

HOUSE BILL No. 1247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2.

Synopsis: Child care provider notice. Allows the division of family resources (division) to send certain notices to: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry; by electronic mail instead of by certified mail. Requires: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry to provide a current and valid electronic mail address to the division in the application; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry to maintain the provided electronic mail address for the duration of the licensure or registration.

Effective: July 1, 2021.

Vermilion, DeVon

January 14, 2021, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1247

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 12-17.2-4-3, AS AMENDED BY P.L.121-2020,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2021]: Sec. 3. (a) An applicant must apply for a child care
- 4 center license on forms provided by the division.
- 5 (b) An applicant must submit the required information as part of the
- 6 application, including the following:
- 7 (1) If the county, city, or town in which the child care center is
- 8 located requires a business permit or license to operate a child
- 9 care center in the county, city, or town, proof that the applicant
- 10 has a valid business permit or license.
- 11 (2) If the county, city, or town in which the child care center is
- 12 located does not require a business permit or license described in
- 13 subdivision (1), a statement from the county, city, or town that a
- 14 business permit or license is not required.
- 15 (3) **A current and valid electronic mail address for the**
- 16 **applicant.**
- 17 (c) The applicant must submit with the application a statement



- 1 attesting that the applicant:
 2 (1) has not been convicted of:
 3 (A) a felony:
 4 (i) related to the health or safety of a child;
 5 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 6 (iii) that is a dangerous felony; or
 7 (iv) that is not a felony otherwise described in items (i)
 8 through (iii), and less than ten (10) years have elapsed from
 9 the date the person was discharged from probation,
 10 imprisonment, or parole, whichever discharge date is latest;
 11 (B) a misdemeanor relating to the health or safety of children;
 12 (C) a misdemeanor for operating a child care center without a
 13 license under section 35 of this chapter, or of a substantially
 14 similar offense committed in another jurisdiction if the offense
 15 is directly or indirectly related to jeopardizing the health or
 16 safety of a child; or
 17 (D) a misdemeanor for operating a child care home without a
 18 license under IC 12-17.2-5-35, or of a substantially similar
 19 offense committed in another jurisdiction if the offense is
 20 directly or indirectly related to jeopardizing the health or
 21 safety of a child; and
 22 (2) has not been charged with:
 23 (A) a felony;
 24 (B) a misdemeanor relating to the health or safety of children;
 25 (C) a misdemeanor for operating a child care center without a
 26 license under section 35 of this chapter, or with a substantially
 27 similar offense in another jurisdiction if the offense is directly
 28 or indirectly related to jeopardizing the health or safety of a
 29 child; or
 30 (D) a misdemeanor for operating a child care home without a
 31 license under IC 12-17.2-5-35, or with a substantially similar
 32 offense in another jurisdiction if the offense is directly or
 33 indirectly related to jeopardizing the health or safety of a child;
 34 during the pendency of the application.
 35 (d) An applicant shall, at no expense to the state, submit:
 36 (1) the necessary information, forms, or consents; and
 37 (2) the applicant's fingerprints;
 38 for a national criminal history background check by the Federal Bureau
 39 of Investigation.
 40 (e) Subject to section 3.3 of this chapter, the applicant must, at no
 41 expense to the state, do the following:
 42 (1) Require an employee or volunteer of the applicant who may



1 be present on the premises of the child care center during
 2 operating hours of the child care center to submit fingerprints for
 3 a national criminal history background check by the Federal
 4 Bureau of Investigation.

5 (2) Report to the division any:

6 (A) police investigations;

7 (B) arrests; and

8 (C) criminal convictions;

9 of which the applicant is aware regarding the applicant or an
 10 employee or volunteer described in subdivision (1).

11 An applicant shall require an individual described in subdivision (1) to
 12 apply for a national criminal history background check before the
 13 individual is employed or allowed to volunteer and every three (3)
 14 years thereafter that the individual is continuously employed or allowed
 15 to volunteer.

16 SECTION 2. IC 12-17.2-4-3.1 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 18 **[EFFECTIVE JULY 1, 2021]: Sec. 3.1. A person that holds a license**
 19 **under this chapter shall, for the duration of the person's licensure**
 20 **under this chapter, maintain the electronic mail address provided**
 21 **by the person in the person's application for the license.**

22 SECTION 3. IC 12-17.2-4-10 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The division
 24 shall deny a license if an applicant fails to meet the requirements for a
 25 license.

26 (b) The division shall ~~send~~ **provide the applicant with** written
 27 notice, ~~sent by certified electronic mail to the electronic mail address~~
 28 **provided by the applicant in the application**, that the application has
 29 been denied. ~~and give~~ **The division shall include in the notice the**
 30 reasons for the denial **and a request that the applicant confirm**
 31 **receipt of the notice by electronic mail sent to an electronic mail**
 32 **address specified in the notice. If the applicant does not confirm**
 33 **receipt of the notice by electronic mail not later than three (3)**
 34 **working days after the division sends the notice, the division shall**
 35 **provide the notice to the applicant by certified mail or personal**
 36 **service.**

37 (c) An administrative hearing concerning the denial of a license
 38 shall be provided upon written request by the applicant. The request
 39 must be made within thirty (30) calendar days after: ~~receiving~~

40 **(1) the applicant confirms receipt of the written notice sent by**
 41 **electronic mail under subsection (b); or**

42 **(2) the division:**



- 1 **(A) mails the notice to the applicant; or**
 2 **(B) provides the notice to the applicant by personal**
 3 **service;**
 4 **under subsection (b).**

5 (d) The administrative hearing shall be scheduled within sixty (60)
 6 calendar days after receiving the written request.

7 (e) The administrative hearing shall be held in accordance with
 8 IC 4-21.5-3.

9 (f) The division shall issue a decision within sixty (60) calendar
 10 days after the conclusion of the hearing.

11 SECTION 4. IC 12-17.2-4-19 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a)** Except as
 13 provided in section 18.7 or 29 of this chapter, the division shall give a
 14 licensee thirty (30) calendar days written notice by ~~certified mail~~ of an
 15 enforcement action. **The division shall send the notice by electronic**
 16 **mail to the electronic mail address provided in the licensee's**
 17 **application for the license, and include in the notice a request that**
 18 **the licensee confirm receipt of the notice by electronic mail sent to**
 19 **an electronic mail address specified in the notice. If the licensee**
 20 **does not confirm receipt of the notice by electronic mail not later**
 21 **than three (3) working days after the division sends the notice, the**
 22 **division shall provide the notice to the licensee by certified mail or**
 23 **personal service.**

24 **(b)** The licensee shall also be provided with the opportunity for an
 25 informal meeting with the division. The licensee must request the
 26 meeting within ten (10) working days after:

27 **(1) the licensee confirms** receipt of the ~~certified~~ notice sent by
 28 **electronic mail under subsection (a); or**

29 **(2) the division:**

30 **(A) mails the notice to the licensee; or**

31 **(B) provides the notice to the licensee by personal service;**
 32 **under subsection (a).**

33 SECTION 5. IC 12-17.2-5-3, AS AMENDED BY P.L.121-2020,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 3. (a) An applicant must apply for a child care
 36 home license on forms provided by the division.

37 (b) An applicant must submit the required information as part of the
 38 application, including the following:

39 (1) If the county, city, or town in which the child care home is
 40 located requires a business permit or license to operate a child
 41 care home in the county, city, or town, proof that the applicant has
 42 a valid business permit or license.



1 (2) If the county, city, or town in which the child care home is
 2 located does not require a business permit or license described in
 3 subdivision (1), a statement from the county, city, or town that a
 4 business permit or license is not required.

5 **(3) A current and valid electronic mail address for the**
 6 **applicant.**

7 (c) An applicant must submit with the application a statement
 8 attesting that the applicant has not been:

9 (1) convicted of:

10 (A) a felony:

11 (i) related to the health or safety of a child;

12 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

13 (iii) that is a dangerous felony; or

14 (iv) that is not a felony otherwise described in items (i)
 15 through (iii), and less than ten (10) years have elapsed from
 16 the date the person was discharged from probation,
 17 imprisonment, or parole, whichever discharge date is latest;

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

19 (C) a misdemeanor for operating a child care center without a
 20 license under IC 12-17.2-4-35, or of a substantially similar
 21 offense committed in another jurisdiction if the offense is
 22 directly or indirectly related to jeopardizing the health or
 23 safety of a child; or

24 (D) a misdemeanor for operating a child care home without a
 25 license under section 35 of this chapter, or of a substantially
 26 similar offense committed in another jurisdiction if the offense
 27 is directly or indirectly related to jeopardizing the health or
 28 safety of a child; and

29 (2) charged with:

30 (A) a felony;

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

32 (C) a misdemeanor for operating a child care center without a
 33 license under IC 12-17.2-4-35, or with a substantially similar
 34 offense in another jurisdiction if the offense is directly or
 35 indirectly related to jeopardizing the health or safety of a child;
 36 or

37 (D) a misdemeanor for operating a child care home without a
 38 license under section 35 of this chapter, or with a substantially
 39 similar offense in another jurisdiction if the offense is directly
 40 or indirectly related to jeopardizing the health or safety of a
 41 child;

42 during the pendency of the application.



1 (d) An applicant must submit:
 2 (1) the necessary information, forms, or consents; and
 3 (2) the fingerprints of the applicant and the applicant's spouse;
 4 for a national criminal history background check by the Federal Bureau
 5 of Investigation.

6 (e) Subject to section 3.3 of this chapter, an applicant shall require:

7 (1) an employee or volunteer of the applicant who may be present
 8 on the premises of the child care home during operating hours of
 9 the child care home; and

10 (2) the applicant's household members who are:

11 (A) at least eighteen (18) years of age; or

12 (B) less than eighteen (18) years of age but have previously
 13 been waived from juvenile court to adult court;

14 to submit fingerprints for a national criminal history background check
 15 by the Federal Bureau of Investigation. An applicant shall require an
 16 individual described in subdivision (1) to apply for a national criminal
 17 history background check before the individual is employed or allowed
 18 to volunteer and every three (3) years thereafter that the individual is
 19 continuously employed or allowed to volunteer.

20 (f) In addition to the requirements under subsections (d) and (e), an
 21 applicant must report to the division any:

22 (1) police investigations;

23 (2) arrests; and

24 (3) criminal convictions;

25 of which the applicant is aware regarding the applicant, the applicant's
 26 spouse, or a person described in subsection (e).

27 SECTION 6. IC 12-17.2-5-3.1 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2021]: **Sec. 3.1. A person that holds a license**
 30 **under this chapter shall, for the duration of the person's licensure**
 31 **under this chapter, maintain the electronic mail address provided**
 32 **by the person in the person's application for the license.**

33 SECTION 7. IC 12-17.2-5-9 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The division shall
 35 deny a license when an applicant fails to meet the requirements for a
 36 license.

37 (b) The division shall ~~send~~ **provide the applicant with** written
 38 notice, ~~sent by certified electronic mail to the electronic mail address~~
 39 **provided by the applicant in the application**, that the application has
 40 been denied. ~~and give~~ **The division shall include in the notice** the
 41 reasons for the denial **and a request that the applicant confirm**
 42 **receipt of the notice by electronic mail sent to an electronic mail**



1 **address specified in the notice. If the applicant does not confirm**
 2 **receipt of the notice by electronic mail not later than three (3)**
 3 **working days after the division sends the notice, the division shall**
 4 **provide the notice to the applicant by certified mail or personal**
 5 **service.**

6 (c) An administrative hearing concerning the denial of a license
 7 shall be provided upon written request by the applicant. The request
 8 must be made within thirty (30) calendar days after: ~~receiving~~

9 **(1) the applicant confirms receipt of the ~~written~~ notice sent by**
 10 **electronic mail under subsection (b); or**

11 **(2) the division:**

12 **(A) mails the notice to the applicant; or**

13 **(B) provides the notice to the applicant by personal**
 14 **service;**

15 **under subsection (b).**

16 (d) The administrative hearing shall be held within sixty (60)
 17 calendar days after receiving the written request.

18 (e) The administrative hearing shall be held in accordance with
 19 IC 4-21.5-3.

20 (f) The division shall issue a decision within sixty (60) calendar
 21 days after the conclusion of the hearing.

22 SECTION 8. IC 12-17.2-5-19 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a)** Except as
 24 provided in section 18.7 or 29 of this chapter, the division shall give a
 25 licensee thirty (30) calendar days written notice by ~~certified mail~~ of an
 26 enforcement action. **The division shall send the notice by electronic**
 27 **mail to the electronic mail address provided in the licensee's**
 28 **application for the license, and include in the notice a request that**
 29 **the licensee confirm receipt of the notice by electronic mail sent to**
 30 **an electronic mail address specified in the notice. If the licensee**
 31 **does not confirm receipt of the notice by electronic mail not later**
 32 **than three (3) working days after the division sends the notice, the**
 33 **division shall provide the notice to the licensee by certified mail or**
 34 **personal service.**

35 **(b)** The licensee shall also be provided with the opportunity for an
 36 informal meeting with the division. The licensee must request the
 37 meeting within ten (10) working days after:

38 **(1) the licensee confirms receipt of the ~~certified~~ notice sent by**
 39 **electronic mail under subsection (a); or**

40 **(2) the division:**

41 **(A) mails the notice to the licensee; or**

42 **(B) provides the notice to the licensee by personal service;**



1 **under subsection (a).**

2 SECTION 9. IC 12-17.2-6-2, AS AMENDED BY P.L.53-2018,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 2. (a) An unlicensed child care ministry under
5 section 1 of this chapter may not operate unless the child care ministry
6 has registered with and met the requirements of the division and the
7 division of fire and building safety. Registration application forms shall
8 be provided by the division and the division of fire and building safety.

9 **(b) A registration application under this section must include a**
10 **current and valid electronic mail address for the applicant.**

11 ~~(b)~~ **(c)** Registration under this section expires two (2) years after the
12 date of issuance unless revoked, modified to a probationary or
13 suspended status, or voluntarily returned.

14 SECTION 10. IC 12-17.2-6-2.1 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: **Sec. 2.1. A child care ministry**
17 **registered under this chapter shall, for the duration of the child**
18 **care ministry's registration under this chapter, maintain the**
19 **electronic mail address provided by the child care ministry in the**
20 **child care ministry's application for registration.**

21 SECTION 11. IC 12-17.2-6-17, AS ADDED BY P.L.53-2018,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 17. (a) The division shall deny registration under
24 this chapter if an applicant fails to meet the requirements for
25 registration.

26 (b) The division shall ~~send~~ **provide the applicant with** written
27 notice, ~~sent by certified electronic mail to the electronic mail address~~
28 **provided by the applicant in the application**, that the application has
29 been denied. ~~and give~~ **The division shall include in the notice** the
30 reasons for the denial **and a request that the applicant confirm**
31 **receipt of the notice by electronic mail sent to an electronic mail**
32 **address specified in the notice. If the applicant does not confirm**
33 **receipt of the notice by electronic mail not later than three (3)**
34 **working days after the division sends the notice, the division shall**
35 **provide the notice to the applicant by certified mail or personal**
36 **service.**

37 (c) An administrative hearing concerning the denial of a registration
38 must be provided upon written request by the applicant. The request
39 must be made not more than thirty (30) calendar days after:

40 **(1) the applicant receives confirms receipt of the written notice**
41 **sent by electronic mail under subsection (b); or**

42 **(2) the division:**



- 1 **(A) mails the notice to the applicant; or**
 2 **(B) provides the notice to the applicant by personal**
 3 **service;**
 4 **under subsection (b).**
 5 (d) The administrative hearing must be scheduled not more than
 6 sixty (60) calendar days after the division receives the written request.
 7 (e) The administrative hearing must be held in accordance with
 8 IC 4-21.5-3.
 9 (f) The division shall issue a decision not more than sixty (60)
 10 calendar days after the conclusion of the hearing.
 11 SECTION 12. IC 12-17.2-6-22, AS ADDED BY P.L.53-2018,
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 22. **(a)** Except as provided in section 20 of this
 14 chapter, the division shall give the operator of a child care ministry
 15 thirty (30) calendar days written notice ~~by certified mail~~ of an
 16 enforcement action. **The division shall send the notice by electronic**
 17 **mail to the electronic mail address provided in the child care**
 18 **ministry's application for the license, and include in the notice a**
 19 **request that the child care ministry confirm receipt of the notice by**
 20 **electronic mail sent to an electronic mail address specified in the**
 21 **notice. If the child care ministry does not confirm receipt of the**
 22 **notice by electronic mail not later than three (3) working days after**
 23 **the division sends the notice, the division shall provide the notice**
 24 **to the child care ministry by certified mail or personal service.**
 25 **(b)** The operator of the child care ministry must also be provided
 26 with the opportunity for an informal meeting with the division. The
 27 operator of the child care ministry must request the informal meeting
 28 not more than ten (10) working days after:
 29 **(1) the child care ministry confirms** receipt of the ~~written~~ notice
 30 **sent by electronic mail under subsection (a); or**
 31 **(2) the division:**
 32 **(A) mails the notice to the child care ministry; or**
 33 **(B) provides the notice to the child care ministry by**
 34 **personal service;**
 35 **under subsection (a).**

