

HOUSE BILL No. 1653

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-8-1.5-19; IC 12-10-3; IC 34-30-2-41.2.

Synopsis: Adult protective services. Authorizes law enforcement officers and adult protective services units to take endangered adults into emergency custody under certain conditions, and requires the office of the secretary of family and social services to make emergency housing available for endangered adults taken into emergency custody. Requires adult protective services unit members to receive continuing education, and specifies minimum staffing levels for adult protective services units. Requires adult protective services units to provide body armor for adult protective services investigators. Authorizes adult protective services investigators to carry a handgun.

Effective: July 1, 2017.

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January 24, 2017, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1653

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-8-1.5-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 19. The office of the secretary shall:**
4 (1) **locate and make available emergency housing to house an**
5 **endangered adult taken into emergency custody under**
6 **IC 12-10-3-8.5;**
7 (2) **enter into a memorandum of understanding with the**
8 **provider of the emergency housing; and**
9 (3) **pay all expenses incurred in:**
10 (A) **locating;**
11 (B) **making housing available for; and**
12 (C) **housing;**
13 **endangered adults taken into emergency custody under**
14 **IC 12-10-3-8.5.**
15 SECTION 2. IC 12-10-3-7, AS AMENDED BY P.L.116-2007,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2017]: Sec. 7. (a) The division shall provide coverage for the



1 services required in each county under this chapter and may contract
2 with:

3 (1) a prosecuting attorney;

4 (2) a prosecuting attorney to perform part of the services and a
5 governmental entity qualified to perform the remainder of the
6 services required; or

7 (3) if a prosecuting attorney decides not to enter into a contract,
8 a governmental entity qualified to provide the services required.

9 (b) The contracts entered into by the division under this section
10 must specify that the:

11 (1) notification provisions described in sections 21(4) and
12 28(b)(5) of this chapter; **and**

13 (2) **continuing education provisions described in section 12(b)**
14 **of this chapter;**

15 must be followed.

16 (c) A prosecuting attorney who is contracted to provide services
17 under this section may perform services under this chapter in
18 accordance with subsection (d) and (e).

19 (d) Except as provided in subsection (e), a prosecuting attorney who
20 has contracted to provide services under this section may provide
21 services in another county if:

22 (1) the prosecuting attorney of the other county has not entered
23 into a contract with the division to provide services; or

24 (2) the prosecuting attorney of the other county requests the
25 prosecuting attorney to provide services.

26 (e) Services provided by a prosecuting attorney who is providing
27 services in another county under this section may include the
28 investigation of matters related to the abuse, neglect, or exploitation of
29 an endangered adult. However, a prosecuting attorney who is providing
30 services in another county under this section may not initiate any
31 judicial proceeding (including seeking a temporary restraining order,
32 an order for protection, or a similar order from a court) in the other
33 county.

34 SECTION 3. IC 12-10-3-8.5 IS ADDED TO THE INDIANA CODE
35 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
36 1, 2017]: **Sec. 8.5. (a) A:**

37 (1) **member of an adult protective services unit; or**

38 (2) **law enforcement officer:**

39 **who has probable cause to believe that a person is an endangered**
40 **adult may take the endangered adult into emergency custody as**
41 **provided in subsection (b).**

42 (b) **A member of an adult protective services unit or law**



1 enforcement officer described in subsection (a) may take an
2 endangered adult into emergency custody if:

3 (1) it appears that the endangered adult's physical or mental
4 condition will be seriously impaired or seriously endangered
5 if the endangered adult is not immediately taken into custody;

6 (2) there is not a reasonable opportunity to obtain a court
7 order; and

8 (3) the member or officer reasonably believes that another
9 form of immediate intervention, if available, will not
10 adequately protect the physical or mental condition of the
11 endangered adult.

12 (c) A member of an adult protective services unit who is not a
13 law enforcement officer may take an endangered adult into
14 emergency custody only if the circumstances make it impracticable
15 to obtain assistance from a law enforcement officer.

16 (d) An endangered adult taken into custody under this section
17 shall be transported as soon as practicable to emergency housing
18 described in IC 12-8-1.5-19.

19 (e) If a person takes an endangered adult into emergency
20 custody under this section, the person shall make a written
21 declaration as described in section 8.6 of this chapter not more
22 than twenty-four (24) hours after the endangered adult is taken
23 into custody.

24 SECTION 4. IC 12-10-3-8.6 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2017]: Sec. 8.6. (a) A person who takes an endangered adult into
27 emergency custody under section 8.5 of this chapter shall make a
28 written declaration describing the following:

29 (1) The facts establishing probable cause to believe that the
30 individual taken into emergency custody is an endangered
31 adult.

32 (2) Why the endangered adult's physical or mental condition
33 would have been seriously impaired or seriously endangered
34 if the endangered adult had not been immediately taken into
35 emergency custody.

36 (3) Why the person was unable to obtain a court order and
37 what steps were taken to obtain a court order.

38 (4) Why another form of immediate intervention, if available,
39 would not have adequately protected the safety of the
40 endangered adult.

41 (5) Why the person was unable to obtain the assistance of a
42 law enforcement officer, if applicable.



1 **(b) The adult protective services unit shall create forms to be**
 2 **used for a written declaration made under this section.**

3 **(c) The person who takes an endangered adult into emergency**
 4 **custody shall immediately forward a copy of the written**
 5 **declaration to the director and the appropriate adult protective**
 6 **services unit.**

7 SECTION 5. IC 12-10-3-12, AS AMENDED BY P.L.153-2011,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2017]: Sec. 12. **(a)** The division shall establish the following:

10 (1) A statewide toll free telephone line continuously open to
 11 receive reports of suspected neglect, battery, or exploitation.

12 (2) Standards of practice established with the concurrence of the
 13 prosecuting attorneys council of Indiana (IC 33-39-8-2) and
 14 governing the services provided by the adult protective services
 15 unit.

16 **(b) Standards of practice established under subsection (a) must**
 17 **require each person who carries out a duty described in section 8**
 18 **of this chapter to receive at least twelve (12) hours of approved**
 19 **continuing education in each calendar year. At least six (6) hours**
 20 **of continuing education must focus on laws relating to endangered**
 21 **adults and the provision of adult protective services, and at least**
 22 **six (6) hours of continuing education must focus on social work**
 23 **with an emphasis on endangered adults. A continuing education**
 24 **program must be approved by:**

25 (1) the division; or

26 (2) the prosecuting attorneys council of Indiana.

27 **(c) The division shall ensure that each adult protective services**
 28 **unit maintains staffing levels sufficient to ensure that each unit has**
 29 **enough investigators to allow caseloads to be at not more than:**

30 (1) twelve (12) active cases relating to initial assessments,
 31 including investigations of an allegation of neglect, battery, or
 32 exploitation of an endangered adult; or

33 (2) seventeen (17) endangered adults monitored and
 34 supervised in active cases relating to ongoing services.

35 SECTION 6. IC 12-10-3-32 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2017]: Sec. 32. **(a)** As used in this section, "body armor" has the
 38 meaning set forth in IC 35-47-5-13.

39 **(b) Not later than December 31, 2017, an adult protective**
 40 **services unit shall provide adult protective services investigators**
 41 **with body armor for the torso. The adult protective services unit**
 42 **shall replace the body armor for the torso according to the**



1 replacement period recommended by the manufacturer of the body
2 armor. An adult protective services investigator may not be
3 required to pay for maintenance of the body armor furnished
4 under this section.

5 (c) An adult protective services investigator may carry a
6 handgun as described in IC 35-47-2-1 while acting in the scope of
7 employment as an adult protective services investigator if the adult
8 protective services investigator is:

9 (1) issued a license to carry the handgun under IC 35-47-2; or

10 (2) exempt from the handgun license requirement under
11 IC 35-47-2-2.

12 An adult protective services investigator is immune from civil
13 liability for an act or omission relating to the use of the
14 investigator's handgun if the act or omission is not the result of
15 gross negligence or willful or wanton misconduct.

16 SECTION 7. IC 34-30-2-41.2 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2017]: **Sec. 41.2. IC 12-10-3-32 (Concerning**
19 **adult protective services investigators who use a handgun).**

