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.



1 2	(d) The department, on behalf of an applicant, or, at the discretion
3	of the department, an applicant, shall conduct a criminal history check of the following:
4	(1) Each individual who is an applicant.
5	(2) The director or manager of a facility where children will be
6	placed.
7	(3) Each employee, volunteer, or contractor of the applicant.
8	(e) If the applicant conducts a criminal history check under
9	subsection (d), the applicant shall:
10	(1) maintain records of the information it receives concerning
11	each individual who is the subject of a criminal history check; and
12	(2) submit to the department a copy of the information it receives
13	concerning each person described in subsection (d)(1) through
14	(d)(3).
15	(f) If the department conducts a criminal history check on behalf of
16	an applicant under subsection (d), the department shall:
17	(1) determine whether the subject of a national fingerprint based
18	criminal history check has a record of:
19	(A) a conviction for a felony;
20	(B) a conviction for a misdemeanor relating to the health and
21	safety of a child; or
22	(C) a juvenile adjudication for a nonwaivable offense, as
23	defined in IC 31-9-2-84.8 that, if committed by an adult,
24	would be a felony;
25	(2) notify the applicant of the determination under subdivision (1)
26	without identifying a specific offense or other identifying
27	information concerning a conviction or juvenile adjudication
28	contained in the national criminal history record information;
29	(3) submit to the applicant a copy of any state limited criminal
30	history report that the department receives on behalf of any person
31	described in subsection (d); and
32	(4) maintain a record of every report and all information the
33	department receives concerning a person described in subsection
34	(d).
35	(g) Except as provided in subsection (h), a criminal history check
36	described in subsection (d) is required only at the time an application
37	for a new license or the renewal of an existing license is submitted.
38	(h) Except as provided in subsection (i), a criminal history check
39	of each person described in subsection (d)(2) or (d)(3) must be
40	completed on or before the date the person:
41	(1) is employed;
42	(2) is assigned as a volunteer; or



1	(3) enters into, or the person's employing entity enters into, a
2	contract with the applicant.
3	(i) An individual may be employed as a person described in
4	subsection (d)(2) or (d)(3) before a criminal history check of the
5	individual is completed as required under subsection (h)(1) if:
6	(1) the criminal history check has been initiated; and
7	(2) the individual's employment before the completion of the
8	criminal history check is limited to employment training
9	during which the individual is never alone with a child.
10	(i) (j) The applicant or facility is responsible for any fees associated
11	with a criminal history check.
12	(j) (k) The department shall, at the applicant's request, inform the
13	applicant whether the department has or does not have a record of the
14	person who is the subject of a criminal history check and if the
15	department has identified the person as an alleged perpetrator of abuse
16	or neglect. The department may not provide to the applicant any details
17	or personally identifying information contained in any child protective
18	services investigation report.
19	(k) (l) A person who is the subject of a criminal history check
20	conducted in accordance with this section may request the state police
21	department to provide the person with a copy of any state or national
22	criminal history report concerning the person.
23	SECTION 2. IC 31-27-5-4, AS AMENDED BY P.L.243-2019,
24	SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25	JULY 1, 2020]: Sec. 4. (a) An applicant must apply for a group home
26	license on forms provided by the department.
27	(b) An applicant must submit the required information as part of the
28	application.
29	(c) An applicant must submit with the application a statement
30	attesting the following:
31	(1) Whether the applicant has been convicted of:
32	(A) a felony; or
33	(B) a misdemeanor relating to the health and safety of
34	children.
35	(2) Whether the applicant has been charged with:
36	(A) a felony; or
37	(B) a misdemeanor relating to the health and safety of
38	children;
39	during the pendency of the application.
40	(d) The department on behalf of an applicant, or, at the discretion of
41	the department, an applicant, shall conduct a criminal history check of
42	the following:



1	(1) Each individual who is an applicant.
2	(2) The director or manager of a facility where children will be
3	placed.
4	(3) Each employee, volunteer, or contractor of the applicant.
5	(e) If the applicant conducts a criminal history check under
6	subsection (d), the applicant shall:
7	(1) maintain records of the information it receives concerning
8	each individual who is the subject of a criminal history check; and
9	(2) submit to the department a copy of the information the
10	applicant receives concerning each person described in subsection
11	(d)(1) through $(d)(3)$.
12	(f) If the department conducts a criminal history check on behalf of
13	an applicant under subsection (d), the department shall:
14	(1) determine whether the subject of a national fingerprint based
15	criminal history check has a record of a:
16	(A) conviction for a felony;
17	(B) conviction for a misdemeanor relating to the health and
18	safety of a child; or
19	(C) juvenile adjudication for a nonwaivable offense, as defined
20	in IC 31-9-2-84.8 that, if committed by an adult, would be a
21 22 23 24	felony;
22	(2) notify the applicant of the determination under subdivision (1)
23	without identifying a specific offense or other identifying
24	information concerning a conviction or juvenile adjudication
25	contained in the national criminal history record information;
26 27	(3) submit to the applicant a copy of any state limited criminal
2/	history report that the department receives on behalf of any person
28	described in subsection (d); and
29	(4) maintain a record of every report and all information it
30 31	receives concerning a person described in subsection (d).
32	(g) Except as provided in subsection (h), a criminal history check
32 33	described in subsection (d) is required only at the time an application
34	for a new license or the renewal of an existing license is submitted.
34 35	(h) Except as provided in subsection (i), a criminal history check
36	of each person described in subsection (d)(2) or (d)(3) must be
37	completed on or before the date the person:
38	(1) is employed;
39	(2) is assigned as a volunteer; or
59 40	(3) enters into, or the person's employing entity enters into, a
+0 41	contract with the applicant.
+1 42	(i) An individual may be employed as a person described in subsection $(d)(2)$ or $(d)(3)$ before a ariminal history check of the
+∠	subsection (d)(2) or (d)(3) before a criminal history check of the



1	individual is completed as required under subsection (h)(1) if:
2	(1) the criminal history check has been initiated; and
3	(2) the individual's employment before the completion of the
4	criminal history check is limited to employment training
5	during which the individual is never alone with a child.
6	(i) (j) The applicant is responsible for any fees associated with a
7	criminal history check.
8	(j) (k) The department shall, at the applicant's request, inform the
9	applicant as to whether the department has or does not have a record of
10	the person who is the subject of a criminal history check and whether
11	the department has identified the person as an alleged perpetrator of
12	abuse or neglect. The department may not provide to the applicant any
13	details or personally identifying information contained in any child
14	protective services investigation report.
15	(k) (l) A person who is the subject of a criminal history check
16	conducted in accordance with this section may request the state police
17	department to provide the person with a copy of any state or national
18	criminal history report concerning the person.
19	SECTION 3. IC 31-27-6-2, AS AMENDED BY P.L.243-2019,
20	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21	JULY 1, 2020]: Sec. 2. (a) An applicant must apply for a child placing
22	agency license on forms provided by the department.
23	(b) An applicant must submit the required information as part of the
24	application.
25	(c) The applicant must submit with the application a statement
26	attesting the following:
27	(1) Whether the applicant has been convicted of:
28	(A) a felony; or
29	(B) a misdemeanor relating to the health and safety of
30	children.
31	(2) Whether the applicant has been charged with:
32	(A) a felony; or
33	(B) a misdemeanor relating to the health and safety of
34	children;
35	during the pendency of the application.
36	(d) The department on behalf of an applicant, or, at the discretion of
37	the department, an applicant, shall conduct a criminal history check of
38	the following:
39	(1) Each individual who is an applicant.
40	(2) The director or manager of a facility where children will be
41	placed.
42	(3) Each employee, volunteer, or contractor of the applicant.



1	(e) If the applicant conducts a criminal history check under
2	subsection (d), the applicant shall:
3	(1) maintain records of the information it receives concerning
4	each individual who is the subject of a criminal history check; and
5	(2) submit to the department a copy of the information it receives
6	concerning each person described in subsection (d)(1) through
7	(d)(3).
8	(f) If the department conducts a criminal history check on behalf of
9	an applicant under subsection (d), the department shall:
10	(1) determine whether the subject of a national fingerprint based
11	criminal history check has a record of a:
12	(A) conviction for a felony;
13	(B) conviction for a misdemeanor relating to the health and
14	safety of a child; or
15	(C) juvenile adjudication for a nonwaivable offense, as defined
16	in IC 31-9-2-84.8 that, if committed by an adult, would be a
17	felony;
18	(2) notify the applicant of the determination under subdivision (1)
19	without identifying a specific offense or other identifying
20	information concerning a conviction or juvenile adjudication
21	contained in the national criminal history record information;
22	(3) submit to the applicant a copy of any state limited criminal
23	history report that the department receives on behalf of any person
24	described in subsection (d); and
25	(4) maintain a record of every report and all information the
26	department receives concerning a person described in subsection
27	(d).
28	(g) Except as provided in subsection (h), a criminal history check
29	described in subsection (d) is required only at the time an application
30	for a new license or the renewal of an existing license is submitted.
31	(h) Except as provided in subsection (i), a criminal history check
32	of each person described in subsection $(d)(2)$ or $(d)(3)$ must be
33	completed on or before the date the person:
34	(1) is employed;
35	(2) is assigned as a volunteer; or
36	(3) enters into, or the person's employing entity enters into, a
37	contract with the applicant.
38	(i) An individual may be employed as a person described in
39	subsection (d)(2) or (d)(3) before a criminal history check of the
40	individual is completed as required under subsection (h)(1) if:
41	(1) the criminal history check has been initiated; and
42	(2) the individual's employment before the completion of the
	(-)



1	criminal history check is limited to employment training
2	during which the individual is never alone with a child.
3	(i) (j) The applicant or facility is responsible for any fees associated
4	with a criminal history check.
5	(i) (k) The department shall, at the applicant's request, inform the
6	applicant whether the department has or does not have a record of the
7	person who is the subject of a criminal history check and if the
8	department has identified the person as an alleged perpetrator of abuse
9	or neglect. The department may not provide to the applicant any details
10	or personally identifying information contained in any child protective
11	investigation report.
12	(k) (l) A person who is the subject of a criminal history check
13	conducted in accordance with this section may request the state police
14	department to provide the person with a copy of any state or national
15	criminal history report concerning the person.

