

HOUSE BILL No. 1498

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-129.5; IC 31-25-2-21; IC 31-28-5.8.

Synopsis: After care services for foster youth. Provides that an individual who receives foster care until the individual is 18 years of age is eligible to receive collaborative care services until the individual is 21 years of age (rather than 20 years of age, under current law). Requires the department of child services to do the following: (1) Apply to the United States Secretary for Health and Human Services for funds to provide services under the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee services) by submitting a plan providing that Indiana shall provide assistance and services to individuals who have aged out of foster care and are less than 23 years of age. (2) If the plan is approved, provide Chafee services to individuals who have aged out of foster care and are less than 23 years of age.

Effective: July 1, 2019.

Summers

January 16, 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. 1498

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 31-9-2-129.5, AS AMENDED BY P.L.48-2012,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 129.5. "Therapeutic foster family home", for
4 purposes of IC 31-27, means a foster family home:

5 (1) that provides care to:

6 (A) a child; or

7 (B) an individual at least eighteen (18) but less than ~~twenty~~

8 ~~(20)~~ **twenty-one (21)** years of age receiving collaborative care
9 under IC 31-28-5.8;

10 who has serious emotional disturbances, significant behavioral
11 health needs and functional impairments, or developmental or
12 physical disabilities;

13 (2) in which the child or individual receives treatment in a family
14 home through an integrated array of services supervised and
15 supported by qualified program staff from:

16 (A) the department of child services;

17 (B) a managed care provider that contracts with the division of



1 mental health and addiction; or

2 (C) a licensed child placing agency; and

3 (3) that meets the additional requirements of IC 31-27-4-2.

4 SECTION 2. IC 31-25-2-21, AS AMENDED BY P.L.124-2017,
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 21. (a) As used in this section, "transitional
7 services plan" means a plan that provides information concerning the
8 following to an individual described in subsection (b):

9 (1) Education.

10 (2) Employment.

11 (3) Housing.

12 (4) Health care, including information concerning the individual's
13 eligibility and participation in the Medicaid program.

14 (5) Development of problem solving skills.

15 (6) Available local, state, and federal financial assistance.

16 (b) The department shall implement a program that provides a
17 transitional services plan to the following:

18 (1) An individual who has become or will become:

19 (A) eighteen (18) years of age; or

20 (B) emancipated;

21 while receiving foster care.

22 (2) An individual who:

23 (A) is at least eighteen (18) but less than ~~twenty (20)~~

24 **twenty-one (21)** years of age; and

25 (B) is receiving collaborative care under IC 31-28-5.8.

26 (c) A transitional services plan for an individual described in
27 subsection (b) shall contain a document that:

28 (1) describes the rights of the individual with respect to:

29 (A) education, health, visitation, and court participation;

30 (B) the right to be provided with the individual's medical
31 documents and any other medical information; and

32 (C) the right to stay safe and avoid exploitation; and

33 (2) includes a signed acknowledgment by the individual that the:

34 (A) individual has been provided with a copy of the document
35 described in subdivision (1); and

36 (B) rights contained in the document have been explained to
37 the individual in an age appropriate manner.

38 (d) The individual's child representatives selected by the individual
39 under IC 31-34-15-7 or IC 31-37-19-1.7 may participate in the
40 development of a transitional services plan for the individual.

41 (e) The department, as part of the program described in this section,
42 in cooperation with the office of Medicaid policy and planning, shall



1 include, as part of the transitional services plan for an individual
 2 described in subsection (b), the enrollment of the individual in the
 3 Medicaid program.

4 (f) The department shall adopt rules under IC 4-22-2, including
 5 emergency rules under IC 4-22-2-37.1, necessary to implement the
 6 program described in this section.

7 SECTION 3. IC 31-28-5.8-0.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. As used in this chapter,**
 10 **"Chafee services" refers to assistance and services offered under**
 11 **the John H. Chafee Foster Care Program for Successful Transition**
 12 **to Adulthood (42 U.S.C. 677).**

13 SECTION 4. IC 31-28-5.8-4, AS AMENDED BY P.L.13-2013,
 14 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 4. As used in this chapter, "older youth" means an
 16 individual who is at least eighteen (18) years of age but less than
 17 ~~twenty (20)~~ **twenty-one (21)** years of age.

18 SECTION 5. IC 31-28-5.8-5, AS AMENDED BY P.L.104-2015,
 19 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 5. (a) An older youth who received foster care
 21 under a court order on the day the individual attains eighteen (18) years
 22 of age is eligible to receive collaborative care services under applicable
 23 rules of the department at any time until the individual becomes ~~twenty~~
 24 ~~(20)~~ **twenty-one (21)** years of age.

25 (b) An older youth may request the department to petition a juvenile
 26 court for approval of a collaborative care agreement under this chapter.

27 (c) A court may grant a petition described in subsection (b) if the
 28 court finds, consistent with applicable rules of the department, that the
 29 older youth is:

- 30 (1) employed;
- 31 (2) attending school or a vocational or educational certification or
- 32 degree program;
- 33 (3) participating in a program or activity designed to promote, or
- 34 remove barriers to, employment; or
- 35 (4) incapable of performing any of the activities in subdivisions
- 36 (1) through (3) due to a medical condition documented by
- 37 regularly updated information in the older youth's current case
- 38 plan.

39 (d) A child who:

- 40 (1) is at least seventeen (17) years and six (6) months of age;
- 41 (2) is receiving foster care under a court order; and
- 42 (3) expects to be eligible for collaborative care under this chapter



1 when the child becomes an older youth;
2 may request the department to start the process of planning for
3 collaborative care under this chapter.

4 SECTION 6. IC 31-28-5.8-11 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2019]: **Sec. 11. The department:**

7 **(1) shall apply for funds under 42 U.S.C. 677 by submitting a**
8 **plan that provides that Indiana shall provide assistance and**
9 **services to individuals who:**

10 **(A) have aged out of foster care; and**

11 **(B) are less than twenty-three (23) years of age;**
12 **for purposes of 42 U.S.C. 677(b)(3)(ii); and**

13 **(2) if the plan submitted under subdivision (1) is approved,**
14 **shall provide Chafee services to individuals described in**
15 **subdivision (1).**

