 23 **crime occurred in the investigation of a child in need of services or**
 24 **involving a child who is the subject of a child in need of services**
 25 **investigation, the juror may report this information to fellow**
 26 **jurors who may then investigate the department's decision.**

27 **Sec. 4. (a) A grand jury may deliberate whether the department**
 28 **failed to properly investigate a potential child in need of services or**
 29 **failed to properly request a juvenile court to authorize the filing of**
 30 **a petition that a child is a child in need of services.**

31 **(b) If at least five (5) grand jurors determine that the**
 32 **department failed to investigate whether a child is a child in need**
 33 **of services or if the department failed to properly request a**
 34 **juvenile court to authorize the filing of a petition that a child is a**
 35 **child in need of services, the department shall reopen the**
 36 **investigation and the prosecuting attorney shall request the**
 37 **juvenile court to authorize the filing of a petition that a child is a**
 38 **child in need of services. A determination under this section must**
 39 **be:**

- 40 **(1) signed by the prosecuting attorney or a deputy prosecuting**
- 41 **attorney; and**
- 42 **(2) signed by the foreman of the grand jury or five (5)**
- 43 **members of the grand jury.**

44 **Sec. 5. If a grand jury determines that a crime occurred as**
 45 **described in section 3(b) of this chapter, the indictment procedures**
 46 **set forth in IC 35-34-2 apply.**

47 **SECTION 57. IC 31-34-4-8 IS ADDED TO THE INDIANA CODE**

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 8. Not later than December 31, 2012, the**
3 **department shall ensure that in every county in Indiana homes or**
4 **facilities exist that can accept emergency placements of children**
5 **under this chapter.**

6 SECTION 58. IC 31-34-4-9 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2012]: **Sec. 9. (a) The department may not decrease rates paid to**
9 **a home or facility under this chapter without the approval of the**
10 **general assembly.**

11 **(b) The department shall ensure that there is adequate funding**
12 **for homes and facilities under this chapter.**

13 SECTION 59. IC 31-34-9-1, AS AMENDED BY P.L.146-2008,
14 SECTION 588, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) The attorney for the**
16 **department:**

- 17 (1) may request the juvenile court to authorize the filing of a
18 petition alleging that a child is a child in need of services; and
- 19 (2) shall represent the interests of the state at this proceeding and
20 at all subsequent proceedings on the petition.

21 **(b) A prosecuting attorney may request the juvenile court to**
22 **authorize the filing of a petition alleging that a child is a child in**
23 **need of services under IC 31-34-1.**

24 SECTION 60. IC 31-37-5-9 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: **Sec. 9. Not later than December 31, 2012, the**
27 **department shall ensure that in every county in Indiana homes or**
28 **facilities exist that can accept emergency placements of children**
29 **under this chapter.**

30 SECTION 61. IC 31-37-5-10 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) The department may**
33 **not decrease rates paid to a home or facility under this chapter**
34 **without approval of the general assembly.**

35 **(b) The department shall ensure that there is adequate funding**
36 **for homes and facilities under this chapter.**

37 SECTION 62. [EFFECTIVE UPON PASSAGE] **The department**
38 **of child services shall prepare a report concerning the following:**

- 39 (1) **A listing by category, of the number of placements for**
40 **children, including:**
 - 41 (A) **foster family homes;**
 - 42 (B) **group homes; and**
 - 43 (C) **other homes or facilities in which the department**
44 **places children;**
- 45 **in each county for the calendar years 2007, 2008, 2009, 2010,**
46 **and 2011.**

1 **(2) A listing by category, of the amount of money that the**
2 **department of child services has spent on:**
3 **(A) foster family homes;**
4 **(B) group homes; and**
5 **(C) other homes or facilities in which the department**
6 **places children;**
7 **in each county for the calendar years 2007, 2008, 2009, 2010,**
8 **and 2011."**

9 Renumber all SECTIONS consecutively.
 (Reference is to ESB 12 as printed February 17, 2012.)

Representative Summers