

Members

Sen. Connie Lawson, Chairperson
Sen. Vi Simpson
Rep. Mary Kay Budak
Rep. Vanessa Summers
Jim Freeland
Suzanne Draper
Keith Weedman
Dan Carmin
Margery Justice
James Payne
Mitch Roob



SELECT COMMITTEE ON REORGANIZATION OF CHILD SERVICES

LSA Staff:

K.C. Norwalk, Attorney for the Committee
Karen Firestone, Fiscal Analyst for the Committee
Sarah Brooks, Fiscal Analyst for the Committee

Authority: P. L. 234-2005

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MEETING MINUTES¹

Meeting Date: November 29, 2005
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Connie Lawson, Chairperson; Rep. Mary Kay Budak; Jim Freeland; Suzanne Draper; Keith Weedman; Dan Carmin; Margery Justice; James Payne.

Members Absent: Sen. Vi Simpson; Rep. Vanessa Summers; Mitch Roob.

Chairperson Lawson called the fourth meeting of the Select Committee on the Reorganization of Child Services (Committee) to order at 1:05 P.M.

SB 481 (2005) Update

Jean Labrecque, Director of Health Policy and Medicaid, Family and Social Services Administration

Ms. LaBrecque began her presentation by explaining SB 481 (2005). She stated that this bill allows the state to amend its Medicaid plan to permit children who received foster care to continue to receive Medicaid services when the child becomes 18 years old or becomes emancipated. Ms. LaBrecque explained that a notice of intent to change the state plan will be published in January 2006 and the state plan should be amended by April 2006. Ms. LaBrecque also stated that the program will have an income test that will limit participants to an individual whose income is 200% of the federal poverty level.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Chairperson Lawson stated that \$1,000,000 was set aside in last year's budget to implement this program. Chairperson Lawson asked Ms. LaBrecque if that money would be lost if it is not used. Ms. LaBrecque stated she did not know what would happen to the money, but she would find out. She also noted that the funds came from tobacco settlement funds.

Chairperson Lawson also asked whether federal funds could be used for this program. Ms. LaBrecque explained that the state funds for the program would be matched with federal Medicaid funds.

Proposed Legislation

The Committee discussed the following bill drafts and voted to approve each draft as follows:

PD 3523, Department of Child Services License Suspension (Exhibit #1)

This draft removes the Department of Child Services' (Department) power to suspend certain licenses. The Committee approved this draft in a roll call vote, 8-0.

PD 3528, Adoption Petitions (Exhibit #2)

This draft deletes the requirement that a county clerk forward a copy of an adoption petition to the Department. The Committee approved this draft in a roll call vote, 8-0.

PD 3529, Foster Care Probationary License Status (Exhibit #3)

This draft replaces the issuance of probationary licenses with probationary status periods for:

- (1) child caring institutions;
- (2) foster homes;
- (3) group homes; and
- (4) child placing agencies.

The Committee approved this draft in a roll call vote, 8-0.

PD 3534, Child in Need of Services and Delinquency Dispositional Decrees (Exhibit #4)

This draft provides that a juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in a court's dispositional decree for a child in need of services (CHINS) or delinquency hearing. The Committee approved this draft in a roll call vote, 8-0.

PD 3592, Child Abuse or Neglect Reports (Exhibit #5)

This draft changes the definition of "substantiated" when used in reference to a child abuse or neglect report. The Committee approved this draft in a roll call vote, 8-0.

PD 3594, State Central Collection Unit Liability (Exhibit #6)

Provides that the state central collection unit (unit) is not liable for certain errors in the disbursement and collection of child support payments. Senator Lawson also stated that this bill gives the unit the same liability protections that clerks currently have. The Committee approved this draft in a roll call vote, 8-0.

PD 3595, Automated Child Protection System (Exhibit #7)

This draft requires that child welfare caseworkers, investigators, and managers must have access to certain information under the automated child protection system regardless of security requirements for confidentiality. Committee member James Payne further stated some families move from county to county and information from the Department in one county cannot currently be shared with another county and this draft would fix this problem. The Committee approved this draft in a roll call vote, 8-0.

PD 3617, Paternity Affidavits (Exhibit #8)

This draft requires certain persons who attend a child's birth to explain to the birth mother and putative father the legal consequences of executing a paternity affidavit. These legal consequences include:

- (1) a child support order may be obtained that requires health care coverage;
- (2) the rights and responsibilities of the putative father include reasonable parenting time; and
- (3) the Department may file the paternity affidavit with a court.

The Committee approved this draft in a roll call vote, 8-0.

PD 3627, Child Support Arrearage Collection Fees (Exhibit #9)

This draft provides that a collection agency that contracts with the child support bureau or a prosecuting attorney may assess and collect from an obligor all fees, charges, costs and other expenses provided under the contract. The Committee approved this draft in a roll call vote, 8-0.

PD 3638, Correction of 2005 Child Services Legislation (Exhibit #10)

This draft makes technical corrections as directed by Senate Enrolled Act 529 (2005). The draft also relocates provisions concerning the Department into Title 31 and corrects cross-references. Additionally, this draft provides that:

- (1) certain licenses may be denied or revoked if an employee or volunteer of a licensee or applicant has certain criminal convictions; and
- (2) a person may not operate a child caring institution, or a child placing agency may not operate a foster family home, if the number of the children exceeds the number authorized by the license or if the children are maintained in a place not designated by the license.

The Committee also agreed that the draft should not contain language requiring child care centers to perform national background checks on employees and volunteers. The Committee approved this draft in a roll call vote, 8-0.

PD 3644, Genetic Testing and Paternity Affidavits (Exhibit #11)

This draft provides that:

- (1) a paternity affidavit may not be rescinded more than 60 days after the affidavit is executed unless a court has ordered a genetic test at the request of the man who executed the affidavit;
- (2) a court may not set aside an affidavit unless a genetic test excludes the man who executed the affidavit as the child's father; and
- (3) if a man executed a paternity affidavit, a court may not require any further proceedings to establish the child's paternity unless the man who executed the paternity affidavit requests a genetic test.

The Committee approved this draft in a roll call vote, 8-0.

PD 3645, Emergency Placement of Children (Exhibit #12)

This draft expands the definition of "emergency placement" for purposes of criminal history record checks to include any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian. Senator Lawson also stated that this bill needs to be approved by the Federal Bureau of Investigation (FBI). John Wood of FSSA explained that the FBI can give a preliminary approval of the language as soon as the bill is filed. The Committee approved this draft in a roll call vote, 8-0.

PD 3660, Income Withholding Orders (Exhibit #13)

This draft makes changes to income withholding orders in enforcing dissolution of marriage,

legal separation, and child support decrees. The Committee approved this draft in a roll call vote, 8-0.

PD 3664, State Central Collection Unit (Exhibit #14)

This draft establishes the state central collection unit (unit) to collect and process noncash child support payments. This draft also requires the clerks of court to collect and process cash child support payments. The Committee approved this draft in a roll call vote, 8-0.

PD 3678, Hearings in Juvenile Matters (Exhibit #15)

This draft requires a court to complete certain hearings in juvenile matters within specified periods of time, including:

- (1) a factfinding hearing not more than 30 days after a petition is filed alleging that a child is a CHINS;
- (2) a dispositional hearing not more than 45 days after the date the court finds that a child is a CHINS; and
- (3) a hearing on a petition to terminate a parent-child relationship not more than 180 days after the petition is filed.

This draft also requires each CHINS case to be reviewed every three months and allows the Department to request that a judgment on a CHINS petition be entered not later than 30 days after the request. The Committee approved this draft in a roll call vote, 8-0.

PD 3684, Annual Child Support Fee (Exhibit #16)

This draft requires a person who is ordered to pay child support through income withholding to also pay the annual child support fee through income withholding. The draft also changes the support and maintenance fee to \$26 a year. The Committee approved this draft in a roll call vote, 8-0.

PDOC 20061719.004, Reports for Foster Parents (Exhibit #17)

This draft requires a report prepared by the state in a dispositional decree to be made available to the child's foster parents under certain circumstances. The Committee approved this draft in a roll call vote, 8-0.

PDOC 20061721.002, Caseworker Definition (Exhibit #18)

This draft defines "caseworker" for purposes of juvenile law and for certain criminal history background checks. The Committee approved this draft in a roll call vote, 8-0.

Committee Recommendation

The Committee voted in a roll call vote, 8-0, to make a recommendation in the final report that if the responsibility to regulate child care is removed from the Family and Social Services Administration, the Department should be the agency responsible for regulating child care in Indiana.

Final Report

The committee voted 8-0 to approve the final report.

Adjournment

Chairperson Lawson adjourned the meeting at 2:30 P.M.