

# SENATE BILL No. 31

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37-17.

**Synopsis:** Traumatic brain injury information. Requires a predispositional report in a delinquency proceeding regarding a child who has suffered a traumatic brain injury to include information relating to the traumatic brain injury, including the effect of the traumatic brain injury on the child's behavior and cognitive abilities.

**Effective:** July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 31

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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 31-37-17-1, AS AMENDED BY P.L.1-2010,  
2 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Upon finding that a child is  
4 a delinquent child, the juvenile court shall order a probation officer to  
5 prepare a predispositional report that contains:  
6 (1) a statement of the needs of the child for care, treatment,  
7 rehabilitation, or placement;  
8 (2) a recommendation for the care, treatment, rehabilitation, or  
9 placement of the child;  
10 (3) if the recommendation includes an out-of-home placement  
11 other than a secure detention facility, information that the  
12 department requires to determine whether the child is eligible for  
13 assistance under Title IV-E of the federal Social Security Act (42  
14 U.S.C. 670 et seq.);  
15 (4) a statement of the department's concurrence with or its  
16 alternative proposal to the probation officer's predispositional  
17 report, as provided in section 1.4 of this chapter; and



1 (5) a statement of whether the child receives Medicaid.

2 **If the child has suffered a traumatic brain injury, information**  
 3 **relating to the traumatic brain injury shall be included in the**  
 4 **report under subdivision (1), including the effect, if any, of the**  
 5 **traumatic brain injury on the child's behavior and cognitive**  
 6 **abilities.**

7 (b) Any of the following may prepare an alternative report for  
 8 consideration by the court:

9 (1) The child.

10 (2) The child's:

11 (A) parent;

12 (B) guardian;

13 (C) guardian ad litem;

14 (D) court appointed special advocate; or

15 (E) custodian.

16 SECTION 2. IC 31-37-17-1.1, AS AMENDED BY P.L.117-2015,  
 17 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2019]: Sec. 1.1. (a) The person preparing the report under  
 19 section 1 of this chapter:

20 (1) may; or

21 (2) if directed by the court, shall;

22 confer with individuals who have expertise in professional areas related  
 23 to the child's needs in the areas of appropriate care, treatment,  
 24 rehabilitation, or placement for a delinquent child. **If there is reason**  
 25 **to believe that the child may have suffered a traumatic brain**  
 26 **injury, the person shall consult with an individual having**  
 27 **appropriate expertise concerning the effect of a traumatic brain**  
 28 **injury on a child's behavior and cognitive abilities.**

29 (b) A conference held under this chapter may include  
 30 representatives of the following:

31 (1) The child's school.

32 (2) The probation department.

33 (3) The department.

34 (4) A community mental health center located in the child's  
 35 county of residence.

36 (5) A community intellectual disability and other developmental  
 37 disabilities center located in the child's county of residence.

38 (6) Other persons as the court may direct.

