

HOUSE BILL No. 1276

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-27-4-8; IC 31-34-23-5.

Synopsis: Placement priority for foster parents. Provides that if a child in need of services is: (1) returned from an out-of-home placement to an in-home placement; and (2) subsequently removed from the in-home placement; the court and the department of child services (DCS) shall notify the foster family with which the child was previously placed and make a reasonable attempt to place the child with that foster family. Provides that if the child has previously been placed in multiple out-of-home placements, the court and DCS shall make a reasonable attempt to place the child in the most recent out-of-home placement that is able and willing to accept the placement. Provides that for purposes of placing the child in the previous out-of-home placement, DCS shall waive the limits on the number of children who may be placed in a single foster family home if: (1) the placement would not cause the foster family home to be out of compliance with federal law; and (2) the department determines that the placement would not present a safety risk for the child or for any other resident of the foster family home.

Effective: July 1, 2019.

Mahan

January 10, 2019, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1276

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 31-27-4-8, AS AMENDED BY P.L.12-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 8. (a) An applicant may not provide supervision
4 and care as a foster family home if more than:
5 (1) six (6) individuals, each of whom:
6 (A) is less than eighteen (18) years of age; or
7 (B) is at least eighteen (18) years of age and is receiving care
8 and supervision under an order of a juvenile court; or
9 (2) four (4) individuals less than six (6) years of age;
10 including the children or individuals for whom the provider is a
11 relative, guardian, or custodian, receive care and supervision at the
12 facility at the same time.
13 (b) Not more than four (4) of the six (6) individuals in subsection
14 (a)(1) may be less than six (6) years of age.
15 (c) The department:
16 (1) may grant an exception to this section whenever the
17 department determines that:



(1) ~~(A)~~ the placement of siblings in the same foster family home is desirable;

(2) ~~(B)~~ a foster child has an established, meaningful relationship with the foster parents; or

(3) ~~(C)~~ it is otherwise in the foster child's best interests; **and**

(2) shall grant an exception to this section if:

(A) the child is being placed in the foster family home for a second or subsequent time under IC 31-34-23-5;

(B) the placement would not cause the foster family home to be out of compliance with federal law; and

(C) the department determines that the placement would not present a safety risk for the child or for any other resident of the foster family home.

(d) If a foster family home does not meet the requirements under subsection (a) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed. However, a new placement of a child may not be made in violation of this section.

SECTION 2. IC 31-34-23-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTIONLS714 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) If a child who was:**

(1) placed in an out-of-home placement during child in need of services proceedings; and

(2) moved from the out-of-home placement to an in-home placement;

is returned to an out-of-home placement, the court and the department shall make a reasonable attempt to place the child in the out-of-home placement in which the child was placed under subdivision (1).

(b) As soon as practicable after a child described in subsection (a) is removed from the in-home placement described in subsection (a)(2), the department shall provide notice of the child's removal to the person with whom the child was placed during the out-of-home placement described in subsection (a)(1).

(c) If a child described in subsection (a) has been placed in more than one (1) out-of-home placement before being removed from the in-home placement described in subsection (a)(2), the court and the department shall:

(1) provide the notice required under subsection (b) to; and

(2) subject to IC 31-27-4-8(c)(2), make a reasonable attempt to place the child with;

the most recent person with whom the child was placed who is able and willing to accept the placement.

