

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 ENROLLED ACT No. 1247

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:

SECTION 1. IC 12-17.2-4-3, AS AMENDED BY P.L.121-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

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

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

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

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

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

(1) has not been convicted of:

(A) a felony:

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

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- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 - (iii) that is a dangerous felony; or
 - (iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;
 - (B) a misdemeanor relating to the health or safety of children;
 - (C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or
 - (D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; and
- (2) has not been charged with:
- (A) a felony;
 - (B) a misdemeanor relating to the health or safety of children;
 - (C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or
 - (D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;
- during the pendency of the application.
- (d) An applicant shall, at no expense to the state, submit:
- (1) the necessary information, forms, or consents; and
 - (2) the applicant's fingerprints;
- for a national criminal history background check by the Federal Bureau of Investigation.
- (e) Subject to section 3.3 of this chapter, the applicant must, at no expense to the state, do the following:
- (1) Require an employee or volunteer of the applicant who may be present on the premises of the child care center during operating hours of the child care center to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

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(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

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

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

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

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

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

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

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

(2) the division:

(A) mails the notice to the applicant; or

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

under subsection (b).

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

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

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

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

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

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

(2) the division:

(A) mails the notice to the licensee; or

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

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

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

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

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



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

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

(1) convicted of:

(A) a felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

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

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

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

(2) charged with:

(A) a felony;

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

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

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

during the pendency of the application.

(d) An applicant must submit:

(1) the necessary information, forms, or consents; and

(2) the fingerprints of the applicant and the applicant's spouse;

for a national criminal history background check by the Federal Bureau

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of Investigation.

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

- (1) an employee or volunteer of the applicant who may be present on the premises of the child care home during operating hours of the child care home; and
- (2) the applicant's household members who are:
 - (A) at least eighteen (18) years of age; or
 - (B) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court;

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

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

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

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

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

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

(b) The division shall send provide the applicant with written notice, sent by certified electronic mail to the electronic mail address provided by the applicant in the application, that the application has been denied. and give The division shall include in the notice the reasons for the denial and a request that the applicant confirm receipt of the notice by electronic mail sent to an electronic mail address specified in the notice. If the applicant does not confirm receipt of the notice by electronic mail not later than three (3) working days after the division sends the notice, the division shall provide the notice to the applicant by certified mail or personal

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service.

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

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

(2) the division:

(A) mails the notice to the applicant; or

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

under subsection (b).

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

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

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

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

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

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

(2) the division:

(A) mails the notice to the licensee; or

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

under subsection (a).

SECTION 9. IC 12-17.2-6-2, AS AMENDED BY P.L.53-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) An unlicensed child care ministry under

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section 1 of this chapter may not operate unless the child care ministry has registered with and met the requirements of the division and the division of fire and building safety. Registration application forms shall be provided by the division and the division of fire and building safety.

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

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

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

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

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

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

- (1)** the applicant ~~receives~~ **confirms receipt of the written notice sent by electronic mail** under subsection (b); **or**
- (2) the division:**
 - (A) mails the notice to the applicant; or**
 - (B) provides the notice to the applicant by personal service;****under subsection (b).**

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(d) The administrative hearing must be scheduled not more than sixty (60) calendar days after the division receives the written request.

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

(f) The division shall issue a decision not more than sixty (60) calendar days after the conclusion of the hearing.

SECTION 12. IC 12-17.2-6-22, AS ADDED BY P.L.53-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. **(a)** Except as provided in section 20 of this chapter, the division shall give the operator of a child care ministry thirty (30) calendar days written notice ~~by certified mail~~ of an enforcement action. **The division shall send the notice by electronic mail to the electronic mail address provided in the child care ministry's application for the license, and include in the notice a request that the child care ministry confirm receipt of the notice by electronic mail sent to an electronic mail address specified in the notice. If the child care ministry does not confirm receipt of the notice by electronic mail not later than three (3) working days after the division sends the notice, the division shall provide the notice to the child care ministry by certified mail or personal service.**

(b) The operator of the child care ministry must also be provided with the opportunity for an informal meeting with the division. The operator of the child care ministry must request the informal meeting not more than ten (10) working days after:

(1) the child care ministry confirms receipt of the ~~written~~ notice sent by electronic mail under subsection (a); or

(2) the division:

(A) mails the notice to the child care ministry; or

(B) provides the notice to the child care ministry by personal service;

under subsection (a).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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