

# SENATE BILL No. 289

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-27.

**Synopsis:** Criminal history check of child service providers. Provides that an individual may be employed by a child caring institution, group home, or child placing agency before a criminal history check of the individual is completed if: (1) the criminal history check has been initiated; and (2) the individual's employment before the completion of the criminal history check is limited to employment training during which the individual is never alone with a child.

**Effective:** July 1, 2020.

---

---

## Grooms

---

---

January 9, 2020, read first time and referred to Committee on Family and Children Services.

---

---



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 289

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 31-27-3-3, AS AMENDED BY P.L.243-2019,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child caring  
4 institution license on forms provided by the department.  
5 (b) An applicant must submit the required information as part of the  
6 application.  
7 (c) The applicant must submit with the application a statement  
8 attesting the following:  
9 (1) Whether the applicant has been convicted of:  
10 (A) a felony; or  
11 (B) a misdemeanor relating to the health and safety of  
12 children.  
13 (2) Whether the applicant has been charged with:  
14 (A) a felony; or  
15 (B) a misdemeanor relating to the health and safety of  
16 children;  
17 during the pendency of the application.



(d) The department, on behalf of an applicant, or, at the discretion of the department, an applicant, shall conduct a criminal history check of the following:

(1) Each individual who is an applicant.

(2) The director or manager of a facility where children will be placed.

(3) Each employee, volunteer, or contractor of the applicant.

(e) If the applicant conducts a criminal history check under subsection (d), the applicant shall:

(1) maintain records of the information it receives concerning each individual who is the subject of a criminal history check; and

(2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(3).

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of:

(A) a conviction for a felony;

(B) a conviction for a misdemeanor relating to the health and safety of a child; or

(C) a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) **Except as provided in subsection (i)**, a criminal history check of each person described in subsection (d)(2) or (d)(3) must be completed on or before the date the person:

(1) is employed;

(2) is assigned as a volunteer; or



(3) enters into, or the person's employing entity enters into, a contract with the applicant.

**(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before a criminal history check of the individual is completed as required under subsection (h)(1) if:**

- (1) the criminal history check has been initiated; and**
- (2) the individual's employment before the completion of the criminal history check is limited to employment training during which the individual is never alone with a child.**

~~(j)~~ **(j)** The applicant or facility is responsible for any fees associated with a criminal history check.

~~(k)~~ **(k)** The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report.

~~(l)~~ **(l)** A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 2. IC 31-27-5-4, AS AMENDED BY P.L.243-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An applicant must apply for a group home license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting the following:

- (1) Whether the applicant has been convicted of:
  - (A) a felony; or
  - (B) a misdemeanor relating to the health and safety of children.
- (2) Whether the applicant has been charged with:
  - (A) a felony; or
  - (B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) The department on behalf of an applicant, or, at the discretion of the department, an applicant, shall conduct a criminal history check of the following:



(1) Each individual who is an applicant.

(2) The director or manager of a facility where children will be placed.

(3) Each employee, volunteer, or contractor of the applicant.

(e) If the applicant conducts a criminal history check under subsection (d), the applicant shall:

(1) maintain records of the information it receives concerning each individual who is the subject of a criminal history check; and

(2) submit to the department a copy of the information the applicant receives concerning each person described in subsection (d)(1) through (d)(3).

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a:

(A) conviction for a felony;

(B) conviction for a misdemeanor relating to the health and safety of a child; or

(C) juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information it receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) **Except as provided in subsection (i)**, a criminal history check of each person described in subsection (d)(2) or (d)(3) must be completed on or before the date the person:

(1) is employed;

(2) is assigned as a volunteer; or

(3) enters into, or the person's employing entity enters into, a contract with the applicant.

**(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before a criminal history check of the**



individual is completed as required under subsection (h)(1) if:

(1) the criminal history check has been initiated; and

(2) the individual's employment before the completion of the criminal history check is limited to employment training during which the individual is never alone with a child.

(j) The applicant is responsible for any fees associated with a criminal history check.

(k) The department shall, at the applicant's request, inform the applicant as to whether the department has or does not have a record of the person who is the subject of a criminal history check and whether the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report.

(l) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 3. IC 31-27-6-2, AS AMENDED BY P.L.243-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) An applicant must apply for a child placing agency license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting the following:

(1) Whether the applicant has been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) Whether the applicant has been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) The department on behalf of an applicant, or, at the discretion of the department, an applicant, shall conduct a criminal history check of the following:

(1) Each individual who is an applicant.

(2) The director or manager of a facility where children will be placed.

(3) Each employee, volunteer, or contractor of the applicant.



(e) If the applicant conducts a criminal history check under subsection (d), the applicant shall:

- (1) maintain records of the information it receives concerning each individual who is the subject of a criminal history check; and
- (2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(3).

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a:

- (A) conviction for a felony;
- (B) conviction for a misdemeanor relating to the health and safety of a child; or
- (C) juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) **Except as provided in subsection (i)**, a criminal history check of each person described in subsection (d)(2) or (d)(3) must be completed on or before the date the person:

- (1) is employed;
- (2) is assigned as a volunteer; or
- (3) enters into, or the person's employing entity enters into, a contract with the applicant.

**(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before a criminal history check of the individual is completed as required under subsection (h)(1) if:**

- (1) the criminal history check has been initiated; and**
- (2) the individual's employment before the completion of the**



**criminal history check is limited to employment training  
during which the individual is never alone with a child.**

~~(j)~~ (j) The applicant or facility is responsible for any fees associated  
with a criminal history check.

~~(k)~~ (k) The department shall, at the applicant's request, inform the  
applicant whether the department has or does not have a record of the  
person who is the subject of a criminal history check and if the  
department has identified the person as an alleged perpetrator of abuse  
or neglect. The department may not provide to the applicant any details  
or personally identifying information contained in any child protective  
investigation report.

~~(l)~~ (l) A person who is the subject of a criminal history check  
conducted in accordance with this section may request the state police  
department to provide the person with a copy of any state or national  
criminal history report concerning the person.

