

HOUSE BILL No. 1485

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-23-19; IC 33-40.

Synopsis: Court appointed counsel for certain minors. Provides that courts are required to appoint counsel for eligible children with certain exceptions. Provides that a county may seek reimbursement up to 100% for expenditures related to attorney services for eligible children. Requires the commission on court appointed attorneys to: (1) establish certain guidelines for counties to be eligible for reimbursement from the public defense fund; and (2) make a report to the legislative council and budget committee not later than December 1, 2026, regarding the 100% reimbursement for attorney services provided to eligible children. Makes an appropriation.

Effective: July 1, 2025.

Olthoff, Harris

January 21, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1485



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-23-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]:
4 **Chapter 19. Court Appointed Attorneys for Children**
5 **Sec. 1. The following terms are defined for this chapter:**
6 (1) "CHINS" means child in need of services.
7 (2) "Commission" means the Indiana commission on court
8 appointed attorneys.
9 (3) "Eligible child" means a child who is:
10 (A) placed in, or sought to be placed in, a:
11 (i) secure private facility;
12 (ii) nonsecure private facility; or
13 (iii) shelter care facility; and
14 (B) the subject of either a:
15 (i) CHINS proceeding under IC 31-34; or
16 (ii) proceeding to terminate the parent-child relationship
17 under IC 31-35.



- 1 **"Eligible children" has the corresponding meaning.**
 2 **Sec. 2. This chapter only applies to a court with jurisdiction in:**
 3 **(1) a CHINS proceeding under IC 31-34; or**
 4 **(2) a proceeding to terminate the parent-child relationship**
 5 **under IC 31-35.**
 6 **Sec. 3. (a) A court shall do the following:**
 7 **(1) Subject to subsection (c), and except as provided in**
 8 **subsection (d), appoint counsel for an eligible child at least**
 9 **forty-eight (48) hours before approving a motion to place, or**
 10 **authorizing the placement of, an eligible child in a:**
 11 **(A) secure private facility;**
 12 **(B) nonsecure private facility; or**
 13 **(C) shelter care facility.**
 14 **(2) Determine, according to the commission's guidelines,**
 15 **which attorneys are qualified to represent eligible children.**
 16 **(b) If a court finds it difficult to secure available attorneys, the**
 17 **court may allow an eligible child's appointed counsel to appear**
 18 **remotely for hearings.**
 19 **(c) If a proceeding involves eligible children who are siblings,**
 20 **the court may appoint only one (1) attorney to represent the**
 21 **siblings.**
 22 **(d) If an eligible child must be placed in a facility:**
 23 **(1) after hours;**
 24 **(2) on a weekend;**
 25 **(3) on a holiday; or**
 26 **(4) in an emergency situation;**
 27 **the court shall appoint counsel for the eligible child as soon as**
 28 **practicable following the eligible child's placement.**
 29 **Sec. 4. An appointment described in section 3 of this chapter**
 30 **lasts through the entire duration of the eligible child's case.**
 31 **Sec. 5. An eligible child may waive an appointment of counsel**
 32 **under this chapter if the following conditions are met:**
 33 **(1) The child discusses the waiver with the appointed counsel.**
 34 **(2) The waiver is made:**
 35 **(A) in open court;**
 36 **(B) on the record and confirmed in writing; and**
 37 **(C) with the appointed attorney present.**
 38 **Sec. 6. A court retains the discretion under IC 31-32-4-2 to**
 39 **appoint counsel for a child of any age in any other proceeding.**
 40 **Sec. 7. There is annually appropriated to the public defense fund**
 41 **from the state general fund an amount necessary to carry out the**
 42 **purposes of this chapter.**



1 SECTION 2. IC 33-40-5-4, AS AMENDED BY P.L.111-2024,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 4. (a) The commission shall do the following:

4 (1) Make recommendations to the supreme court concerning
5 standards for indigent defense services provided for defendants
6 against whom the state has sought the death sentence under
7 IC 35-50-2-9, including the following:

8 (A) Determining indigency and eligibility for legal
9 representation.

10 (B) Selection and qualifications of attorneys to represent
11 indigent defendants at public expense.

12 (C) Determining conflicts of interest.

13 (D) Investigative, clerical, and other support services
14 necessary to provide adequate legal representation.

15 (2) Adopt guidelines and standards for indigent defense services
16 under which the counties will be eligible for reimbursement under
17 IC 33-40-6, including the following:

18 (A) Determining indigency and the eligibility for legal
19 representation.

20 (B) The issuance and enforcement of orders requiring the
21 defendant to pay for the costs of court appointed legal
22 representation under IC 33-40-3.

23 (C) The use and expenditure of funds in the county
24 supplemental public defender services fund established under
25 IC 33-40-3-1.

26 (D) Qualifications of attorneys to represent indigent
27 defendants at public expense.

28 (E) Compensation rates for salaried, contractual, and assigned
29 counsel.

30 (F) Minimum and maximum caseloads of public defender
31 offices and contract attorneys.

32 (G) Requirements concerning the creation and operation of a
33 multicounty public defender's office created under an
34 interlocal agreement as described in IC 33-40-7-3.5.

35 (3) Make recommendations concerning the delivery of indigent
36 defense services in Indiana, including the funding and delivery of
37 indigent defense services for juveniles.

38 (4) Make an annual report to the governor, the general assembly,
39 and the supreme court on the operation of the public defense fund.

40 (5) Make a report not later than December 1, 2029, to the
41 legislative council and the budget committee concerning the up
42 to forty percent (40%) reimbursement from the public defense



1 fund for indigent defense services for misdemeanor cases under
 2 IC 33-40-6-4(d), IC 33-40-6-5(c), and IC 33-40-7-11(d).

3 **(6) Adopt guidelines for attorney services for eligible children**
 4 **under which the counties will be eligible for reimbursement**
 5 **under IC 33-40-6, including the following:**

6 (A) **Qualifications for attorneys to represent eligible**
 7 **children at public expense.**

8 (B) **Minimum face to face meeting requirements for**
 9 **attorneys representing eligible children at public expense.**

10 (C) **The expectation for eligible children attending court,**
 11 **whether in person or virtually.**

12 (D) **The use and expenditure of funds in the county**
 13 **supplemental public defender services fund established**
 14 **under IC 33-40-3-1.**

15 (E) **Minimum and maximum caseloads for an attorney**
 16 **representing eligible children at public expense.**

17 **(7) Make a report not later than December 1, 2026, and each**
 18 **December 1 thereafter, to the legislative council and the**
 19 **budget committee concerning the up to one hundred percent**
 20 **(100%) reimbursement from the public defense fund for**
 21 **attorney services for eligible children under**
 22 **IC 33-40-6-5(b)(3).**

23 (b) The commission must provide data and statistics concerning
 24 how the reimbursement has impacted attorney appointment rates, jail
 25 population, trial rates, and case outcomes in the report under subsection
 26 (a)(5).

27 (c) The report to the general assembly under subsection (a)(4) and
 28 to the legislative council under subsection (a)(5) **and (a)(7)** must be in
 29 an electronic format under IC 5-14-6.

30 (d) The commission shall not:

31 (1) receive any additional appropriations from the general
 32 assembly for misdemeanor reimbursement; or

33 (2) reimburse a county other than a county described in
 34 IC 33-40-6-4(d) for misdemeanor reimbursement;

35 before July 1, 2029.

36 SECTION 3. IC 33-40-6-5, AS AMENDED BY THE TECHNICAL
 37 CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS
 38 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:
 39 Sec. 5. (a) As used in this section, "commission" means the Indiana
 40 commission on court appointed attorneys established by IC 33-40-5-2.

41 (b) Except as provided under section 6 of this chapter, upon
 42 certification by a county auditor and a determination by the



1 commission that the request is in compliance with the guidelines and
 2 standards set by the commission, the commission shall quarterly
 3 authorize an amount of reimbursement due the county or multicounty
 4 public defender's office:

5 (1) that is equal to fifty percent (50%) of the county's or
 6 multicounty public defender's office's certified expenditures for
 7 indigent defense services provided for a defendant against whom
 8 the death sentence is sought under IC 35-50-2-9; ~~and~~

9 (2) except as provided in subsection (c), that is equal to forty
 10 percent (40%) of the county's or multicounty public defender's
 11 office's certified expenditures for defense services provided in
 12 noncapital cases except misdemeanors; ~~and~~

13 **(3) that is equal to one hundred percent (100%) of the**
 14 **county's or multicounty public defender's office's certified**
 15 **expenditures for attorney services provided for an eligible**
 16 **child under IC 33-23-19.**

17 The commission shall then certify to the state comptroller the amount
 18 of reimbursement owed to a county or multicounty public defender's
 19 office under this chapter.

20 (c) This subsection applies to a county that is one (1) of up to twelve
 21 (12) counties that shall be selected by the ~~Indiana~~ commission ~~on court~~
 22 ~~appointed attorneys~~ based on population and geographic diversity.
 23 Upon certification by a county auditor and a determination by the
 24 commission that the request is in compliance with the guidelines and
 25 standards set by the commission, the commission may quarterly
 26 authorize an amount of reimbursement due the county or multicounty
 27 public defender's office that is up to forty percent (40%) of the county's
 28 or multicounty public defender's office's certified expenditures for
 29 defense services provided in misdemeanor cases. This subsection
 30 expires June 30, 2029.

31 (d) The ~~Indiana~~ commission ~~on court appointed attorneys~~ may
 32 substitute a county described in subsection (c) with a county with
 33 similar population and geographic characteristics if the county
 34 described in subsection (c) declines to participate in the misdemeanor
 35 reimbursement. If a county is substituted under this subsection, the
 36 commission shall publish on its website the replacement county.

37 (e) Upon receiving certification from the commission, the state
 38 comptroller shall issue a warrant to the treasurer of state for
 39 disbursement to the county or multicounty public defender's office of
 40 the amount certified.

41 (f) The commission shall include in its report under
 42 IC 33-40-5-4(a)(5) information regarding requested reimbursements



1 and amounts certified for reimbursements to each county or
2 multicounty public defender's office under subsections (b) and (c).

