
PRELIMINARY DRAFT
No. 3640

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 2-5-36.

Synopsis: DCS oversight committee. Establishes the committee on child services oversight to oversee the delivery of child services in Indiana. Specifies that the committee exists until January 1, 2019. Repeals the law establishing the department of child services interim study committee.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 2-5-36 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]:

4 **Chapter 36. Committee on Child Services Oversight**

5 **Sec. 1. As used in this chapter, "child in need of services" means**
6 **a child described in IC 31-34-1.**

7 **Sec. 2. As used in this chapter, "committee" refers to the**
8 **committee on child services oversight established by section 4 of**
9 **this chapter.**

10 **Sec. 3. As used in this chapter, "department" refers to the**
11 **department of child services established by IC 31-25-1-1.**

12 **Sec. 4. The committee on child services oversight is established.**

13 **Sec. 5. The committee consists of ten (10) voting members**
14 **appointed as follows:**

15 (1) Two (2) members of the senate appointed by the president
16 pro tempore, not more than one (1) of whom may be from the
17 same political party.

18 (2) Two (2) members of the house of representatives
19 appointed by the speaker, not more than one (1) of whom may
20 be from the same political party.

21 (3) The director of the department of child services or the
22 director's designee.

23 (4) The director of the division of mental health and addiction
24 or the director's designee.

25 (5) The executive director of the prosecuting attorneys council
26 or the executive director's designee.

27 (6) The executive director of the public defenders council or
28 the executive director's designee.

29 (7) A provider to the department of foster care, residential, or
30 group home services, appointed by the president pro tempore.

31 (8) One (1) juvenile or family court judge, appointed by the



1 speaker.

2 **Sec. 6. A vacancy on the committee shall be filled by the**
3 **appointing authority.**

4 **Sec. 7. (a) The president pro tempore shall appoint a member of**
5 **the committee described in section 5(1) of this chapter to serve as**
6 **chairperson of the committee from January 1 through December**
7 **31 of odd-numbered years.**

8 **(b) The speaker shall appoint a member of the committee**
9 **described in section 5(2) of this chapter to serve as chairperson of**
10 **the committee from January 1 through December 31 of**
11 **even-numbered years.**

12 **Sec. 8. The committee shall do the following:**

13 **(1) Review monthly reports from the department, as**
14 **determined by the committee and including outcome reports.**

15 **(2) Review annual reports from the office of department of**
16 **child services ombudsman established by IC 4-13-19-3, as**
17 **determined by the committee and including outcome reports.**

18 **(3) Determine whether any contractor with the department**
19 **has properly performed the terms of the contractor's**
20 **contract.**

21 **(4) Study and make legislative and administrative**
22 **recommendations to improve the delivery of child services in**
23 **Indiana, including the following:**

24 **(A) Juvenile court commitment of juveniles to mental**
25 **health facilities.**

26 **(B) Restoration of IC 31-34-1-6 filing authority to**
27 **prosecuting attorneys.**

28 **(C) Specification of a new category under IC 31-34-1 for**
29 **at-risk children for which the following may apply:**

30 **(i) Ability for prosecuting attorneys to file and pursue a**
31 **case.**

32 **(ii) Probation personnel may enter information under**
33 **Title IV-E of the federal Social Security Act (42 U.S.C.**
34 **671 et seq.) and use department of child services funds to**
35 **provide necessary services.**

36 **(iii) Courts, the department, and probation personnel**
37 **may supervise the children.**

38 **(D) Specification of a new category under IC 31-34-1 for**
39 **status offender children.**

40 **(E) Consideration of methods of delivering department**
41 **services to children without labeling the children as**
42 **juvenile delinquents.**

43 **(F) Composition and duties of regional service councils.**

44 **(G) Funding for tangible resources needed to keep children**
45 **with their families on an emergency basis.**

46 **(H) Consolidation of all bodies in existence on July 1, 2013,**



- 1 that address child welfare issues into one (1) committee
 2 with working subcommittees.
 3 (I) Call center staffing, turnover, morale, cross training,
 4 and other issues.
 5 (J) Ongoing training of local child protection teams.
 6 (K) Sufficiency and timeliness of service provider payment,
 7 availability of services, use of regional service councils,
 8 coordination of public and private services, and
 9 availability and use of outcome data.
 10 (L) An independent audit of the department's operations.
 11 (M) Followup care for children after resolution of the
 12 department's case.
 13 (N) Followup care for children about whom a report of
 14 suspected abuse or neglect is received but not substantiated
 15 and who are in need of services, regardless of the absence
 16 of substantiation.
 17 (O) An independent assessment of the history and current
 18 number of service providers and services offered on behalf
 19 of the department in each county in Indiana.
 20 (5) Study and make recommendations concerning any other
 21 matter related to the department.

22 **Sec. 9. The committee shall meet at the call of the chairperson.**

23 **Sec. 10. (a) Except as provided in subsection (b), the committee**
 24 **shall operate under the policies governing study committees**
 25 **adopted by the legislative council.**

26 **(b) The committee may meet at any time during the calendar**
 27 **year.**

28 **Sec. 11. This chapter expires January 1, 2019.**

29 SECTION 2. P.L.48-2012, SECTION 77, IS REPEALED
 30 [EFFECTIVE JULY 1, 2013]. SECTION 77: (a) As used in this
 31 SECTION, "committee" refers to the department of child services
 32 interim study committee, as established by subsection (b):

33 (b) There is established the department of child services interim
 34 study committee. The committee shall do the following:

35 (1) Review and study the progress and improvements made by the
 36 department of child services since its creation in 2005:

37 (2) Review best practices concerning child welfare; child mental
 38 health; and delinquent children:

39 (3) Receive and review status reports from the department of
 40 child services ombudsman:

41 (4) Review and study the department of child services child abuse
 42 and neglect hotline; including the process used to refer a report to
 43 a local office:

44 (5) Make legislative recommendations concerning the department
 45 of child services:

46 (c) The committee shall operate under the policies governing study



1 committees adopted by the legislative council.

2 (d) The committee consists of the following members:

3 (1) Four (4) senators appointed by the president pro tempore of
4 the senate in consultation with the minority leader of the senate;
5 not more than two (2) of whom may be members of the same
6 political party.

7 (2) Four (4) representatives appointed by the speaker of the house
8 of representatives in consultation with the minority leader of the
9 house of representatives; not more than two (2) of whom may be
10 members of the same political party.

11 (3) The director of the department of child services or the
12 director's designee; who shall serve as a nonvoting member.

13 (4) The director of the division of mental health and addiction or
14 the director's designee; who shall serve as a nonvoting member.

15 (5) The executive director of the prosecuting attorneys council or
16 the executive director's designee; who shall serve as a nonvoting
17 member.

18 (6) The executive director of the public defenders council or the
19 executive director's designee; who shall serve as a nonvoting
20 member.

21 (7) A provider of foster care services to the department of child
22 services; who shall serve as a nonvoting member; appointed by
23 the president pro tempore of the senate.

24 (8) A provider of residential or group home services to the
25 department of child services; who shall serve as a nonvoting
26 member; appointed by the speaker of the house of representatives.

27 (9) One (1) juvenile or family court judge; who shall serve as a
28 nonvoting member; appointed by the president pro tempore of the
29 senate.

30 (10) One (1) juvenile or family court judge; who shall serve as a
31 nonvoting member; appointed by the speaker of the house of
32 representatives.

33 (e) The affirmative votes of a majority of the voting members of the
34 committee are required for the committee to take action on any
35 measure; including final reports.

36 (f) This SECTION expires December 31, 2013.

