



February 13, 2019

SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 11, 2019 1:09 pm - DI 104)

Citations Affected: IC 31-10; IC 31-25; IC 31-27; IC 31-34; IC 31-35; noncode.

Synopsis: Department of child services. Specifies that all decisions made by the department of child services (department) in specified statutes shall be made in consideration of the best interests of the child. Requires the department to implement and make available telephone contacts for family case managers to provide access to assistance in finding suitable placement for a child. Allows the department to waive the limits on the number of children who may be placed in a single foster home in certain circumstances. Provides that a dispositional decree must require the department to continue exercising due diligence to identify all adult relatives of the child and adult siblings who may be considered as out-of-home placements for the child. Requires the department to include information: (1) concerning the department's continued effort to identify all adult relatives of the child and adult siblings who may be considered as out-of-home placements for the child; and (2) from a foster parent in a progress report prepared for a case review hearing or permanency hearing. Requires the department and the office of judicial administration (office) to prepare a form that may be used to provide written testimony by certain individuals and allows foster parents to provide written testimony in a format other than the form. Requires a court to consider certain factors when considering a petition to intervene filed in a child in need of services proceeding by a foster parent, long term foster parent, or a person who has been a foster parent of the child. Provides that before
(Continued next page)

Effective: July 1, 2019.

Houchin, Head, Melton

January 10, 2019, read first time and referred to Committee on Family and Children Services.
February 12, 2019, amended, reported favorably — Do Pass.

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Digest Continued

a child who was: (1) placed in an out-of-home placement; and (2) moved from the out-of-home placement to an in-home placement; may be returned to an out-of-home placement, the court and the department shall make a reasonable attempt to place the child in the previous out-of-home placement. Provides that a foster parent, relative of the child, or de facto custodian with whom the child has been placed for at least six months may file a notice with the court if a petition to terminate the parent-child relationship (TPR) has not been filed concerning a child who has been removed from a parent and has been under the supervision of the department for 15 months of the most recent 22 months. Provides that if a notice is filed with the court, the court shall order the department to file a petition for TPR within 15 days of the order. Requires the department and the office to jointly provide a report before July 1, 2020, to the general assembly on information concerning the progress in: (1) training and technical assistance to judicial officers on foster parents' statutory rights to be heard by the court; and (2) improving opportunities for foster parents to provide oral and written testimony to the court.

SB 1—LS 7258/DI 125



February 13, 2019

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.

SENATE BILL No. 1

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 31-10-2-2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 2. For purposes of:**
4 (1) IC 31-33;
5 (2) IC 31-34; and
6 (3) IC 31-35;
7 **all decisions made by the department or the court shall be made in**
8 **consideration of the best interests of the child or children**
9 **concerned.**
10 SECTION 2. IC 31-25-6 IS ADDED TO THE INDIANA CODE AS
11 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2019]:
13 **Chapter 6. Family Case Manager Assistance**
14 **Sec. 1. The department shall implement and make available**
15 **telephone contacts for family case managers for the purpose of**

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1 providing access to assistance in finding a relative, foster, or other
2 suitable placement for a child.

3 **Sec. 2. The telephone contacts required by section 1 of this**
4 **chapter must meet the following requirements:**

5 **(1) Be available to family case managers statewide.**

6 **(2) Be able to provide assistance and be available on a**
7 **twenty-four (24) hour, seven (7) day per week basis.**

8 SECTION 3. IC 31-27-4-8, AS AMENDED BY P.L.12-2018,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 8. (a) An applicant may not provide supervision
11 and care as a foster family home if more than:

12 (1) six (6) individuals, each of whom:

13 (A) is less than eighteen (18) years of age; or

14 (B) is at least eighteen (18) years of age and is receiving care
15 and supervision under an order of a juvenile court; or

16 (2) four (4) individuals less than six (6) years of age;

17 including the children or individuals for whom the provider is a
18 relative, guardian, or custodian, receive care and supervision at the
19 facility at the same time.

20 (b) Not more than four (4) of the six (6) individuals in subsection
21 (a)(1) may be less than six (6) years of age.

22 (c) The department may grant an exception to this section whenever
23 the department determines that:

24 (1) the placement of siblings in the same foster family home is
25 desirable;

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

28 **(3) the:**

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

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

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

36 **(4) it is otherwise in the foster child's best interests.**

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

41 SECTION 4. IC 31-34-18-2, AS AMENDED BY P.L.146-2008,
42 SECTION 598, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) In addition to providing the
 2 court with a recommendation for the care, treatment, or rehabilitation
 3 of the child, the person preparing the report shall consider the
 4 necessity, nature, and extent of the participation by a parent, guardian,
 5 or custodian in a program of care, treatment, or rehabilitation for the
 6 child.

7 (b) If the department or caseworker believes that an out-of-home
 8 placement would be appropriate for a child in need of services, the
 9 department or caseworker shall:

10 **(1) exercise due diligence to identify all adult relatives of the**
 11 **child and adult siblings; and**

12 **(2) consider whether the child should be placed with the child's**
 13 **suitable and willing blood or adoptive relative caretaker,**
 14 **including a grandparent, an aunt, an uncle, or an adult sibling,**
 15 **before considering other out-of-home placements for the child.**

16 SECTION 5. IC 31-34-18-6.1, AS AMENDED BY P.L.66-2015,
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 6.1. (a) The predispositional report prepared by
 19 the department or caseworker must include the following information:

20 (1) A description of all dispositional options considered in
 21 preparing the report.

22 (2) An evaluation of each of the options considered in relation to
 23 the plan of care, treatment, rehabilitation, or placement
 24 recommended under the guidelines described in section 4 of this
 25 chapter.

26 **(3) A description of the due diligence efforts that the**
 27 **department has made to identify all adult relatives of the**
 28 **child.**

29 ~~(3)~~ **(4)** The name, occupation and position, and any relationship
 30 to the child of each person with whom the preparer of the report
 31 conferred as provided in section 1.1 of this chapter.

32 ~~(4)~~ **(5)** The report and recommendations of the dual status
 33 assessment team if the child is a dual status child under IC 31-41.

34 (b) If the department or caseworker is considering an out-of-home
 35 placement, including placement with a blood or an adoptive relative
 36 caretaker, the department or caseworker shall conduct a criminal
 37 history check (as defined in IC 31-9-2-22.5) for each person who is
 38 currently residing in the location designated as the out-of-home
 39 placement. The results of the criminal history check must be included
 40 in the predispositional report.

41 (c) The department or caseworker is not required to conduct a
 42 criminal history check under this section if:



1 (1) the department or caseworker is considering only an
2 out-of-home placement to an entity or a facility that:

3 (A) is not a residence (as defined in IC 3-5-2-42.5); or

4 (B) is licensed by the state; or

5 (2) placement under this section is undetermined at the time the
6 predispositional report is prepared.

7 SECTION 6. IC 31-34-19-7, AS AMENDED BY P.L.123-2014,
8 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 7. (a) In addition to the factors under section 6 of
10 this chapter, if the court enters a dispositional decree regarding a child
11 in need of services that includes an out-of-home placement, the court
12 shall:

13 **(1) order the department to continue exercising due diligence**
14 **to identify all adult relatives of the child and adult siblings**
15 **who may be considered as out-of-home placements for the**
16 **child until the child has been in an out-of-home placement for**
17 **at least twelve (12) months; and**

18 **(2) consider whether the child should be placed with the child's**
19 **suitable and willing relative before considering other out-of-home**
20 **placements for the child.**

21 (b) A juvenile court shall consider placing a child described in
22 subsection (a) with a relative related by blood, marriage, or adoption
23 before considering any other placement of the child.

24 (c) Before a child is placed with a relative or de facto custodian, a
25 home evaluation and background checks described in IC 31-34-4-2 are
26 required.

27 SECTION 7. IC 31-34-21-4, AS AMENDED BY P.L.128-2012,
28 SECTION 167, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in
30 subsection (f), at least seven (7) days before the periodic case review,
31 including a case review that is a permanency hearing under section 7
32 of this chapter, the department shall provide notice of the review to
33 each of the following:

34 (1) The child's parent, guardian, or custodian.

35 (2) An attorney who has entered an appearance on behalf of the
36 child's parent, guardian, or custodian.

37 (3) A prospective adoptive parent named in a petition for adoption
38 of the child filed under IC 31-19-2 if:

39 (A) each consent to adoption of the child that is required under
40 IC 31-19-9-1 has been executed in the form and manner
41 required by IC 31-19-9 and filed with the local office;

42 (B) the court having jurisdiction in the adoption case has



- 1 determined under any applicable provision of IC 31-19-9 that
 2 consent to adoption is not required from a parent, guardian, or
 3 custodian; or
 4 (C) a petition to terminate the parent-child relationship
 5 between the child and any parent who has not executed a
 6 written consent to adoption under IC 31-19-9-2 has been filed
 7 under IC 31-35 and is pending.
- 8 (4) The child's foster parent or long term foster parent.
- 9 (5) Any other person who:
 10 (A) the department has knowledge is currently providing care
 11 for the child; and
 12 (B) is not required to be licensed under IC 12-17.2 or IC 31-27
 13 to provide care for the child.
- 14 (6) Any other suitable relative or person whom the department
 15 knows has had a significant or caretaking relationship to the child.
- 16 (b) The department shall present proof of service of the notice
 17 required by subsection (a) at the periodic case review.
- 18 (c) The department shall provide notices under this section as
 19 provided in IC 31-32-1-4.
- 20 (d) The court shall provide to a person described in subsection (a)
 21 an opportunity to be heard and to make any recommendations to the
 22 court in a periodic case review, including a permanency hearing under
 23 section 7 of this chapter. The right to be heard and to make
 24 recommendations under this subsection includes:
 25 (1) the right of a person described in subsection (a) to submit a
 26 written statement to the court that, if served upon all parties to the
 27 child in need of services proceeding and the persons described in
 28 subsection (a), may be made a part of the court record; and
 29 (2) the right to present oral testimony to the court and cross
 30 examine any of the witnesses at the hearing.
- 31 **(e) The department and the office of judicial administration, in**
 32 **collaboration with foster parents and other stakeholders, shall**
 33 **prepare a form that may be used to provide written testimony to**
 34 **the court under this section. The department shall post the form on**
 35 **the department's Internet web site. Foster parents may provide**
 36 **written testimony to the court in a format other than the form**
 37 **described in this subsection.**
- 38 ~~(e)~~ (f) Except as provided in subsection ~~(f)~~; (g), this section does not
 39 exempt the department from sending a notice of the review to each
 40 party to the child in need of services proceeding.
- 41 ~~(f)~~ (g) If the parent of an abandoned child does not disclose the
 42 parent's name as allowed by IC 31-34-2.5-1(c), the parent is not



1 required to be notified of a proceeding described in subsection (a).

2 SECTION 8. IC 31-34-21-4.5, AS AMENDED BY P.L.183-2017,
3 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 4.5. (a) Except as provided in subsection (b), a
5 foster parent, long term foster parent, or a person who has been a foster
6 parent may petition the court to request intervention as a party to a
7 proceeding described in this chapter.

8 (b) A foster parent who has been:

- 9 (1) the subject of a substantiated report of child abuse or neglect;
10 or
11 (2) convicted of a nonwaivable offense, as defined in
12 IC 31-9-2-84.8;

13 may not petition the court to intervene under this section.

14 (c) A court may grant a petition filed under this section if the court
15 determines that intervention of the petitioner is in the best interests of
16 the child.

17 **(d) In making the determination under subsection (c), the court
18 shall consider at least the following:**

- 19 **(1) Whether the petitioner has also filed a petition to adopt
20 under IC 31-19-2-2 concerning the child who is the subject of
21 the child in need of services proceeding.**
22 **(2) Whether a petition to terminate the parent-child
23 relationship under IC 31-35-2-4 has been filed concerning the
24 child who is the subject of the child in need of services
25 proceeding.**
26 **(3) Whether the child who is the subject of the child in need of
27 services proceeding has been placed with the petitioner for at
28 least six (6) months.**

29 SECTION 9. IC 31-34-21-4.6 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.6. As used in this
31 section, "long term foster parent" means a foster parent who has
32 provided care and supervision for a child: ~~for at least:~~

- 33 (1) **for at least** the twelve (12) most recent months; ~~or~~
34 (2) **for at least** fifteen (15) months of the most recent twenty-two
35 (22) months; ~~or~~
36 (3) **if the child is less than twelve (12) months old, for at least
37 six (6) months.**

38 SECTION 10. IC 31-34-22-1, AS AMENDED BY P.L.146-2008,
39 SECTION 610, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Before a case review under
41 IC 31-34-21-2 or hearing under IC 31-34-21-7, the department shall
42 prepare a report on the progress made in implementing the



1 dispositional decree, including the progress made in rehabilitating the
2 child, preventing placement out-of-home, or reuniting the family.

3 (b) ~~Before~~ **When** preparing the report required by subsection (a), **if**
4 **the child is placed in foster care**, the department shall consult a **the**
5 foster parent of the child about the child's progress made while in the
6 foster parent's care. **The department shall include as part of the**
7 **report the information and any recommendations gathered from**
8 **the foster parent.**

9 (c) If modification of the dispositional decree is recommended, the
10 department shall prepare a modification report containing the
11 information required by IC 31-34-18 and request a formal court
12 hearing.

13 (d) **If the child has been removed from the child's home for less**
14 **than twelve (12) months, a report described in subsection (a) must**
15 **include an explanation of the department's ongoing effort to**
16 **identify all adult relatives of the child and adult siblings who may**
17 **be considered as out-of-home placements for the child.**

18 SECTION 11. IC 31-34-23-5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) If a child who was:**

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

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

25 **is returned to an out-of-home placement, the court and the**
26 **department shall make a reasonable attempt to place the child in**
27 **the out-of-home placement in which the child was placed under**
28 **subdivision (1) if the out of home placement is appropriate under**
29 **IC 31-27-4 and IC 31-34-4-2 and the placement is in the child's best**
30 **interests.**

31 (b) **If a child described in subsection (a) has been placed in more**
32 **than one (1) out-of-home placement before being removed from the**
33 **in-home placement described in subsection (a)(2), the court and the**
34 **department shall place the child in the out-of-home placement that**
35 **is in the best interests of the child.**

36 SECTION 12. IC 31-35-2-4.5, AS AMENDED BY P.L.5-2015,
37 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: **Sec. 4.5. (a) This section applies if:**

39 (1) a court has made a finding under IC 31-34-21-5.6 that
40 reasonable efforts for family preservation or reunification with
41 respect to a child in need of services are not required; or

42 (2) a child in need of services or a delinquent child:



- 1 (A) has been placed in:
 2 (i) a foster family home, child caring institution, or group
 3 home licensed under IC 31-27; or
 4 (ii) the home of a relative (as defined in IC 31-9-2-107(c));
 5 as directed by a court in a child in need of services proceeding
 6 under IC 31-34 or a delinquency action under IC 31-37; and
 7 (B) has been removed from a parent and has been under the
 8 supervision of the department or county probation department
 9 for not less than fifteen (15) months of the most recent
 10 twenty-two (22) months, beginning with the date the child is
 11 removed from the home as a result of the child being alleged
 12 to be a child in need of services or a delinquent child.
- 13 (b) A person described in section 4(a) of this chapter shall:
 14 (1) file a petition to terminate the parent-child relationship under
 15 section 4 of this chapter; and
 16 (2) request that the petition be set for hearing.
- 17 (c) If a petition under subsection (b) is filed by the child's court
 18 appointed special advocate or guardian ad litem, the department shall
 19 be joined as a party to the petition.
- 20 (d) A person described in section 4(a) of this chapter may file a
 21 motion to dismiss the petition to terminate the parent-child relationship
 22 if any of the following circumstances apply:
 23 (1) That the current case plan prepared by or under the
 24 supervision of the department or the probation department under
 25 IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4.5 has
 26 documented a compelling reason, based on facts and
 27 circumstances stated in the petition or motion, for concluding that
 28 filing, or proceeding to a final determination of, a petition to
 29 terminate the parent-child relationship is not in the best interests
 30 of the child. A compelling reason may include the fact that the
 31 child is being cared for by a custodian who is a relative (as
 32 defined in IC 31-9-2-107(c)).
 33 (2) That:
 34 (A) IC 31-34-21-5.6 is not applicable to the child;
 35 (B) the department or the probation department has not
 36 provided family services to the child, parent, or family of the
 37 child in accordance with a currently effective case plan
 38 prepared under IC 31-34-15 or IC 31-37-19-1.5 or a
 39 permanency plan or dispositional decree approved under
 40 IC 31-34 or IC 31-37, for the purpose of permitting and
 41 facilitating safe return of the child to the child's home; and
 42 (C) the period for completion of the program of family



- 1 services, as specified in the current case plan, permanency
 2 plan, or decree, has not expired.
- 3 (3) That:
- 4 (A) IC 31-34-21-5.6 is not applicable to the child;
- 5 (B) the department has not provided family services to the
 6 child, parent, or family of the child, in accordance with
 7 applicable provisions of a currently effective case plan
 8 prepared under IC 31-34-15 or IC 31-37-19-1.5, or a
 9 permanency plan or dispositional decree approved under
 10 IC 31-34 or IC 31-37; and
- 11 (C) the services that the department has not provided are
 12 substantial and material in relation to implementation of a plan
 13 to permit safe return of the child to the child's home.

14 The motion to dismiss shall specify which of the allegations described
 15 in subdivisions (1) through (3) apply to the motion. If the court finds
 16 that any of the allegations described in subdivisions (1) through (3) are
 17 true, as established by a preponderance of the evidence, the court shall
 18 dismiss the petition to terminate the parent-child relationship.

19 **(e) If:**

20 **(1) a child in need of services or a delinquent child has been**
 21 **removed from a parent and has been under the supervision of**
 22 **the department or county probation department for not less**
 23 **than fifteen (15) months of the most recent twenty-two (22)**
 24 **months, beginning with the date the child is removed from the**
 25 **home as a result of the child being alleged to be a child in need**
 26 **of services or a delinquent child; and**

27 **(2) a petition to terminate the parent-child relationship has**
 28 **not been filed by the department or another person described**
 29 **in section 4(a) of this chapter;**

30 **a foster parent, relative of the child, or de facto custodian with**
 31 **whom the child has been placed for at least six (6) months may file**
 32 **a notice with the court that the petition to terminate the**
 33 **parent-child relationship has not been filed as required under**
 34 **subsection (b). Upon the filing of the notice, if the petition to**
 35 **terminate the parent-child relationship has not been filed, the court**
 36 **shall order the department to file a petition to terminate the**
 37 **parent-child relationship within fifteen (15) days of the order.**

38 SECTION 13. [EFFECTIVE JULY 1, 2019] (a) Before July 1,
 39 2020, the department of child services and the office of judicial
 40 administration shall jointly provide a report described in this
 41 SECTION to the general assembly in an electronic format under
 42 IC 5-14-6.



- 1 **(b) The office of judicial administration shall include in the**
- 2 **report information concerning the office's progress in providing**
- 3 **training and technical assistance to judicial officers on foster**
- 4 **parents' statutory right to be heard through oral and written**
- 5 **testimony to the court in accordance with IC 31-34-21-4.**
- 6 **(c) The department of child services shall include in the report**
- 7 **information concerning the department's progress in improving**
- 8 **opportunities for foster parents to provide oral and written**
- 9 **testimony to the court in accordance with IC 31-34-21-4.**
- 10 **(d) This SECTION expires December 31, 2020.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 31-10-2-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2. For purposes of:**

- (1) IC 31-33;
- (2) IC 31-34; and
- (3) IC 31-35;

all decisions made by the department or the court shall be made in consideration of the best interests of the child or children concerned.

SECTION 2. IC 31-25-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 6. Family Case Manager Assistance

Sec. 1. The department shall implement and make available telephone contacts for family case managers for the purpose of providing access to assistance in finding a relative, foster, or other suitable placement for a child.

Sec. 2. The telephone contacts required by section 1 of this chapter must meet the following requirements:

- (1) Be available to family case managers statewide.
- (2) Be able to provide assistance and be available on a twenty-four (24) hour, seven (7) day per week basis.

SECTION 3. IC 31-27-4-8, AS AMENDED BY P.L.12-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a)** An applicant may not provide supervision and care as a foster family home if more than:

- (1) six (6) individuals, each of whom:
 - (A) is less than eighteen (18) years of age; or
 - (B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or
- (2) four (4) individuals less than six (6) years of age;

including the children or individuals for whom the provider is a relative, guardian, or custodian, receive care and supervision at the facility at the same time.

- (b) Not more than four (4) of the six (6) individuals in subsection

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(a)(1) may be less than six (6) years of age.

(c) The department may grant an exception to this section whenever the department determines that:

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

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

(3) the:

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

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

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

~~(3)~~ **(4)** it is otherwise in the foster child's best interests.

(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."

Delete pages 2 through 6.

Page 7, delete lines 1 through 20.

Page 7, between lines 37 and 38, begin a new paragraph and insert: "SECTION 5. IC 31-34-18-6.1, AS AMENDED BY P.L.66-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.1. (a) The predispositional report prepared by the department or caseworker must include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) A description of the due diligence efforts that the department has made to identify all adult relatives of the child.

~~(3)~~ **(4)** The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

~~(4)~~ **(5)** The report and recommendations of the dual status assessment team if the child is a dual status child under IC 31-41.

(b) If the department or caseworker is considering an out-of-home



placement, including placement with a blood or an adoptive relative caretaker, the department or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

- (1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 8, between lines 15 and 16, begin a new paragraph and insert:
 "SECTION 7. IC 31-34-21-4, AS AMENDED BY P.L.128-2012, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (f), at least seven (7) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the department shall provide notice of the review to each of the following:

- (1) The child's parent, guardian, or custodian.
- (2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.
- (3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:
 - (A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the local office;
 - (B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or
 - (C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.
- (4) The child's foster parent or long term foster parent.
- (5) Any other person who:
 - (A) the department has knowledge is currently providing care for the child; and



(B) is not required to be licensed under IC 12-17.2 or IC 31-27 to provide care for the child.

(6) Any other suitable relative or person whom the department knows has had a significant or caretaking relationship to the child.

(b) The department shall present proof of service of the notice required by subsection (a) at the periodic case review.

(c) The department shall provide notices under this section as provided in IC 31-32-1-4.

(d) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (a), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross examine any of the witnesses at the hearing.

(e) The department and the office of judicial administration, in collaboration with foster parents and other stakeholders, shall prepare a form that may be used to provide written testimony to the court under this section. The department shall post the form on the department's Internet web site. Foster parents may provide written testimony to the court in a format other than the form described in this subsection.

~~(e)~~ **(f)** Except as provided in subsection ~~(f)~~; **(g)**, this section does not exempt the department from sending a notice of the review to each party to the child in need of services proceeding.

~~(f)~~ **(g)** If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a)."

Page 9, line 8, delete "for the" and insert **"for at least six (6) months."**

Page 9, delete lines 9 through 37.

Page 10, line 7, delete "a foster parent" and insert **"the"**.

Page 10, line 7, delete "recommendation form" and insert **"any recommendations gathered from the foster parent."**

Page 10, delete line 8.

Page 10, delete lines 18 through 24.

Page 10, line 27, delete "Except as provided in" and insert **"If"**.

Page 10, line 28, delete "subsection (c), if".



Page 10, line 36, delete "." and insert **"if the out of home placement is appropriate under IC 31-27-4 and IC 31-34-4-2 and the placement is in the child's best interests."**

Page 10, delete line 42.

Delete pages 11 through 12.

Page 13, delete lines 1 through 41.

Page 16, delete line 2, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2019] (a) Before July 1, 2020, the department of child services and the office of judicial administration shall jointly provide a report described in this SECTION to the general assembly in an electronic format under IC 5-14-6.

(b) The office of judicial administration shall include in the report information concerning the office's progress in providing training and technical assistance to judicial officers on foster parents' statutory right to be heard through oral and written testimony to the court in accordance with IC 31-34-21-4.

(c) The department of child services shall include in the report information concerning the department's progress in improving opportunities for foster parents to provide oral and written testimony to the court in accordance with IC 31-34-21-4.

(d) This SECTION expires December 31, 2020."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0.

