



Reprinted
February 19, 2021

HOUSE BILL No. 1531

DIGEST OF HB 1531 (Updated February 18, 2021 4:28 pm - DI 119)

Citations Affected: IC 31-9; IC 31-33; IC 31-34.

Synopsis: DCS and the education community. Defines "exigent circumstances" for purposes of action taken by the department of child services (DCS) with respect to a child. Allows DCS to interview a child at the child's school without parental consent if: (1) the DCS employee presents his or her credentials or other proof of employment for inspection; and (2) there is written proof of exigent circumstances. Requires that the DCS provide assurances that the child's school, or its representative, has been invited to participate in the case plan process.

Effective: July 1, 2021.

DeVon, Cook, Rowray

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

February 9, 2021, amended, reported — Do Pass.

February 18, 2021, read second time, amended, ordered engrossed.

HB 1531—LS 7288/DI 136



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1531

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 31-9-2-44.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 44.1. "Exigent circumstances", as applied to an
4 action by the department with regard to a child, means that:**
5 (1) the department has definite and articulable evidence
6 giving rise to a reasonable suspicion that the child or a child
7 residing in the home with the child:
8 (A) has been abused or neglected; or
9 (B) is in imminent danger of abuse or neglect;
10 (2) there is no less intrusive alternative to the department's
11 action that would reasonably and sufficiently protect the
12 child's imminent health or safety; and
13 (3) one (1) or more of the following applies:
14 (A) The parent, guardian, or custodian of the child:
15 (i) is the alleged perpetrator of the abuse or neglect of
16 the child; or
17 (ii) is allegedly aware of the abuse or neglect of the child

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- 1 **and has allegedly not ensured the child's safety.**
 2 **(B) There is reason to believe that:**
 3 **(i) the safety of the child might be jeopardized; or**
 4 **(ii) essential evidence might not be available;**
 5 **if the department's action is delayed or the child's parent,**
 6 **guardian, or custodian is notified before the department's**
 7 **action.**
 8 **(C) The child is a homeless unaccompanied minor and is**
 9 **voluntarily receiving services at an emergency shelter or**
 10 **shelter care facility without the presence or consent of the**
 11 **child's parent, guardian, or custodian.**
- 12 SECTION 2. IC 31-33-8-7, AS AMENDED BY P.L.183-2017,
 13 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 7. (a) The department's assessment, to the extent
 15 that is reasonably possible, must include the following:
- 16 (1) The nature, extent, and cause of the known or suspected child
 17 abuse or neglect.
 - 18 (2) The identity of the person allegedly responsible for the child
 19 abuse or neglect.
 - 20 (3) The names and conditions of other children in the home.
 - 21 (4) An evaluation of the parent, guardian, custodian, or person
 22 responsible for the care of the child.
 - 23 (5) The home environment and the relationship of the child to the
 24 parent, guardian, or custodian or other persons responsible for the
 25 child's care.
 - 26 (6) All other data considered pertinent.
- 27 (b) The assessment may include the following:
- 28 (1) A visit to the child's home.
 - 29 (2) An interview with the subject child.
 - 30 (3) A physical, psychological, or psychiatric examination of any
 31 child in the home.
- 32 (c) If:
- 33 (1) admission to the home, the school, or any other place that the
 34 child may be; or
 - 35 (2) permission of the parent, guardian, custodian, or other persons
 36 responsible for the child for the physical, psychological, or
 37 psychiatric examination;
- 38 under subsection (b) cannot be obtained, the juvenile court, upon good
 39 cause shown, shall follow the procedures under IC 31-32-12.
- 40 (d) If a custodial parent, a guardian, or a custodian of a child refuses
 41 to allow the department to interview the child after the caseworker has
 42 attempted to obtain the consent of the custodial parent, guardian, or



1 custodian to interview the child, the department may petition a court to
 2 order the custodial parent, guardian, or custodian to make the child
 3 available to be interviewed by the caseworker.

4 (e) If the court finds that:

5 (1) a custodial parent, a guardian, or a custodian has been
 6 informed of the hearing on a petition described under subsection
 7 (d); and

8 (2) the department has made reasonable and unsuccessful efforts
 9 to obtain the consent of the custodial parent, guardian, or
 10 custodian to interview the child;

11 the court shall specify in the order the efforts the department made to
 12 obtain the consent of the custodial parent, guardian, or custodian and
 13 may grant the motion to interview the child, either with or without the
 14 custodial parent, guardian, or custodian being present.

15 **(f) If the department requests to interview a child at the child's**
 16 **school, the school shall grant access to the department to interview**
 17 **the child if:**

18 **(1) the department employee presents his or her credentials as**
 19 **a department case worker, or other proof of employment with**
 20 **the department, for inspection upon arrival at the school; and**

21 **(2) written proof of exigent circumstances exists per the**
 22 **department manual making parental consent to interview the**
 23 **child unnecessary.**

24 (†) (g) If a parent, guardian, or custodian of a child who is the
 25 subject of a substantiated investigation of abuse or neglect is an active
 26 duty member of the military, the department shall notify the United
 27 States Department of Defense Family Advocacy Program of the
 28 assessment concerning the child of the active duty member of the
 29 military upon request.

30 SECTION 3. IC 31-34-15-4, AS AMENDED BY P.L.258-2019,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 4. A child's case plan must be set out in a form
 33 prescribed by the department that meets the specifications set by 45
 34 CFR 1356.21. The case plan must include a description and discussion
 35 of the following:

36 (1) A permanent plan, or two (2) permanent plans if concurrent
 37 planning, for the child and an estimated date for achieving the
 38 goal of the plan or plans.

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

41 (3) The least restrictive family-like setting that is close to the
 42 home of the child's parent, custodian, or guardian if out-of-home



- 1 placement is recommended. If an out-of-home placement is
 2 appropriate, the local office or department shall consider whether
 3 a child in need of services should be placed with the child's
 4 suitable and willing blood or adoptive relative caretaker,
 5 including a grandparent, an aunt, an uncle, or an adult sibling,
 6 before considering other out-of-home placements for the child.
- 7 (4) Family services recommended for the child, parent, guardian,
 8 or custodian.
- 9 (5) Efforts already made to provide family services to the child,
 10 parent, guardian, or custodian.
- 11 (6) Efforts that will be made to provide family services that are
 12 ordered by the court.
- 13 (7) If the parent of a child is incarcerated:
- 14 (A) the services and treatment available to the parent at the
 15 facility at which the parent is incarcerated; and
- 16 (B) how the parent and the child may be afforded visitation
 17 opportunities, unless visitation with the parent is not in the
 18 best interests of the child.
- 19 (8) A plan for ensuring the educational stability of the child while
 20 in foster care that includes assurances that the:
- 21 (A) placement of the child in foster care considers the
 22 appropriateness of the current educational setting of the child
 23 and the proximity to the school where the child is presently
 24 enrolled; ~~and~~
- 25 (B) department has coordinated with local educational
 26 agencies to ensure:
- 27 (i) the child remains in the school where the child is enrolled
 28 at the time of removal; or
- 29 (ii) immediate, appropriate enrollment of the child in a
 30 different school, including arrangements for the transfer of
 31 the child's school records to the new school, if remaining in
 32 the same school is not in the best interests of the child; **and**
- 33 **(C) child's school, or its representative, has been invited to**
 34 **participate in the case plan process.**
- 35 (9) Any age appropriate activities that the child is interested in
 36 pursuing.
- 37 (10) If the case plan is for a child in foster care who is at least
 38 fourteen (14) years of age, the following:
- 39 (A) A document that describes the rights of the child with
 40 respect to:
- 41 (i) education, health, visitation, and court participation;
- 42 (ii) the right to be provided with the child's medical



1 documents and other medical information; and
2 (iii) the right to stay safe and avoid exploitation.
3 (B) A signed acknowledgment by the child that the:
4 (i) child has been provided with a copy of the document
5 described in clause (A); and
6 (ii) rights contained in the document have been explained to
7 the individual in an age appropriate manner.
8 (11) Any efforts made by the department to enable the child's
9 school to provide appropriate support to and protect the safety of
10 the child, if, in developing the case plan, the department
11 coordinates with officials in the child's school to enable the school
12 to provide appropriate support to and protect the safety of the
13 child.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1531, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 22.

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 30.

Page 7, delete lines 15 through 42.

Delete pages 8 through 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1531 as introduced.)

DEVON

Committee Vote: yeas 8, nays 2.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1531 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-44.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 44.1. "Exigent circumstances", as applied to an action by the department with regard to a child, means that:**

(1) the department has definite and articulable evidence giving rise to a reasonable suspicion that the child or a child residing in the home with the child:

(A) has been abused or neglected; or

(B) is in imminent danger of abuse or neglect;

(2) there is no less intrusive alternative to the department's action that would reasonably and sufficiently protect the child's imminent health or safety; and

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- (3) one (1) or more of the following applies:**
- (A) The parent, guardian, or custodian of the child:**
 - (i) is the alleged perpetrator of the abuse or neglect of the child; or**
 - (ii) is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety.**
 - (B) There is reason to believe that:**
 - (i) the safety of the child might be jeopardized; or**
 - (ii) essential evidence might not be available;****if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action.**
 - (C) The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1531 as printed February 9, 2021.)

DEVON

