

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.

HOUSE ENROLLED ACT No. 1264

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 12-17.2-2-1, AS AMENDED BY P.L.53-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a national criminal history background check of the following is completed through the state police department under IC 10-13-3-39 before issuing a license:
 - (A) An applicant for a license.
 - (B) An employee or volunteer of an applicant who ~~has direct contact with a child who is receiving child care from the applicant.~~ **may be present on the premises of the child care center or child care home during the operating hours of the child care center or child care home.**
 - (C) If an applicant is applying for a license to operate a child care home, the following:
 - (i) The applicant's spouse.
 - (ii) The applicant's household members who are at least eighteen (18) years of age or who are less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

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(3) Ensure that a national criminal history background check of the following is completed through the state police department under IC 10-13-3-39 before registering a child care ministry:

(A) An applicant for a child care ministry registration.

(B) An employee or volunteer of an applicant who ~~has direct contact with a child who is receiving child care from the applicant.~~ **may be present on the premises of the child care ministry during the operating hours of the child care ministry.**

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the division of family resources child care fund established by section 3 of this chapter.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet **web** site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet **web** site may not contain the address of a child care home or information identifying an individual child. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the



provider's home as described in IC 12-17.2-3.5-12.5;
 (B) a child care home licensed under IC 12-17.2-5;
 (C) a child care center licensed under IC 12-17.2-4; and
 (D) a child care ministry registered under IC 12-17.2-6;
 including practices to reduce the risk of sudden infant death syndrome.

SECTION 2. IC 12-17.2-3.5-4, AS AMENDED BY P.L.171-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A provider is ineligible to receive a voucher payment if the provider:

- (1) has been 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) misdemeanor related to:
 - (i) the health or safety of a child; or
 - (ii) welfare fraud;
 - (C) 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) 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;
- (2) allows an individual who has been convicted of a crime specified under subdivision (1) to reside with the provider, if the provider operates a child care program in the provider's home;
- (3) employs an individual or allows an individual to volunteer who:
 - (A) **has direct contact with a child who is receiving child care from the provider; may be on the premises of the facility where the provider operates a child care program during operating hours of the child care program; and**
 - (B) has been convicted of a crime specified in subdivision (1);



(4) has had a revocation of eligibility under this chapter during the immediately preceding two (2) years; or

(5) fails to meet the requirements of this chapter.

(b) A provider whose:

(1) license under IC 12-17.2-4 or IC 12-17.2-5; or

(2) compliance with this chapter;

is subject to an enforcement action is ineligible to receive a voucher payment, regardless of whether the provider meets the requirements of this chapter, until the outcome of any proceeding under IC 4-21.5 reflects a final determination that the provider's license or eligibility is in good standing.

(c) If the division decertifies a provider under this chapter, the provider:

(1) may reapply for eligibility to receive a voucher payment at any time that the provider is able to demonstrate compliance with this chapter; and

(2) is not eligible to receive a voucher payment under this chapter until the provider receives notice from the division that the provider's application under subdivision (1) has been approved.

(d) In determining whether a provider meets the requirements of this chapter, the division may not consider religious instruction or activities.

SECTION 3. IC 12-17.2-3.5-12, AS AMENDED BY P.L.287-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Except as provided in subsection (f) and subject to subsection (g), a provider shall, at no expense to the state, do the following:

(1) If the provider is an individual, submit the provider's fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) If the provider operates a child care program in the provider's home, require:

(A) the provider's spouse; and

(B) any individual who resides with the provider and who is:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but has 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.

(3) Require any individual who:

(A) is employed or volunteers; and

(B) has direct contact with a child who is receiving child care



from the provider; may be present on the premises of the facility where the provider operates a child care program during operating hours of the child care program;

to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

A provider shall require an individual described in subdivision (3) to submit fingerprints 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.

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

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

of which the provider is aware regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the division receives the national criminal history background check required under subsection (a) from the state police department if:

(1) the provider:

(A) has:

- (i) submitted; or
- (ii) required an individual described in subsection (a)(2) or (a)(3) to submit;

fingerprints for a national criminal history background check as required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer; and

(2) the local criminal history does not reveal that an individual has been 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) misdemeanor related to the health or safety of a child;
- (C) 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) 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.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a national criminal history background check is required under this section has been convicted of a:

- (1) felony:
 - (A) related to the health or safety of a child;
 - (B) that is a sex offense (as defined in IC 11-8-8-5.2);
 - (C) that is a dangerous felony; or
 - (D) that is not a felony otherwise described in clauses (A) through (C), 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;
- (2) misdemeanor related to the health or safety of a child;
- (3) 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
- (4) 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;

until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a national criminal history background check is required under this section to report any criminal convictions of the individual to the provider.

(f) Notwithstanding IC 10-13-3-28, the state police department may not charge a church or religious society any fees or costs (other than fees or costs charged by the Federal Bureau of Investigation or a



private entity) for responding to a request for a release of a national criminal history background check record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

(g) A provider that holds a license or registration under this article on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a) not later than July 1, 2014.

SECTION 4. IC 12-17.2-4-3, AS AMENDED BY P.L.25-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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.

(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;

(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 ~~has direct contact with a child who is receiving child care from the applicant~~ **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.
- (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 5. IC 12-17.2-4-5, AS AMENDED BY P.L.287-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following constitute sufficient grounds

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for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) an employee of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care center during operating hours of the child care center;** or

(C) a volunteer of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care center during operating hours of the child care center.**

(2) A criminal conviction of the applicant, **or an employee or volunteer** of the applicant who ~~has direct contact with children who are receiving child care from the applicant, or a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant;~~ **may be present on the premises of the child care center during operating hours of the child care center,** of any of the following:

(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 related to the health or safety of a child.

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

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.



(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under this chapter; or
- (B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and
- (2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 6. IC 12-17.2-4-32, AS AMENDED BY P.L.287-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the licensee;
- (B) an employee of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; may be present on the premises of the child care center during operating hours of the child care center;~~ or
- (C) a volunteer of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; may be present on the premises of the child care center during operating hours of the child care center.~~

(2) A criminal conviction of the licensee, ~~or an employee or volunteer of the licensee who has direct contact with children who are receiving child care from the licensee; or a volunteer of the licensee who has direct contact with children who are receiving child care from the licensee; may be present on the premises of the child care center during operating hours of the child care center,~~ of any of the following:

- (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 related to the health or safety of a child.

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

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 7. IC 12-17.2-5-3, AS AMENDED BY P.L.25-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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.



(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 of Investigation.

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

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(1) an employee or a volunteer of the applicant who ~~has direct contact with a child who is receiving child care from the applicant;~~ **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:

~~(A)~~ **(1)** police investigations;

~~(B)~~ **(2)** arrests; and

~~(C)~~ **(3)** criminal convictions;

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

SECTION 8. IC 12-17.2-5-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant;~~ **may be present on the premises of the child care home during operating hours of the child care home;** or

(D) a volunteer of the applicant who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.~~ **may be present on the premises of the child care home during operating hours of the child care home.**

(2) A criminal conviction of the applicant, ~~or an employee or~~



volunteer of the applicant who has direct contact with children who are receiving child care from the applicant; a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant; or a member of the applicant's household; may be present on the premises of the child care home during operating hours of the child care home, of any of the following:

- (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 related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or 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.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or 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.
- (3) A determination by the division that the applicant made false statements in the applicant's application for licensure.
- (4) A determination by the division that the applicant made false statements in the records required by the division.
- (5) A determination by the division that the applicant previously operated a:
 - (A) child care center without a license under IC 12-17.2-4; or
 - (B) child care home without a license under this chapter.
- (b) Notwithstanding subsection (a)(2), if:
 - (1) a license application is denied due to a criminal conviction of:
 - (A) an employee or a volunteer of the applicant; or
 - (B) a member of the applicant's household; and
 - (2) the division determines that the:
 - (A) employee or volunteer has been dismissed by the applicant; or
 - (B) member of the applicant's household is no longer a



member of the applicant's household;
the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 9. IC 12-17.2-5-32, AS AMENDED BY P.L.287-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) a member of the licensee's household;

(C) an employee of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee;~~ **may be present on the premises of the child care home during operating hours of the child care home;** or

(D) a volunteer of the licensee who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.~~ **may be present on the premises of the child care home during operating hours of the child care home.**

(2) A criminal conviction of the licensee, ~~or an employee or volunteer of the licensee who has direct contact with children who are receiving child care from the licensee, a volunteer of the licensee who has direct contact with children who are receiving child care from the licensee, or a member of the licensee's household;~~ **may be present on the premises of the child care home during operating hours of the child care home,** of any of the following:

(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 related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or 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.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or 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.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee;

or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 10. IC 12-17.2-6-14, AS AMENDED BY P.L.168-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A child care ministry must do the following:

(1) Subject to subsection (c), require, at no expense to the state, an employee or a volunteer who ~~has direct contact with a child who is receiving child care from the child care ministry~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry** to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the operator or director of the child care ministry is aware regarding an employee or volunteer described in



subdivision (1).

(3) Refrain from employing, or allowing to serve as a volunteer, an individual who ~~has direct contact with a child who is receiving child care from~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry** and who:

- (A) has been convicted of 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) has been convicted of a misdemeanor related to the health or safety of a child;
- (C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, 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;
- (D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, 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
- (E) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33, or under a substantially similar provision in another jurisdiction.

(b) A child care ministry shall require an individual described in subsection (a)(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.

(c) A child care ministry that is registered under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a)(1) not later than July 1, 2014.

SECTION 11. IC 12-17.2-6-16, AS ADDED BY P.L.53-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) The following constitute sufficient grounds for denial of an application for registration under this chapter:

- (1) A determination by the department of child services of child

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abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the applicant;
 - (B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; **may be present on the premises of the child care ministry during operating hours of the child care ministry;** or
 - (C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant. **may be present on the premises of the child care ministry during operating hours of the child care ministry.**
- (2) A criminal conviction of the applicant, **or an employee or volunteer** of the applicant who has direct contact with children who are receiving child care from the applicant, **or a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant, may be present on the premises of the child care ministry during operating hours of the child care ministry,** of any of the following:
- (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 related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care ministry without a registration under this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (D) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (E) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
- (3) A determination by the division that the applicant made false statements in the applicant's application for registration.



(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care ministry without a registration under this chapter;

(B) child care center without a license under IC 12-17.2-4; or

(C) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a registration application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of the registration application.

SECTION 12. IC 12-17.2-6-19, AS ADDED BY P.L.53-2018, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) The following constitute sufficient grounds for revocation of a registration under this chapter:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the operator of the child care ministry;

(B) an employee of the child care ministry who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the child care ministry;~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry;** or

(C) a volunteer of the child care ministry who ~~has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the child care ministry.~~ **may be present on the premises of the child care ministry during operating hours of the child care ministry.**

(2) A criminal conviction of the operator of the child care ministry, **or an employee or volunteer** of the child care ministry who ~~has direct contact with children who are receiving child care from the child care ministry;~~ **or a volunteer of the child care ministry who has direct contact with children who are receiving child care from the child care ministry;** **may be present on the premises of the child care ministry during operating hours of the child care ministry,** of any of the following:

(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 related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care ministry without a registration under this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (D) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (E) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
- (3) A determination by the division that the operator of the child care ministry made false statements in the child care ministry's registration application.
 - (4) A determination by the division that the operator of the child care ministry made false statements in the records required by the division.
 - (5) A determination by the division that the operator of the child care ministry previously operated a:
 - (A) child care ministry without a registration under this chapter;
 - (B) child care center without a license under IC 12-17.2-4; or
 - (C) child care home without a license under IC 12-17.2-5.
- (b) Notwithstanding subsection (a)(2), if:
 - (1) a registration is revoked due to a criminal conviction of an employee or a volunteer of the child care ministry; and
 - (2) the division determines that the employee or volunteer has been dismissed by the child care ministry;
 the criminal conviction of the former employee or former volunteer does not require revocation of the registration.



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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