

SENATE BILL No. 26

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-44.4; IC 31-32-4-1.

Synopsis: Representation of caregiver in CHINS cases. Provides that a familial caregiver (other than the child's parent) is entitled to representation by counsel in a child in need of services (CHINS) proceeding under certain circumstances.

Effective: July 1, 2023.

Bohacek

January 9, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

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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 31-9-2-44.4 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2023]: **Sec. 44.4. "Familial caregiver", for purposes of juvenile**
- 4 **law, means a relative (other than the child's parent) who provides,**
- 5 **or is responsible for providing, care and supervision of a child.**
- 6 SECTION 2. IC 31-32-4-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. The following
- 8 persons are entitled to be represented by counsel:
- 9 (1) A child charged with a delinquent act, as provided by
- 10 IC 31-32-2-2.
- 11 (2) A parent, in a proceeding to terminate the parent-child
- 12 relationship, as provided by IC 31-32-2-5.
- 13 (3) **A familial caregiver in a proceeding for a child in need of**
- 14 **services if the familial caregiver:**
- 15 (A) **is indigent;**
- 16 (B) **has provided the child who is the subject of the**
- 17 **proceeding with care and supervision at the familial**



- 1 **caregiver's residence; and**
- 2 **(C) has provided the child with care and supervision for at**
- 3 **least six (6) months.**
- 4 ~~(3)~~ **(4)** Any other person designated by law.

