



PRELIMINARY DRAFT
No. 3645

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 10-13-3-7.5.

Synopsis: Emergency placement of children. Expands the definition of "emergency placement" for purposes of the law concerning 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. Specifies that the term does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the child's health or safety.

Effective: July 1, 2006.



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

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

1 SECTION 1. IC 10-13-3-7.5, AS ADDED BY P.L.234-2005,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 7.5. **(a)** As used in this chapter, "emergency
4 placement" means an emergency out-of-home placement of a child by:

- 5 (1) the department of child services established by
6 IC 31-33-1.5-2;
7 **(2) a law enforcement officer;**
8 **(3) a caseworker;**
9 **(4) a juvenile probation officer; or**
10 **(5) a court;**

11 as a result of exigent circumstances ~~including an out-of-home~~
12 ~~placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability~~
13 ~~of the child's parent, guardian, or custodian.~~ **that require immediate**
14 **placement with a person other than the child's parent, guardian, or**
15 **custodian.**

16 **(b) The term includes any out-of-home placement for temporary**
17 **care and custody of a child at or after the time of initial removal or**
18 **transfer of custody of the child from the child's parent, guardian,**
19 **or custodian, as authorized under any of the following:**

- 20 (1) IC 31-34-2.
21 (2) IC 31-34-2.5.
22 (3) IC 31-34-4.
23 (4) IC 31-34-5.
24 (5) IC 31-37-4.
25 (6) IC 31-37-5.
26 (7) IC 31-37-6.

27 **(c) The term does not include any proposed or actual change in**
28 **location of the child's placement for continuing care and custody**
29 **after the court has entered an order at the time of or following a**
30 **detention hearing required under IC 31-34-5 or IC 31-37-6, unless**
31 **a court or an agency responsible for the child's care and**



1 **supervision determines that an immediate change in placement is**
2 **necessary to protect the health or safety of the child.**

3 (d) The term does not include placement to an entity or in a facility
4 that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed
5 by the state.

