

HOUSE BILL No. 1367

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-1-8; IC 31-9-2-46.7; IC 31-34; IC 31-35-2-6.5; IC 31-37; IC 31-41-2-2.

Synopsis: CHINS and child representatives. Allows a child representative to: (1) accompany the child to meetings, court hearings, school functions, extracurricular activities, and other activities agreed to between the child and the child representative; and (2) host the child for vacations, overnight visits, holidays, and other situations. Requires the department of child services (department) and the board of directors of the judicial conference of Indiana to adopt rules setting forth the: (1) reasons why an individual may be rejected or terminated as a child representative; and (2) expectations concerning a child representative. Allows certain individuals who are at least 18 years of age and receiving foster care to petition the juvenile court for emancipation. Requires the juvenile court to grant emancipation unless the court determines there is a compelling reason not to grant the petition. Requires certain notices to be sent to a child representative. Provides that child representatives are treated like foster parents in certain situations. Requires the department to consider a child representative if the child needs a foster parent or a new foster parent. Requires a juvenile court to schedule status conferences with a child who is a child in need of services (CHIN). Requires the department to create, make available, and distribute a bill of rights for youth in foster care.

Effective: Upon passage.

Niezgodski

January 12, 2016, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1367

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 11-13-1-8, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
4 PASSAGE]: Sec. 8. (a) As used in this section, "board" refers to the
5 board of directors of the judicial conference of Indiana established by
6 IC 33-38-9-3.
7 (b) The board shall adopt rules consistent with this chapter,
8 prescribing minimum standards concerning:
9 (1) educational and occupational qualifications for employment
10 as a probation officer;
11 (2) compensation of probation officers;
12 (3) protection of probation records and disclosure of information
13 contained in those records;
14 (4) presentence investigation reports;
15 (5) a schedule of progressive probation incentives and violation
16 sanctions, including judicial review procedures; and
17 (6) qualifications for probation officers to administer probation



- 1 violation sanctions under IC 35-38-2-3(e).
- 2 (c) The conference shall prepare a written examination to be used
3 in establishing lists of persons eligible for appointment as probation
4 officers. The conference shall prescribe the qualifications for entrance
5 to the examination and establish a minimum passing score and rules for
6 the administration of the examination after obtaining recommendations
7 on these matters from the probation standards and practices advisory
8 committee. The examination must be offered at least once every other
9 month.
- 10 (d) The conference shall, by its rules, establish an effective date for
11 the minimum standards and written examination for probation officers.
- 12 (e) The conference shall provide probation departments with
13 training and technical assistance for:
- 14 (1) the implementation and management of probation case
15 classification; and
16 (2) the development and use of workload information.
- 17 The staff of the Indiana judicial center may include a probation case
18 management coordinator and probation case management assistant.
- 19 (f) The conference shall, in cooperation with the department of child
20 services and the department of education, provide probation
21 departments with training and technical assistance relating to special
22 education services and programs that may be available for delinquent
23 children or children in need of services. The subjects addressed by the
24 training and technical assistance must include the following:
- 25 (1) Eligibility standards.
26 (2) Testing requirements and procedures.
27 (3) Procedures and requirements for placement in programs
28 provided by school corporations or special education cooperatives
29 under IC 20-35-5.
30 (4) Procedures and requirements for placement in residential
31 special education institutions or facilities under IC 20-35-6-2. ~~and~~
32 ~~511 IAC 7-27-12.~~
33 (5) Development and implementation of individual education
34 programs for eligible children in:
35 (A) accordance with applicable requirements of state and
36 federal laws and rules; and
37 (B) coordination with:
38 (i) individual case plans; and
39 (ii) informal adjustment programs or dispositional decrees
40 entered by courts having juvenile jurisdiction under
41 IC 31-34 and IC 31-37.
42 (6) Sources of federal, state, and local funding that is or may be



1 available to support special education programs for children for
 2 whom proceedings have been initiated under IC 31-34 and
 3 IC 31-37.

4 Training for probation departments may be provided jointly with
 5 training provided to child welfare caseworkers relating to the same
 6 subject matter.

7 (g) The conference shall, in cooperation with the division of mental
 8 health and addiction (IC 12-21) and the division of disability and
 9 rehabilitative services (IC 12-9-1), provide probation departments with
 10 training and technical assistance concerning mental illness, addictive
 11 disorders, intellectual disabilities, and developmental disabilities,
 12 including evidence based treatment programs for mental illness and
 13 addictive disorders and cognitive behavior treatment.

14 (h) The conference shall make recommendations to courts and
 15 probation departments concerning:

16 (1) selection, training, distribution, and removal of probation
 17 officers;

18 (2) methods and procedure for the administration of probation,
 19 including investigation, supervision, workloads, record keeping,
 20 and reporting; and

21 (3) use of citizen volunteers and public and private agencies.

22 **(i) The conference shall adopt rules setting forth:**

23 **(1) the reasons why an individual may be rejected or**
 24 **terminated as; and**

25 **(2) the expectations concerning;**

26 **a child representative selected under IC 31-37-19-1.7. All rules**
 27 **adopted under this subsection shall be provided to a child**
 28 **representative.**

29 **(j)** The conference may delegate any of the functions described
 30 in this section to the advisory committee or the Indiana judicial center.

31 SECTION 2. IC 31-9-2-46.7, AS AMENDED BY THE
 32 TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL
 33 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 46.7. "Foster care", for purposes of IC 31-25,
 35 IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, ~~IC 31-34-21-7,~~
 36 IC 31-34-21-7.6, **IC 31-34-23**, and IC 31-37-22-10, means living in:

37 (1) a place licensed under IC 31-27 or a comparable law of
 38 another state; or

39 (2) the home of an adult relative who is not licensed as a foster
 40 family home.

41 SECTION 3. IC 31-34-5-1.5, AS AMENDED BY P.L.131-2009,
 42 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 1.5. (a) This section applies to a child taken
2 into custody under IC 31-34-2.5.

3 (b) The juvenile court shall hold a detention hearing after an
4 emergency medical services provider takes custody of a child under
5 IC 31-34-2.5. The court shall hold the detention hearing not later than
6 forty-eight (48) hours after the emergency medical services provider
7 takes the child into custody, excluding Saturdays, Sundays, and any day
8 on which a legal holiday is observed for state employees as provided
9 under IC 1-1-9. A petition alleging that a child described in subsection
10 (a) is a child in need of services shall be filed before the detention
11 hearing is held for the child.

12 (c) The department may notify the emergency medical services
13 provider that has taken emergency custody of a child under
14 IC 31-34-2.5 of the detention hearing. The emergency medical services
15 provider may be heard at the detention hearing.

16 (d) The department shall notify each foster parent, **child**
17 **representative**, or other caretaker with whom the child has been
18 temporarily placed under IC 31-34-2.5 of the detention hearing. The
19 court shall:

20 (1) provide a person who is required to be notified under this
21 subsection an opportunity to be heard; and

22 (2) allow a person described in subdivision (1) to make
23 recommendations to the court;

24 at the detention hearing.

25 SECTION 4. IC 31-34-10-2, AS AMENDED BY P.L.66-2015,
26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 2. (a) The juvenile court shall hold an initial
28 hearing on each petition within ten (10) days after the filing of the
29 petition.

30 (b) The juvenile court shall set a time for the initial hearing. A
31 summons shall be issued for the following:

32 (1) The child.

33 (2) The child's parent, guardian, custodian, guardian ad litem, or
34 court appointed special advocate.

35 (3) Any other person necessary for the proceedings.

36 (c) A copy of the petition must accompany each summons. The
37 clerk shall issue the summons under Rule 4 of the Indiana Rules of
38 Trial Procedure.

39 (d) If the initial hearing is not scheduled and held within the
40 specified time as described in this section, the child shall be released
41 to the child's parent, guardian, or custodian.

42 (e) The juvenile court shall determine if a child should be referred



1 for an assessment by a dual status assessment team as described in
 2 IC 31-41-1-5. In making its determination, the court shall consider the
 3 length of time since the delinquent act or the incident of abuse or
 4 neglect.

5 (f) The court may schedule an additional initial hearing on the child
 6 in need of services petition if necessary to comply with the procedures
 7 and requirements of this chapter with respect to any person to whom a
 8 summons has been issued under this section, including if the court
 9 refers a child to be assessed by a dual status assessment team. An
 10 additional initial hearing shall be conducted if the court refers a child
 11 to be assessed by a dual status assessment team unless the court has:

12 (1) granted an extension of time due to extraordinary
 13 circumstances; and

14 (2) stated the extraordinary circumstances in a written court order.

15 (g) Except for cases in which a child has been referred for an
 16 assessment by a dual status assessment team, an additional initial
 17 hearing on the child in need of services petition shall be held not more
 18 than thirty (30) calendar days after the date of the first initial hearing
 19 on the child in need of services petition, unless the court has:

20 (1) granted an extension of time for extraordinary circumstances;
 21 and

22 (2) stated the extraordinary circumstance in a written court order.

23 (h) The department shall provide notice of the date, time, place, and
 24 purpose of the initial hearing and any additional initial hearing
 25 scheduled under this section to each foster parent, **child**
 26 **representative**, or other caretaker with whom the child has been
 27 temporarily placed under IC 31-34-2.5, IC 31-34-4, or IC 31-34-5. The
 28 court shall:

29 (1) provide a:

30 (A) person for whom a summons is required to be issued under
 31 subsection (b); and

32 (B) person who is required to be notified under this
 33 subsection;

34 an opportunity to be heard; and

35 (2) allow a person described in subdivision (1) to make
 36 recommendations to the court;

37 at the initial hearing.

38 (i) A petition alleging that a child is a child in need of services shall
 39 be filed before a detention hearing concerning the child is held.

40 (j) If a detention hearing is held under IC 31-34-5, the initial hearing
 41 on the child in need of services petition shall be held at the same time
 42 as the detention hearing.



1 (k) The court may schedule an additional initial hearing on a child
 2 in need of services petition if necessary to comply with the procedures
 3 and requirements of this chapter with respect to any person to whom a
 4 summons has been issued under this section.

5 (l) An additional initial hearing under subsection (k) shall be held
 6 not more than thirty (30) calendar days after the date of the first initial
 7 hearing on the child in need of services petition unless the court:

8 (1) grants an extension of time for extraordinary circumstances;
 9 and

10 (2) states the extraordinary circumstance in a written court order.

11 SECTION 5. IC 31-34-11-1, AS AMENDED BY P.L.48-2012,
 12 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b),
 14 unless the allegations of a petition have been admitted, the juvenile
 15 court shall complete a factfinding hearing not more than sixty (60) days
 16 after a petition alleging that a child is a child in need of services is filed
 17 in accordance with IC 31-34-9.

18 (b) The juvenile court may extend the time to complete a factfinding
 19 hearing, as described in subsection (a), for an additional sixty (60) days
 20 if all parties in the action consent to the additional time.

21 (c) If the factfinding hearing is not held immediately after the initial
 22 hearing as provided under IC 31-34-10-9, the department shall provide
 23 notice of any factfinding hearing to each foster parent, **child**
 24 **representative**, or other caretaker with whom the child has been
 25 placed for temporary care. The court shall provide a person who is
 26 required to be notified under this subsection an opportunity to be heard
 27 at the factfinding hearing.

28 (d) If the factfinding hearing is not held within the time set forth in
 29 subsection (a) or (b), upon a motion with the court, the court shall
 30 dismiss the case without prejudice.

31 SECTION 6. IC 31-34-11-2, AS AMENDED BY P.L.66-2015,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 2. (a) If the court finds that a child is a child
 34 in need of services, the court shall:

35 (1) enter judgment accordingly;

36 (2) order a predisposition report;

37 (3) schedule a dispositional hearing; ~~and~~

38 (4) complete a dual status screening tool on the child, as
 39 described in IC 31-41-1-3; **and**

40 **(5) schedule a status conference with the child:**

41 **(A) every six (6) months; or**

42 **(B) upon the request of the child;**



- 1 **while the child is a child in need of services.**
 2 (b) If a court determines a child is a dual status child, the court may
 3 refer the child for an assessment by a dual status assessment team as
 4 described in IC 31-41-1-5.
 5 SECTION 7. IC 31-34-15-4, AS AMENDED BY P.L.104-2015,
 6 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 4. A child's case plan must be set out in a
 8 form prescribed by the department that meets the specifications set by
 9 45 CFR 1356.21. The case plan must include a description and
 10 discussion of the following:
 11 (1) A permanent plan for the child and an estimated date for
 12 achieving the goal of the plan.
 13 (2) The appropriate placement for the child based on the child's
 14 special needs and best interests.
 15 (3) The least restrictive family-like setting that is close to the
 16 home of the child's parent, custodian, or guardian if out-of-home
 17 placement is recommended. If an out-of-home placement is
 18 appropriate, the local office or department shall consider whether
 19 a child in need of services should be placed with the child's
 20 suitable and willing blood or adoptive relative caretaker,
 21 including a grandparent, an aunt, an uncle, or an adult sibling,
 22 before considering other out-of-home placements for the child.
 23 (4) Family services recommended for the child, parent, guardian,
 24 or custodian.
 25 (5) Efforts already made to provide family services to the child,
 26 parent, guardian, or custodian.
 27 (6) Efforts that will be made to provide family services that are
 28 ordered by the court.
 29 (7) A plan for ensuring the educational stability of the child while
 30 in foster care that includes assurances that the:
 31 (A) placement of the child in foster care considers the
 32 appropriateness of the current educational setting of the child
 33 and the proximity to the school where the child is presently
 34 enrolled; and
 35 (B) department has coordinated with local educational
 36 agencies to ensure:
 37 (i) the child remains in the school where the child is enrolled
 38 at the time of removal; or
 39 (ii) immediate, appropriate enrollment of the child in a
 40 different school, including arrangements for the transfer of
 41 the child's school records to the new school, if remaining in
 42 the same school is not in the best interests of the child.



- 1 (8) Any age appropriate activities that the child is interested in
 2 pursuing.
 3 (9) If the case plan is for a child in foster care who is at least
 4 fourteen (14) years of age, the following:
 5 (A) A document that describes the rights of the child with
 6 respect to:
 7 (i) education, health, visitation, and court participation;
 8 (ii) the right to be provided with the child's medical
 9 documents and other medical information; and
 10 (iii) the right to stay safe and avoid exploitation.
 11 **(B) A copy of the bill of rights for youth in foster care, as**
 12 **described in section 4.5 of this chapter.**
 13 ~~(B)~~ (C) A signed acknowledgment by the child that the:
 14 (i) child has been provided with a copy of the document
 15 described in clause (A); and
 16 (ii) rights contained in the document have been explained to
 17 the individual in an age appropriate manner.
 18 SECTION 8. IC 31-34-15-4.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) The department shall**
 21 **create and make available to a child in foster care, a foster parent,**
 22 **and a child representative a bill of rights for youth in foster care**
 23 **that contains the following information:**
 24 (1) **The legal rights of:**
 25 (A) **a child in foster care;**
 26 (B) **a foster parent; and**
 27 (C) **a child representative;**
 28 **including the right to an attorney.**
 29 (2) **The procedure to be followed to complain about a case**
 30 **manager.**
 31 (3) **The services that the department of child services**
 32 **ombudsman provides.**
 33 (4) **How to contact the department of child services**
 34 **ombudsman.**
 35 (5) **The child's right to be placed in a home with siblings.**
 36 (6) **The child's right to education.**
 37 (7) **The child's right to have a child representative.**
 38 (8) **The goals of foster care.**
 39 (b) **The department shall make the bill of rights for youth in**
 40 **foster care available on the department's Internet web site.**
 41 (c) **The department shall provide a child in foster care, a foster**
 42 **parent, and a child representative a copy of the bill of rights for**



1 youth in foster care:

2 (1) annually; and

3 (2) upon request.

4 (d) If a child in foster care provided with a copy of the bill of
5 rights for youth in foster care is at least fourteen (14) years of age,
6 the department shall obtain a signed acknowledgment by the child
7 that the:

8 (1) child has been provided with a copy of the bill of rights for
9 youth in foster care; and

10 (2) rights contained in the document have been explained to
11 the child in an age appropriate manner.

12 SECTION 9. IC 31-34-15-5, AS AMENDED BY P.L.145-2006,
13 SECTION 304, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 5. Each foster parent **and child**
15 **representative** of a child and the department shall cooperate in the
16 development of the case plan for the child. The department shall
17 discuss with **the child representative and** at least one (1) foster parent
18 of a child the foster parent's role regarding the following:

19 (1) Rehabilitation of the child and the child's parents, guardians,
20 and custodians.

21 (2) Visitation arrangements.

22 (3) Services required to meet the special needs of the child.

23 SECTION 10. IC 31-34-15-7, AS ADDED BY P.L.104-2015,
24 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 7. (a) For a child who is at least fourteen (14)
26 years of age, the department shall consult with the child in the
27 development of the child's case plan or transitional services plan. If the
28 department determines that the child is unable to participate effectively
29 in the development of a case plan or transitional services plan due to a
30 physical, mental, emotional, or intellectual disability, the department
31 may excuse the child from this requirement by documenting in the plan
32 the reasons for the child's inability to participate in the development of
33 the applicable plan. If the child refuses to participate in the
34 development of the applicable plan for reasons other than a physical,
35 mental, emotional, or intellectual disability, the department shall record
36 the refusal and document efforts made to obtain the child's input or
37 participation in the development of the applicable plan.

38 (b) The child may select not more than two (2) child representatives
39 to:

40 (1) represent the child in the development of the child's case plan
41 or transitional services plan; **and**

42 (2) **accompany the child to meetings, court hearings, school**



- 1 **functions, extracurricular activities, and other activities**
 2 **agreed to between the child and the child representative.**
 3 **(c) A child representative may host the child for overnight visits,**
 4 **vacations, holidays, and other situations when a foster parent or**
 5 **foster family may need assistance in caring for or supervising the**
 6 **child.**
 7 **(d) A child representative selected under this section:**
 8 (1) must be:
 9 (A) at least eighteen (18) years of age; and
 10 (B) a member of the case planning team; and
 11 (2) may not be a foster parent of or caseworker for the child.
 12 ~~(e)~~ **(e) The child may select one (1) of the child representatives who**
 13 **is a member of the child's case planning team to also be the child's**
 14 **adviser and, as necessary, advocate, with respect to the application of**
 15 **the reasonable and prudent parent standard to the child.**
 16 ~~(d)~~ **(f) The department may reject an individual selected by a child**
 17 **to be a member of the case planning team at any time if the department**
 18 **has good cause to believe that the individual would not act in the best**
 19 **interests of the child. If the department rejects an individual to be**
 20 **a child representative, the department must inform the child as to**
 21 **why the individual was rejected.**
 22 **(g) The department shall adopt rules under IC 4-22-2 setting**
 23 **forth:**
 24 **(1) the reasons why an individual may be rejected or**
 25 **terminated as; and**
 26 **(2) the expectations concerning;**
 27 **a child representative selected under this section. All rules adopted**
 28 **under this subsection shall be provided to a child representative.**
 29 **(h) If a child who is eligible to have a child representative does**
 30 **not choose to have a child representative, the department shall**
 31 **inquire of the child every six (6) months whether the child would**
 32 **like to have a child representative.**
 33 **(i) A foster parent or custodian of a child may not prohibit a**
 34 **child representative from accompanying the child to activities**
 35 **described in subsection (b) or (c).**
 36 **(j) The department shall facilitate communication between a**
 37 **child representative and a child. A child may contact the child's**
 38 **representative at any time.**
 39 **(k) The department shall consider a child representative as a**
 40 **candidate to become a foster parent for the child if the child needs**
 41 **a foster parent or a new foster parent.**
 42 SECTION 11. IC 31-34-19-1.3, AS ADDED BY P.L.138-2007,



1 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 1.3. (a) The department shall provide notice
3 of the date, time, place, and purpose of the dispositional hearing under
4 this chapter to each:

5 (1) party or person for whom a summons is required to be issued
6 under IC 31-34-10-2; and

7 (2) **child representative**, foster parent, or other caretaker with
8 whom the child is placed for temporary care;
9 at the time the dispositional hearing is scheduled.

10 (b) The court shall:

11 (1) provide a person required to be notified under subsection (a)
12 an opportunity to be heard; and

13 (2) allow a person described in subdivision (1) to make
14 recommendations to the court;

15 at the dispositional hearing.

16 SECTION 12. IC 31-34-19-2, AS AMENDED BY P.L.138-2007,
17 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 2. (a) Any predispositional report may be
19 admitted into evidence to the extent that the report contains evidence
20 of probative value even if the report would otherwise be excluded.

21 (b) If a report contains information that should not be released to the
22 child or the child's parent, guardian, **child representative**, or
23 custodian, a factual summary of the report may be admitted.

24 (c) The:

25 (1) child;

26 (2) child's parent, guardian, or custodian;

27 (3) person representing the interests of the state; and

28 (4) **child representative**, foster parent, or other caretaker who is
29 entitled to notice of the dispositional hearing under section 1.3 of
30 this chapter;

31 shall be given a fair opportunity to controvert any part of the report
32 admitted into evidence.

33 SECTION 13. IC 31-34-19-6.1, AS AMENDED BY P.L.48-2012,
34 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 6.1. (a) Before entering its dispositional
36 decree or a modification to a dispositional decree, the juvenile court
37 shall do the following:

38 (1) Consider the recommendations for the needs of the child for
39 care, treatment, rehabilitation, or placement made by the
40 department in the department's predispositional report.

41 (2) Consider the recommendations for the needs of the child for
42 care, treatment, rehabilitation, or placement made by the parent,



1 guardian or custodian, guardian ad litem or court appointed
2 special advocate, foster parent, other caretaker of the child, **child**
3 **representative**, or other party to the proceeding.

4 (3) If the juvenile court determines that the best interests of the
5 child require consideration of other dispositional options, submit
6 the juvenile court's own recommendations for care, treatment,
7 rehabilitation, or placement of the child.

8 (b) If the juvenile court accepts the recommendations in the
9 department's predispositional report, the juvenile court shall enter its
10 dispositional decree with its findings and conclusions under section 10
11 of this chapter.

12 (c) If during or after conclusion of the dispositional hearing or
13 modification hearing, the juvenile court does not accept the
14 recommendations of the department as set out under subsection (a) in
15 the predispositional report and states that the juvenile court wants the
16 department to consider the recommendations made under subsection
17 (a)(2) or (a)(3), the dispositional hearing or modification hearing shall
18 be continued for not more than seven (7) business days after service of
19 notice of the juvenile court's determination. The department shall
20 consider the recommendations that the juvenile court requested the
21 department to consider and submit to the juvenile court a supplemental
22 predispositional report stating the department's final recommendations
23 and reasons for accepting or rejecting the recommendations that were
24 not included in the department's original predispositional report. If the
25 juvenile court accepts the recommendations in the department's
26 supplemental report, the juvenile court may adopt the
27 recommendations as its findings and enter its dispositional decree.

28 (d) The juvenile court shall accept each final recommendation of the
29 department contained in a supplemental predispositional report
30 submitted under subsection (c), unless the juvenile court finds that a
31 recommendation is:

- 32 (1) unreasonable, based on the facts and circumstances of the
33 case; or
34 (2) contrary to the welfare and best interests of the child.

35 (e) If the juvenile court does not accept one (1) or more of the
36 department's final recommendations contained in the department's
37 supplemental predispositional report, the juvenile court shall:

- 38 (1) enter its dispositional decree with its written findings and
39 conclusions under sections 6 and 10 of this chapter; and
40 (2) specifically state why the juvenile court is not accepting the
41 final recommendations of the department.

42 (f) If the juvenile court enters its findings and decree under



1 subsections (d) and (e), the department may appeal the juvenile court's
 2 decree under any available procedure provided by the Indiana Rules of
 3 Trial Procedure or the Indiana Rules of Appellate Procedure to allow
 4 any disputes arising under this section to be decided in an expeditious
 5 manner.

6 (g) If the department prevails on appeal, the department shall pay
 7 the following costs and expenses incurred by or on behalf of the child
 8 before the date of the final decision:

9 (1) Any programs or services implemented during the appeal
 10 initiated under subsection (f), other than the cost of an
 11 out-of-home placement ordered by the juvenile court.

12 (2) Any out-of-home placement ordered by the juvenile court and
 13 implemented after entry of the dispositional decree or
 14 modification order, if the court has made written findings that the
 15 placement is an emergency required to protect the health and
 16 welfare of the child.

17 If the court has not made written findings that the placement is an
 18 emergency, the department shall file a notice with the Indiana judicial
 19 center.

20 SECTION 14. IC 31-34-21-4, AS AMENDED BY P.L.128-2012,
 21 SECTION 167, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in
 23 subsection (f), at least seven (7) days before the periodic case review,
 24 including a case review that is a permanency hearing under section 7
 25 of this chapter, the department shall provide notice of the review to
 26 each of the following:

27 (1) The child's parent, guardian, or custodian.

28 (2) An attorney who has entered an appearance on behalf of the
 29 child's parent, guardian, or custodian.

30 (3) A prospective adoptive parent named in a petition for adoption
 31 of the child filed under IC 31-19-2 if:

32 (A) each consent to adoption of the child that is required under
 33 IC 31-19-9-1 has been executed in the form and manner
 34 required by IC 31-19-9 and filed with the local office;

35 (B) the court having jurisdiction in the adoption case has
 36 determined under any applicable provision of IC 31-19-9 that
 37 consent to adoption is not required from a parent, guardian, or
 38 custodian; or

39 (C) a petition to terminate the parent-child relationship
 40 between the child and any parent who has not executed a
 41 written consent to adoption under IC 31-19-9-2 has been filed
 42 under IC 31-35 and is pending.



- 1 (4) The child's **child representative**, foster parent, or long term
 2 foster parent.
- 3 (5) Any other person who:
 4 (A) the department has knowledge is currently providing care
 5 for the child; and
 6 (B) is not required to be licensed under IC 12-17.2 or IC 31-27
 7 to provide care for the child.
- 8 (6) Any other suitable relative or person whom the department
 9 knows has had a significant or caretaking relationship to the child.
- 10 (b) The department shall present proof of service of the notice
 11 required by subsection (a) at the periodic case review.
- 12 (c) The department shall provide notices under this section as
 13 provided in IC 31-32-1-4.
- 14 (d) The court shall provide to a person described in subsection (a)
 15 an opportunity to be heard and to make any recommendations to the
 16 court in a periodic case review, including a permanency hearing under
 17 section 7 of this chapter. The right to be heard and to make
 18 recommendations under this subsection includes:
 19 (1) the right of a person described in subsection (a) to submit a
 20 written statement to the court that, if served upon all parties to the
 21 child in need of services proceeding and the persons described in
 22 subsection (a), may be made a part of the court record; and
 23 (2) the right to present oral testimony to the court and cross
 24 examine any of the witnesses at the hearing.
- 25 (e) Except as provided in subsection (f), this section does not
 26 exempt the department from sending a notice of the review to each
 27 party to the child in need of services proceeding.
- 28 (f) If the parent of an abandoned child does not disclose the parent's
 29 name as allowed by IC 31-34-2.5-1(c), the parent is not required to be
 30 notified of a proceeding described in subsection (a).
- 31 SECTION 15. IC 31-34-22-2, AS AMENDED BY P.L.138-2007,
 32 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b), a
 34 report prepared by the state:
 35 (1) for the juvenile court's review of the court's dispositional
 36 decree; or
 37 (2) prepared for use at a periodic case review under IC 31-34-21-2
 38 or hearing under IC 31-34-21-7;
 39 shall be made available to the child, and the child's **child**
 40 **representative**, parent, foster parent, guardian, guardian ad litem, court
 41 appointed special advocate, custodian, or any other person who is
 42 entitled to receive notice of the periodic case review or permanency



1 hearing under IC 31-34-21-4 within a reasonable time after the report's
2 presentation to the court or before the hearing.

3 (b) If the court determines on the record that the report contains
4 information that should not be released to any person entitled to receive
5 a report under subsection (a), the court is not required to make the
6 report available to the person as required in subsection (a). However,
7 the court shall provide a copy of the report to the following:

8 (1) Each attorney or guardian ad litem representing the child.

9 (2) Each attorney representing the child's parent, guardian, **child**
10 **representative**, or custodian.

11 (3) Each court appointed special advocate.

12 (c) The court may also provide a factual summary of the report to
13 the child or the child's parent, foster parent, guardian, **child**
14 **representative**, or custodian.

15 SECTION 16. IC 31-34-23-1.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) A child who:**

18 **(1) is at least eighteen (18) years of age; and**

19 **(2) is receiving foster care while subject to the wardship of, or**
20 **court ordered supervision by, the department under a**
21 **dispositional decree issued by the juvenile court in a case**
22 **pending under IC 31-34;**

23 **may petition the juvenile court under this chapter to modify a**
24 **dispositional decree to grant the child partial or complete**
25 **emancipation under IC 31-34-20-6.**

26 **(b) Unless the court determines there is a compelling reason to**
27 **not grant a petition filed under this section, the court shall grant**
28 **the petition described in subsection (a).**

29 **(c) The juvenile court shall not grant a petition described in**
30 **subsection (a) if the child has a physical disability, a history of**
31 **substance abuse, or a mental health issue.**

32 SECTION 17. IC 31-35-2-6.5, AS AMENDED BY P.L.128-2012,
33 SECTION 172, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) This section applies to
35 hearings under this chapter relating to a child in need of services.

36 (b) At least ten (10) days before a hearing on a petition or motion
37 under this chapter:

38 (1) the person or entity who filed the petition to terminate the
39 parent-child relationship under section 4 of this chapter; or

40 (2) the person or entity who filed a motion to dismiss the petition
41 to terminate the parent-child relationship under section 4.5(d) of
42 this chapter;



1 shall send notice of the review to the persons listed in subsections (c)
2 and (d).

3 (c) Except as provided in subsection (h), the following persons shall
4 receive notice of a hearing on a petition or motion filed under this
5 chapter:

6 (1) The child's parent, guardian, or custodian.

7 (2) An attorney who has entered an appearance on behalf of the
8 child's parent, guardian, or custodian.

9 (3) A prospective adoptive parent named in a petition for adoption
10 of the child filed under IC 31-19-2 if:

11 (A) each consent to adoption of the child that is required under
12 IC 31-19-9-1 has been executed in the form and manner
13 required by IC 31-19-9 and filed with the local office or the
14 department;

15 (B) the court having jurisdiction in the adoption case has
16 determined under an applicable provision of IC 31-19-9 that
17 consent to adoption is not required from a parent, guardian, or
18 custodian; or

19 (C) a petition to terminate the parent-child relationship
20 between the child and any parent who has not executed a
21 written consent to adoption under IC 31-19-9-2, has been filed
22 under IC 31-35 and is pending.

23 (4) Any other person who:

24 (A) the department has knowledge is currently providing care
25 for the child; and

26 (B) is not required to be licensed under IC 12-17.2 or IC 31-27
27 to provide care for the child.

28 (5) Any other suitable relative or person who the department
29 knows has had a significant or caretaking relationship to the child.

30 (6) Any other party to the child in need of services proceeding.

31 (d) At least ten (10) days before a hearing on a petition or motion
32 under this chapter, the department shall provide notice of the hearing
33 to the child's foster parent **and child representative** by:

34 (1) certified mail; or

35 (2) face to face contact by the department caseworker.

36 (e) The court shall provide to a person described in subsection (c)
37 or (d) an opportunity to be heard and make recommendations to the
38 court at the hearing. The right to be heard and to make
39 recommendations under this subsection includes the right of a person
40 described in subsection (c) or (d) to submit a written statement to the
41 court that, if served upon all parties to the child in need of services
42 proceeding and the persons described in subsections (c) and (d), may



1 be made a part of the court record.

2 (f) The court shall continue the hearing if, at the time of the hearing,
3 the department has not provided the court with signed verification from
4 the foster parent **and child representative**, as obtained through
5 subsection (d), that the foster parent ~~has~~ **and child representative**
6 **have** been notified of the hearing at least five (5) business days before
7 the hearing. However, the court is not required to continue the hearing
8 if the child's foster parent **or child representative** appears for the
9 hearing.

10 (g) A person described in subsection (c)(2) through (c)(5) or
11 subsection (d) does not become a party to a proceeding under this
12 chapter as the result of the person's right to notice and the opportunity
13 to be heard under this section.

14 (h) If the parent of an abandoned child does not disclose the parent's
15 name as allowed by IC 31-34-2.5-1(c) or indicates that the child is
16 being abandoned under IC 31-34-2.5, the parent is not required to be
17 notified of a hearing described in subsection (c).

18 SECTION 18. IC 31-37-6-3, AS AMENDED BY P.L.138-2007,
19 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 3. (a) Notice of the time, place, and purpose
21 of a detention hearing shall be given to:

- 22 (1) the child;
23 (2) the child's parent, guardian, or custodian if the person can be
24 located; and
25 (3) each **child representative**, foster parent, or other caretaker
26 with whom the child has been placed for temporary care under
27 IC 31-37-5.

28 (b) The court shall:

- 29 (1) provide a person who is required to be notified under
30 subsection (a)(2) or (a)(3) an opportunity to be heard; and
31 (2) allow a person described in subdivision (1) to make
32 recommendations to the court;

33 at the detention hearing.

34 SECTION 19. IC 31-37-12-2, AS AMENDED BY P.L.66-2015,
35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 2. (a) The juvenile court shall hold an initial
37 hearing on each petition.

38 (b) The juvenile court shall set a time for the initial hearing. A
39 summons shall be issued for the following:

- 40 (1) The child.
41 (2) The child's parent, guardian, custodian, or guardian ad litem.
42 (3) Any other person necessary for the proceedings.



1 (c) A copy of the petition must accompany each summons. The
 2 clerk shall issue the summons under Rule 4 of the Indiana Rules of
 3 Trial Procedure.

4 (d) The prosecuting attorney or the probation department of the
 5 juvenile court shall provide notice of the time, place, and purpose of
 6 the initial hearing scheduled or held under this section to each **child**
 7 **representative**, foster parent, or other caretaker with whom the child
 8 has been placed for temporary care under IC 31-37-5 or IC 31-37-7.
 9 The court shall:

10 (1) provide a:

11 (A) person for whom a summons is required to be issued under
 12 subsection (b); and

13 (B) person required to be notified under this subsection;
 14 an opportunity to be heard; and

15 (2) allow a person described in subdivision (1) to make
 16 recommendations to the court;

17 at the initial hearing.

18 (e) The juvenile court shall determine if a child should be referred
 19 for an assessment by a dual status assessment team as described in
 20 IC 31-41. In making its determination, the court shall consider the
 21 length of time since the delinquent act or the incident of abuse or
 22 neglect.

23 (f) If the court refers the child for an assessment by a dual status
 24 assessment team, the court shall schedule an additional initial hearing
 25 on the petition if the court refers a child to be assessed by a dual status
 26 assessment team unless the court:

27 (1) grants an extension of time due to extraordinary
 28 circumstances; and

29 (2) states the extraordinary circumstances in a written court order.

30 SECTION 20. IC 31-37-13-1, AS AMENDED BY P.L.138-2007,
 31 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 1. (a) Unless the allegations of a petition have
 33 been admitted, the juvenile court shall hold a factfinding hearing.

34 (b) If the factfinding hearing is not held immediately after the initial
 35 hearing as provided under IC 31-37-12-9, the prosecuting attorney or
 36 probation department of the juvenile court shall provide notice of any
 37 factfinding hearing to each **child representative**, foster parent, or other
 38 caretaker with whom the child has been placed for temporary care. The
 39 court shall provide a person required to be notified under this
 40 subsection an opportunity to be heard at the factfinding hearing.

41 SECTION 21. IC 31-37-18-1.3, AS ADDED BY P.L.138-2007,
 42 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 1.3. (a) The prosecuting attorney or probation
 2 department of the juvenile court shall provide notice of the date, time,
 3 place, and purpose of the dispositional hearing under this chapter to
 4 each:

5 (1) party or person for whom a summons is required to be issued
 6 under IC 31-37-12-2; and

7 (2) **child representative**, foster parent, or other caretaker with
 8 whom the child is placed for temporary care;
 9 at the time the dispositional hearing is scheduled.

10 (b) The court shall:

11 (1) provide a person who is required to be notified under
 12 subsection (a) an opportunity to be heard; and

13 (2) allow a person described in subdivision (1) to make
 14 recommendations to the court;

15 at the dispositional hearing.

16 SECTION 22. IC 31-37-18-2, AS AMENDED BY P.L.138-2007,
 17 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 2. (a) Any predispositional report may be
 19 admitted into evidence to the extent that the report contains evidence
 20 of probative value even if the report would otherwise be excluded.

21 (b) If a report contains information that should not be released to the
 22 child or the child's parent, guardian, **child representative**, or
 23 custodian, a factual summary of the report may be admitted.

24 (c) The following shall be given a fair opportunity to controvert any
 25 part of the report admitted into evidence:

26 (1) The child.

27 (2) The child's parent, guardian, or custodian.

28 (3) The person representing the interests of the state.

29 (4) A **child representative**, foster parent, or other caretaker who
 30 is entitled to notice of the dispositional hearing under section 1.3
 31 of this chapter.

32 SECTION 23. IC 31-37-19-1.5, AS AMENDED BY P.L.104-2015,
 33 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 1.5. (a) This section applies to a delinquent
 35 child if the child is placed in an out-of-home residence or facility that
 36 is not a secure detention facility.

37 (b) The probation department, after negotiating with:

38 (1) the child's parent, guardian, or custodian; and

39 (2) any child representatives selected by the child and approved
 40 by the child's probation officer under section 1.7 of this chapter;
 41 shall complete the child's case plan not later than sixty (60) days after
 42 the date of the child's first placement that the probation department



- 1 requests to be paid for by the department.
- 2 (c) A copy of the completed case plan shall be sent, not later than
3 ten (10) days after the plan's completion, to:
- 4 (1) the department;
- 5 (2) the child's parent, guardian, or custodian;
- 6 (3) any child representatives selected by the child and approved
7 by the child's probation officer under section 1.7 of this chapter;
8 and
- 9 (4) any agency having the legal responsibility or authorization to
10 care for, treat, or supervise the child.
- 11 (d) A child's case plan must be in a form prescribed by the
12 department that meets the specifications set by 45 CFR 1356.21, as
13 amended. The case plan must include a description and discussion of
14 the following:
- 15 (1) A permanency plan for the child and an estimated date for
16 achieving the goal of the plan. Another planned permanent living
17 arrangement may not be the permanency plan for a child who is
18 less than sixteen (16) years of age.
- 19 (2) The appropriate placement for the child based on the child's
20 special needs and best interests.
- 21 (3) The least restrictive family-like setting that is close to the
22 home of the child's parent, custodian, or guardian if out-of-home
23 placement is implemented or recommended, including
24 consideration of possible placement with any suitable and willing
25 relative, before considering other out-of-home placements for the
26 child.
- 27 (4) Family services recommended for the child, parent, guardian,
28 or custodian.
- 29 (5) Efforts already made to provide family services to the child,
30 parent, guardian, or custodian.
- 31 (6) Efforts that will be made to provide family services that are
32 ordered by the court.
- 33 (7) A plan for ensuring the educational stability of the child while
34 in foster care that includes assurances that the:
- 35 (A) placement of the child in foster care considers the
36 appropriateness of the current educational setting of the child
37 and the proximity to the school where the child is presently
38 enrolled; and
- 39 (B) department has coordinated with local educational
40 agencies to ensure:
- 41 (i) the child remains in the school where the child is enrolled
42 at the time of removal; or



- 1 (ii) immediate, appropriate enrollment of the child in a
 2 different school if remaining in the same school is not in the
 3 best interests of the child.
- 4 (8) Any age appropriate activities that the child is interested in
 5 pursuing.
- 6 (9) If the case plan is for a child in foster care who is at least
 7 fourteen (14) years of age, the following:
- 8 (A) A document that describes the rights of the child with
 9 respect to:
- 10 (i) education, health, visitation, and court participation;
 11 (ii) the right to be provided with the child's medical
 12 documents and other medical information; and
 13 (iii) the right to stay safe and avoid exploitation.
- 14 (B) A signed acknowledgment by the child that the:
- 15 (i) child has been provided with a copy of the document
 16 described in clause (A); and
 17 (ii) rights contained in the document have been explained to
 18 the individual in an age appropriate manner.
- 19 (e) Each caretaker of a child, the child representatives selected by
 20 the child and approved by the child's probation officer under section
 21 1.7 of this chapter, and the probation department shall cooperate in the
 22 development of the case plan for the child. The probation department
 23 shall discuss with **a child representative and** at least one (1) foster
 24 parent or other caretaker of a child the role of the substitute caretaker
 25 or facility regarding the following:
- 26 (1) Rehabilitation of the child and the child's parents, guardians,
 27 and custodians.
 28 (2) Visitation arrangements.
 29 (3) Services required to meet the special needs of the child.
- 30 (f) The case plan must be reviewed and updated by the probation
 31 department at least once every one hundred eighty (180) days.
- 32 SECTION 24. IC 31-37-19-1.7, AS ADDED BY P.L.187-2015,
 33 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 1.7. (a) For a child who is at least fourteen
 35 (14) years of age, the probation officer shall consult with the child in
 36 the development of the child's case plan or transitional services plan.
 37 If the probation officer determines that the child is unable to participate
 38 effectively in the development of a case plan or transitional services
 39 plan due to a physical, mental, emotional, or intellectual disability, the
 40 probation officer may excuse the child from this requirement by
 41 documenting in the plan the reasons for the child's inability to
 42 participate in the development of the applicable plan. If the child



1 refuses to participate in the development of the applicable plan for
 2 reasons other than a physical, mental, emotional, or intellectual
 3 disability, the probation officer shall record the refusal and document
 4 efforts made to obtain the child's input or participation in the
 5 development of the applicable plan.

6 (b) The child may select not more than two (2) child representatives
 7 to:

8 (1) represent the child in the development of the child's case plan
 9 or transitional services plan; **and**

10 (2) **accompany the child to meetings, court hearings, school**
 11 **functions, extracurricular activities, and other activities**
 12 **agreed to between the child and the child representative.**

13 (c) **A child representative may host the child for overnight visits,**
 14 **vacations, holidays, and other situations when a foster parent or**
 15 **foster family may need assistance in caring for or supervising the**
 16 **child.**

17 (d) A child representative selected under this section:

18 (1) must be:

19 (A) at least eighteen (18) years of age; and

20 (B) a member of the case planning team;

21 (2) may not be a foster parent of or caseworker for the child; and

22 (3) must be approved by the child's probation officer.

23 ~~(e)~~ (e) The child may select one (1) of the child representatives who
 24 is a member of the child's case planning team to also be the child's
 25 adviser and, as necessary, advocate, with respect to the application of
 26 the reasonable and prudent parent standard to the child.

27 ~~(f)~~ (f) The probation officer may reject an individual selected by a
 28 child to be a member of the case planning team at any time if the
 29 probation officer has good cause to believe that the individual would
 30 not act in the best interests of the child. **If the probation officer**
 31 **rejects an individual to be a child representative, the probation**
 32 **officer must inform the child as to why the individual was rejected.**

33 (g) **If a child who is eligible to have a child representative does**
 34 **not choose to have a child representative, the probation officer**
 35 **shall inquire of the child every six (6) months whether the child**
 36 **would like to have a child representative.**

37 (h) **A foster parent or custodian of a child may not prohibit a**
 38 **child representative from accompanying the child to activities**
 39 **described in subsection (b) or (c).**

40 (i) **The probation officer shall facilitate communication between**
 41 **a child representative and a child. A child may contact the child's**
 42 **representative at any time.**



1 SECTION 25. IC 31-37-21-1, AS AMENDED BY P.L.146-2008,
 2 SECTION 658, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Before a hearing under
 4 IC 31-37-20-2 or IC 31-37-20-3, the probation department shall
 5 prepare a report on the progress made in implementing the
 6 dispositional decree, including the progress made in rehabilitating the
 7 child, preventing placement out-of-home, reuniting the family, or
 8 finalizing another permanency plan as approved by the court.

9 (b) Before preparing the report required by subsection (a), the
 10 probation department shall consult a **child representative** and a foster
 11 parent of the child about the child's progress made while in the foster
 12 parent's care.

13 (c) If modification of the dispositional decree is recommended, the
 14 probation department shall prepare a modification report containing the
 15 information required by IC 31-37-17 and request a formal court
 16 hearing.

17 SECTION 26. IC 31-37-21-2, AS AMENDED BY P.L.138-2007,
 18 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 2. (a) Except as provided by subsection (b),
 20 a report prepared by the state:

21 (1) for the juvenile court's review of the court's dispositional
 22 decree; or

23 (2) for use at a periodic case review or hearing under
 24 IC 31-37-20-2 or IC 31-37-20-3;

25 shall be made available to the child, and the child's parent, foster
 26 parent, guardian, guardian ad litem, custodian, court appointed special
 27 advocate, **child representative**, or any other person who is entitled to
 28 receive notice under IC 31-37-20-4.5 within a reasonable time after the
 29 report's presentation to the court or before the hearing.

30 (b) If the court determines on the record that the report contains
 31 information that should not be released to any person who is entitled to
 32 receive a report under subsection (a), the court is not required to make
 33 the report available to the person as required under subsection (a).
 34 However, the court shall provide a copy of the report to the following:

35 (1) Each attorney or a guardian ad litem representing the child.

36 (2) Each attorney representing the child's parent, guardian, **child**
 37 **representative**, or custodian.

38 (3) A court appointed special advocate.

39 (c) The court may also provide a factual summary of the report to
 40 the child or the child's parent, foster parent, guardian, **child**
 41 **representative**, or custodian.

42 SECTION 27. IC 31-37-22-4.5, AS AMENDED BY P.L.104-2015,



1 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 4.5. (a) This section applies to a delinquent
3 child if the child is placed in an out-of-home residence or facility that
4 is not a secure detention facility.

5 (b) The probation department, after negotiating with:

6 (1) the child's parent, guardian, or custodian; and

7 (2) any child representatives selected by the child and approved
8 by the child's probation officer under IC 31-37-19-1.7;

9 shall complete the child's case plan not later than sixty (60) days after
10 the date of the child's first placement that the probation department
11 requests to be paid for by the department.

12 (c) A copy of the completed case plan shall be sent, not later than
13 ten (10) days after the date of the completion of the plan, to:

14 (1) the department;

15 (2) the child's parent, guardian, or custodian;

16 (3) the child, if the child is at least fourteen (14) years of age;

17 (4) any child representatives selected by the child and approved
18 by the child's probation officer under IC 31-37-19-1.7; and

19 (5) any agency having the legal responsibility or authorization to
20 care for, treat, or supervise the child.

21 (d) A child's case plan must be in a form prescribed by the
22 department that meets the specifications set by 45 CFR 1356.21, as
23 amended. The case plan must include a description and discussion of
24 the following:

25 (1) A permanency plan for the child and an estimated date for
26 achieving the goal of the plan. However, a child who is less than
27 sixteen (16) years of age may not have another planned,
28 permanent living arrangement as the child's permanency plan.

29 (2) The appropriate placement for the child based on the child's
30 special needs and best interests.

31 (3) The least restrictive family like setting that is close to the
32 home of the child's parent, custodian, or guardian if out-of-home
33 placement is implemented or recommended, including
34 consideration of possible placement with any suitable and willing
35 relative, before considering other out-of-home placements for the
36 child.

37 (4) Family services recommended for the child, parent, guardian,
38 or custodian.

39 (5) Efforts already made to provide family services to the child,
40 parent, guardian, or custodian.

41 (6) Efforts that will be made to provide family services that are
42 ordered by the court.



- 1 (7) A plan for ensuring the educational stability of the child while
 2 in foster care that includes assurances that the:
- 3 (A) placement of the child in foster care considers the
 4 appropriateness of the current educational setting of the child
 5 and the proximity to the school where the child presently is
 6 enrolled; and
- 7 (B) department has coordinated with local educational
 8 agencies to ensure:
- 9 (i) the child remains in the school where the child is enrolled
 10 at the time of removal; or
- 11 (ii) immediate and appropriate enrollment of the child in a
 12 different school, including arrangements for the transfer of
 13 the child's school records to the new school, if remaining in
 14 the same school is not in the best interests of the child.
- 15 (8) Any age appropriate activities that the child is interested in
 16 pursuing.
- 17 (9) If the case plan is for a child in foster care who is at least
 18 fourteen (14) years of age, the following:
- 19 (A) A document that describes the rights of the child with
 20 respect to:
- 21 (i) education, health, visitation, and court participation;
- 22 (ii) the right to be provided with the child's medical
 23 documents and other medical information; and
- 24 (iii) the right to stay safe and avoid exploitation.
- 25 (B) A signed acknowledgment by the child that the:
- 26 (i) child has been provided with a copy of the document
 27 described in clause (A); and
- 28 (ii) rights contained in the document have been explained to
 29 the individual in an age appropriate manner.
- 30 (e) The probation department and each caretaker of a child shall
 31 cooperate in the development of the case plan for the child. The
 32 probation department shall discuss with **a child representative and** at
 33 least one (1) foster parent or other caretaker of a child the role of the
 34 substitute caretaker or facility regarding the following:
- 35 (1) Rehabilitation of the child and the child's parents, guardians,
 36 and custodians.
- 37 (2) Visitation arrangements.
- 38 (3) Services required to meet the special needs of the child.
- 39 (f) The case plan must be reviewed and updated by the probation
 40 department at least once every one hundred eighty (180) days.
- 41 **(g) The department shall provide a copy of a current or**
 42 **completed case plan upon the request of a child or the child's:**



- 1 **(1) parent;**
- 2 **(2) guardian;**
- 3 **(3) custodian;**
- 4 **(4) foster parent; or**
- 5 **(5) child representative.**

6 SECTION 28. IC 31-41-2-2, AS ADDED BY P.L.66-2015,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 2. (a) The dual status assessment team shall
 9 include:

- 10 (1) if the child has a department of child services case manager,
 11 the case manager;
- 12 (2) if the child does not have a department of child services case
 13 manager, a representative of the department of child services
 14 appointed by the local department of child services director;
- 15 (3) if the child has a probation officer, that probation officer;
- 16 (4) if the child does not have a probation officer, a probation
 17 officer appointed by the court; and
- 18 (5) a meeting facilitator, who may be a member of the dual status
 19 assessment team described in subdivisions (1) through (4) or may
 20 be a person appointed by the juvenile court.

21 (b) The dual status assessment team may include:

- 22 (1) the child if the juvenile court deems the child is age
 23 appropriate;
- 24 (2) the child's public defender or attorney;
- 25 (3) the child's parent, guardian, or custodian;
- 26 (4) the child's parent's attorney;
- 27 (5) a prosecuting attorney;
- 28 (6) the attorney for the department;
- 29 (7) a court appointed special advocate or a guardian ~~at hitem~~; **ad**
 30 **litem**;
- 31 (8) a representative from the department of correction;
- 32 (9) a school representative;
- 33 (10) an educator;
- 34 (11) a therapist;
- 35 (12) the child's foster parent; ~~and~~
- 36 (13) a service provider appointed by the team or the juvenile
 37 court; **and**
- 38 **(14) a child representative.**

39 SECTION 29. **An emergency is declared for this act.**

