

SENATE BILL No. 40

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-131.7; IC 31-32-4-1.

Synopsis: Representation of caregiver in CHINS cases. Provides that an unlicensed caregiver is entitled to representation by counsel in a child in need of services (CHINS) proceeding under certain circumstances.

Effective: July 1, 2024.

Bohacek

January 8, 2024, read first time and referred to Committee on Judiciary.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 40

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 31-9-2-131.7, AS AMENDED BY P.L.244-2023,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 131.7. "Unlicensed caregiver", for purposes of
4 IC 31-32-2.5, **IC 31-32-4-1**, IC 31-34-21-4.5, and IC 31-28-7, means
5 a relative (as defined by ~~IC 31-9-2-107(c)~~ **section 107(c) of this**
6 **chapter**) who is:

- 7 (1) providing care and supervision to a child under a court order
- 8 for purposes of placement in a child in need of services case or
- 9 juvenile delinquency case; and
- 10 (2) not licensed as a foster parent under IC 31-27-4.

11 SECTION 2. IC 31-32-4-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The following
13 persons are entitled to be represented by counsel:

- 14 (1) A child charged with a delinquent act, as provided by
- 15 IC 31-32-2-2.
- 16 (2) A parent, in a proceeding to terminate the parent-child
- 17 relationship, as provided by IC 31-32-2-5.



1 **(3) An unlicensed caregiver (as defined by IC 31-9-2-131.7) in**
2 **a proceeding for a child in need of services if the court**
3 **determines that the unlicensed caregiver is indigent as**
4 **described in IC 35-33-7-6.5.**
5 ~~(3)~~ **(4)** Any other person designated by law.

