

SENATE BILL No. 616

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-32-3-10.5.

Synopsis: Civil immunity for child advocates. Provides that any guardian ad litem (GAL) or court appointed special advocate (CASA) appointed for a child in a juvenile court proceeding is immune from civil liability resulting from the child being placed on a waiting list due to unavailability of a GAL or CASA. (Under current law, this immunity applies only to a volunteer GAL or CASA appointed from, and funded by, the supreme court office of administration's office of guardian ad litem and court appointed special advocate services.)

Effective: July 1, 2019.

Breaux

January 15, 2019, read first time and referred to Committee on Judiciary.



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.

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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 31-32-3-10.5, AS ADDED BY P.L.120-2018,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 10.5. (a) As used in this section, "court appointed
4 special advocate" has the meaning set forth in IC 31-9-2-28.
5 (b) As used in this section, "guardian ad litem" has the meaning set
6 forth in IC 31-9-2-50.
7 (c) When a juvenile court appoints a guardian ad litem or court
8 appointed special advocate in a proceeding ~~from a volunteer based~~
9 ~~program funded through IC 33-24-6-4~~, and, due to the caseload of the
10 guardian ad litem program or court appointed special advocate
11 program, the child is placed on a waiting list for guardian ad litem or
12 court appointed special advocate services:
13 (1) the guardian ad litem program or court appointed special
14 advocate program;
15 (2) any employee of or volunteer for the guardian ad litem
16 program or court appointed special advocate program; and
17 (3) any individual acting as a contracted guardian ad litem;



1 are immune from civil liability based on the child being placed on the
2 waiting list unless the placement of the child on the waiting list is the
3 result of gross negligence or willful and wanton misconduct.
4 (d) Nothing in this section shall be construed to negate the
5 appointment of a:
6 (1) guardian ad litem; or
7 (2) court appointed special advocate;
8 when required by IC 31-34-10-3.

