



January 12, 2022

SENATE BILL No. 180

DIGEST OF SB 180 (Updated January 10, 2022 12:49 pm - DI 148)

Citations Affected: IC 12-26; IC 31-31; IC 31-32; IC 31-35; IC 31-40.

Synopsis: Juvenile court appointed attorney for child. Requires an appointed attorney in certain types of juvenile court cases. Requires the juvenile court to appoint the attorney before the first hearing. Allows the juvenile court to order a parent or guardian to pay for an appointed attorney's fees to the extent that the amount the parent or guardian is ordered to pay will not cause a substantial hardship to the child's family. Provides that a guardian ad litem may not be the child's attorney if the petition for child in need of services (CHINS) alleges abuse or neglect. Establishes the commission for court appointed attorneys for children (commission). Requires the commission to report annually to the governor, general assembly, and supreme court regarding topics related to provision of counsel for children in juvenile court proceedings. Establishes the juvenile court appointed attorneys fund. Provides that a juvenile court shall appoint one attorney for siblings who are the subject of a child in need of services proceeding, juvenile delinquency proceeding, or proceeding to terminate the parent-child relationship. Provides that a child's attorney may sign a petition to terminate the parent-child relationship with regard to the child. Adds users fees for the appointment of a juvenile court appointed attorney.

Effective: July 1, 2022.

Ford Jon

January 6, 2022, read first time and referred to Committee on Family and Children Services.

January 11, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 180—LS 6440/DI 148



January 12, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 180

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 12-26-8-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) A juvenile court
3 that conducts a proceeding under this article shall appoint:
4 (1) a court appointed special advocate, a guardian ad litem, or
5 both; **and**
6 (2) **an attorney if counsel has not been previously appointed**
7 **or retained;**
8 for the child before the court begins a proceeding under this article.
9 (b) An advocate is not required to be an attorney.
10 (c) ~~An attorney representing the child may be appointed as the~~
11 ~~child's advocate.~~
12 (d) (c) The court may not appoint any of the following to be a child's
13 advocate:
14 (1) A party to the proceeding.
15 (2) An employee of a party to the proceeding.
16 (3) A representative of a party to the proceeding.
17 (e) (d) An advocate shall represent and protect the best interests of

SB 180—LS 6440/DI 148



- 1 the child.
- 2 SECTION 2. IC 31-31-11 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY
- 4 1, 2022]:
- 5 **Chapter 11. Court Appointed Attorneys for Children**
- 6 **Sec. 1. (a) As used in this chapter, "commission" means the**
- 7 **commission for court appointed attorneys for children established**
- 8 **by section 2 of this chapter.**
- 9 **(b) As used in this chapter, "juvenile court appointed attorney**
- 10 **program" means a system for appointing an attorney for a child**
- 11 **under IC 31-32-4-1.**
- 12 **Sec. 2. The commission for court appointed attorneys for**
- 13 **children is established.**
- 14 **Sec. 3. The commission is composed of the following eleven (11)**
- 15 **members, none of whom may be a law enforcement officer or a**
- 16 **court employee:**
- 17 **(1) Three (3) members appointed by the governor, with not**
- 18 **more than two (2) of these individuals belonging to the same**
- 19 **political party.**
- 20 **(2) Three (3) members appointed by the chief justice of the**
- 21 **supreme court, with not more than two (2) of these individuals**
- 22 **belonging to the same political party.**
- 23 **(3) One (1) member appointed by the board of trustees of the**
- 24 **Indiana criminal justice institute, who is an attorney admitted**
- 25 **to practice law in Indiana.**
- 26 **(4) Two (2) members of the house of representatives to be**
- 27 **appointed by the speaker of the house of representatives. The**
- 28 **members appointed under this subdivision may not be from**
- 29 **the same political party.**
- 30 **(5) Two (2) members of the senate, to be appointed by the**
- 31 **president pro tempore of the senate. The members appointed**
- 32 **under this subdivision may not be from the same political**
- 33 **party.**
- 34 **Sec. 4. (a) The members of the commission shall designate one**
- 35 **(1) member of the department as chairperson.**
- 36 **(b) The term of office of each member of the commission is four**
- 37 **(4) years. A vacancy occurring among the members of the**
- 38 **commission before the expiration of a term must be filled in the**
- 39 **same manner as the original appointment. An appointment to fill**
- 40 **a vacancy occurring before the expiration of a term is for the**
- 41 **remainder of the unexpired term.**
- 42 **(c) Each member of the commission who is a state employee is**



1 entitled to reimbursement for traveling expenses and other
 2 expenses actually incurred in connection with the member's duties,
 3 as provided in the state travel policies and procedures established
 4 by the Indiana department of administration and approved by the
 5 budget agency.

6 (d) A member of the commission who is not a state employee is
 7 entitled to:

8 (1) the minimum salary per diem provided by
 9 IC 4-10-11-2.1(b); and

10 (2) reimbursement for traveling expenses and other expenses
 11 actually incurred in connection with the member's duties, as
 12 provided in the state travel policies and procedures
 13 established by the Indiana department of administration and
 14 approved by the budget agency.

15 (e) The commission shall meet at least quarterly and at times
 16 called by the chairperson or at the request of three (3) commission
 17 members.

18 **Sec. 5. The commission shall do the following:**

19 (1) Make recommendations to the supreme court concerning
 20 standards for juvenile court appointed attorney programs,
 21 including the following:

22 (A) Determining eligibility for legal representation.

23 (B) Selection and qualifications of attorneys to represent
 24 children under IC 31-32-4 at public expense.

25 (C) Determining conflicts of interest.

26 (D) Investigative, clerical, and other support services
 27 necessary to provide adequate legal representation.

28 (2) Adopt guidelines and standards for juvenile court
 29 appointed attorney programs under which the counties will be
 30 eligible for reimbursement under this chapter, including the
 31 following:

32 (A) The issuance and enforcement of orders requiring the
 33 parent or guardian to pay for the cost for services.

34 (B) Qualifications for an attorney to represent a child
 35 under IC 31-32-4 at the public expense.

36 (C) Compensation rates for salaried, contractual, and
 37 assigned attorneys.

38 (D) Minimum and maximum caseloads of attorneys.

39 (3) Make an annual report to the governor, the general
 40 assembly, and the supreme court regarding the operation of
 41 the juvenile court appointed attorney fund.

42 The report to the general assembly under subdivision (3) must be



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in an electronic format under IC 5-14-6.

Sec. 6. The commission shall hire staff and may enter into contracts for any additional staff support that the commission determines is necessary to implement this section.

Sec. 7. (a) The juvenile court appointed attorney fund is established.

(b) The commission shall administer the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(e) A county may submit on a quarterly basis a certified request to the commission for reimbursement from the juvenile court appointed attorney fund for an amount equal to fifty percent (50%) of the county's expenditures for attorney services provided to a child under IC 31-32-4-1.

SECTION 3. IC 31-32-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. **(a) Except as provided in subsection (b), a guardian ad litem or court appointed special advocate need not be an attorney, but the attorney representing the child may be appointed the child's guardian ad litem or court appointed special advocate.**

(b) If a child in need of services petition alleges that a child is abused or neglected:

(1) the child's guardian ad litem or special advocate may not be the child's attorney; and

(2) the attorney who files the petition may not be appointed as the child's guardian ad litem or special advocate.

SECTION 4. IC 31-32-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a) Subject to subsection (b), the following persons are entitled to be represented by counsel:**

(1) A child charged with a delinquent act, as provided by ~~IC 31-32-2-2~~ in the following proceedings:

(A) Child in need of services, under IC 31-34.

(B) Termination of parent-child relationship, under IC 31-35.

(C) Delinquency, under IC 31-37.

(2) A parent, in a proceeding to terminate the parent-child relationship, as provided by IC 31-32-2-5.

(3) Any other person designated by law.



1 **(b) In a proceeding described in subsection (a) that involves**
 2 **siblings, the juvenile court shall appoint only one (1) attorney to**
 3 **represent the siblings.**

4 SECTION 5. IC 31-32-4-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) If:

6 (1) a child ~~alleged to be a delinquent child~~ **in a proceeding for:**

7 **(A) child in need of services, under IC 31-34;**

8 **(B) termination of parent-child relationship, under**
 9 **IC 31-35; or**

10 **(C) delinquency, under IC 31-37;**

11 does not have an attorney who may represent the child without a
 12 conflict of interest; and

13 (2) the child has not lawfully waived the child's right to counsel
 14 under IC 31-32-5; ~~(or IC 31-6-7-3 before its repeal);~~

15 the juvenile court shall appoint counsel for the child ~~at the detention~~
 16 ~~hearing or at the initial hearing, whichever occurs first, or at any earlier~~
 17 **time: before the first hearing.**

18 (b) The court may appoint counsel to represent any child in any
 19 other proceeding.

20 **(c) An attorney appointed under this section:**

21 **(1) shall represent the child at all stages of the proceedings;**
 22 **and**

23 **(2) may not withdraw solely because the child's parent or**
 24 **guardian fails to obey an order under IC 31-40-1-2(g).**

25 SECTION 6. IC 31-32-4-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) If:

27 (1) a parent in proceedings to terminate the parent-child
 28 relationship does not have an attorney who may represent the
 29 parent without a conflict of interest; ~~and~~

30 (2) the parent has not lawfully waived the parent's right to counsel
 31 under IC 31-32-5; ~~(or IC 31-6-7-3 before its repeal); and~~

32 **(3) the parent is found to be indigent;**

33 the juvenile court shall appoint counsel for the parent ~~at the initial~~
 34 ~~hearing or at any earlier time: before the first hearing.~~

35 (b) The court may appoint counsel to represent any parent in any
 36 other proceeding.

37 **(c) An attorney appointed under this section:**

38 **(1) shall represent the parent at all stages of the proceedings;**
 39 **and**

40 **(2) may not withdraw solely because the parent or guardian**
 41 **fails to obey an order under IC 31-40-1-2(g).**

42 SECTION 7. IC 31-32-4-6 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2022]: **Sec. 6. (a) Except as provided in subsection (c), an**
3 **attorney appointed to represent a child under this chapter shall**
4 **meet with the child:**

- 5 (1) before the preliminary protective hearing, if possible; or
6 (2) within fourteen (14) days after the preliminary protective
7 hearing.

8 (b) The attorney shall meet with the child before all substantive
9 hearings.

10 (c) A judge may modify the requirements under this section for
11 purposes of a substantive hearing if extraordinary circumstances
12 exist.

13 SECTION 8. IC 31-35-2-4, AS AMENDED BY P.L.258-2019,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]: Sec. 4. (a) A petition to terminate the parent-child
16 relationship involving a delinquent child or a child in need of services
17 may be signed and filed with the juvenile or probate court by any of the
18 following:

- 19 (1) The attorney for the department.
20 (2) The child's court appointed special advocate.
21 (3) The child's guardian ad litem.

22 **(4) The child's attorney.**

23 (b) The petition must meet the following requirements:

- 24 (1) The petition must be entitled "In the Matter of the Termination
25 of the Parent-Child Relationship of _____, a child, and
26 _____, the child's parent (or parents)".

27 (2) The petition must allege:

28 (A) that one (1) of the following is true:

29 (i) The child has been removed from the parent for at least
30 six (6) months under a dispositional decree.

31 (ii) A court has entered a finding under IC 31-34-21-5.6 that
32 reasonable efforts for family preservation or reunification
33 are not required, including a description of the court's
34 finding, the date of the finding, and the manner in which the
35 finding was made.

36 (iii) The child has been removed from the parent and has
37 been under the supervision of a local office or probation
38 department for at least fifteen (15) months of the most recent
39 twenty-two (22) months, beginning with the date the child
40 is removed from the home as a result of the child being
41 alleged to be a child in need of services or a delinquent
42 child;



- 1 (B) that one (1) of the following is true:
- 2 (i) There is a reasonable probability that the conditions that
- 3 resulted in the child's removal or the reasons for placement
- 4 outside the home of the parents will not be remedied.
- 5 (ii) There is a reasonable probability that the continuation of
- 6 the parent-child relationship poses a threat to the well-being
- 7 of the child.
- 8 (iii) The child has, on two (2) separate occasions, been
- 9 adjudicated a child in need of services;
- 10 (C) that termination is in the best interests of the child; and
- 11 (D) that there is a satisfactory plan for the care and treatment
- 12 of the child.
- 13 (3) If the department intends to file a motion to dismiss under
- 14 section 4.5 of this chapter, the petition must indicate whether at
- 15 least one (1) of the factors listed in section 4.5(d)(1) through
- 16 4.5(d)(4) of this chapter applies and specify each factor that
- 17 would apply as the basis for filing a motion to dismiss the
- 18 petition.
- 19 (c) At the time the petitioner files the verified petition described in
- 20 subsection (b) with the juvenile or probate court, the petitioner shall
- 21 also file a:
- 22 (1) copy of the order approving the permanency plan under
- 23 IC 31-34-21-7 for the child; or
- 24 (2) permanency plan for the child as described by
- 25 IC 31-34-21-7.5.
- 26 SECTION 9. IC 31-40-1-2, AS AMENDED BY P.L.48-2012,
- 27 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2022]: Sec. 2. (a) Except as otherwise provided in this section
- 29 and subject to:
- 30 (1) this chapter; and
- 31 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
- 32 law relating to the particular program, activity, or service for
- 33 which payment is made by or through the department;
- 34 the department shall pay the cost of any child services provided by or
- 35 through the department for any child or the child's parent, guardian, or
- 36 custodian.
- 37 (b) The department shall pay the cost of returning a child under
- 38 IC 31-37-23 or IC 11-13-4.5-1.5.
- 39 (c) Except as provided under section 2.5 of this chapter, the
- 40 department is not responsible for payment of any costs of secure
- 41 detention.
- 42 (d) The department is not responsible for the payment of any costs



1 or expenses for child services for a child placed in a child caring
 2 institution, a group home, or a private secure facility if the entity does
 3 not have an executed contract with the department, unless the child
 4 services to be provided by the entity are recommended or approved by
 5 the director of the department or the director's designee in writing prior
 6 to the placement.

7 (e) The department is not responsible for payment of any costs or
 8 expenses for housing or services provided to or for the benefit of a
 9 child placed by a juvenile court in a home or facility located outside
 10 Indiana, if the placement is not recommended or approved by the
 11 director of the department or the director's designee.

12 (f) If a county is responsible for the payment of:

13 (1) any costs or expenses of services for or the placement of a
 14 child in need of services; or

15 (2) the costs or expenses of services for or the placement of a
 16 delinquent child;

17 the court may order the parents to reimburse the county as set forth in
 18 section 3.8 of this chapter.

19 **(g) If the juvenile court finds that a parent or guardian can**
 20 **afford, at least in part, the fees of an attorney appointed under**
 21 **IC 31-32-4-2 or IC 31-32-4-3:**

22 **(1) the juvenile court shall order the parent or guardian to**
 23 **pay:**

24 **(A) the appointed attorney; or**

25 **(B) the county;**

26 **through the court clerk; and**

27 **(2) the amount that the juvenile court orders the parent or**
 28 **guardian to pay must not cause substantial hardship to the**
 29 **child's family.**

30 **(h) An order under subsection (g) may be enforced by a civil**
 31 **judgment. Failure to pay the order is not grounds for contempt.**

32 SECTION 10. IC 31-40-3-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. Subject to
 34 IC 31-40-1-3, juvenile court may order the parent or guardian of the
 35 estate of any child for whom a guardian ad litem, ~~or~~ court appointed
 36 special advocate, **or an attorney** is appointed to pay to the probation
 37 department a user fee of not more than one hundred dollars (\$100) for
 38 deposit by the probation department in:

39 (1) the guardian ad litem fund if a guardian ad litem has been
 40 appointed; ~~or~~

41 (2) the court appointed special advocate fund if a court appointed
 42 special advocate has been appointed; **or**



1 **(3) the juvenile court appointed attorney fund if an attorney**
2 **has been appointed.**
3 SECTION 11. IC 31-40-3-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. Money remaining in
5 the:
6 (1) guardian ad litem fund; **or**
7 (2) court appointed special advocate fund; **or**
8 (3) **juvenile court appointed attorney fund;**
9 at the end of the county's fiscal year does not revert to any other fund
10 but continues in the guardian ad litem fund, **or** court appointed special
11 advocate fund, **or juvenile court appointed attorney fund.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, strike lines 10 through 11.

Page 1, line 12, strike "(d)" and insert "(c)".

Page 1, line 17, strike "(e)" and insert "(d)".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 31-31-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY 1, 2022]:

Chapter 11. Court Appointed Attorneys for Children

Sec. 1. (a) As used in this chapter, "commission" means the commission for court appointed attorneys for children established by section 2 of this chapter.

(b) As used in this chapter, "juvenile court appointed attorney program" means a system for appointing an attorney for a child under IC 31-32-4-1.

Sec. 2. The commission for court appointed attorneys for children is established.

Sec. 3. The commission is composed of the following eleven (11) members, none of whom may be a law enforcement officer or a court employee:

(1) Three (3) members appointed by the governor, with not more than two (2) of these individuals belonging to the same political party.

(2) Three (3) members appointed by the chief justice of the supreme court, with not more than two (2) of these individuals belonging to the same political party.

(3) One (1) member appointed by the board of trustees of the Indiana criminal justice institute, who is an attorney admitted to practice law in Indiana.

(4) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be from the same political party.

(5) Two (2) members of the senate, to be appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be from the same political party.



Sec. 4. (a) The members of the commission shall designate one (1) member of the department as chairperson.

(b) The term of office of each member of the commission is four (4) years. A vacancy occurring among the members of the commission before the expiration of a term must be filled in the same manner as the original appointment. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term.

(c) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) A member of the commission who is not a state employee is entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The commission shall meet at least quarterly and at times called by the chairperson or at the request of three (3) commission members.

Sec. 5. The commission shall do the following:

(1) Make recommendations to the supreme court concerning standards for juvenile court appointed attorney programs, including the following:

(A) Determining eligibility for legal representation.

(B) Selection and qualifications of attorneys to represent children under IC 31-32-4 at public expense.

(C) Determining conflicts of interest.

(D) Investigative, clerical, and other support services necessary to provide adequate legal representation.

(2) Adopt guidelines and standards for juvenile court appointed attorney programs under which the counties will be eligible for reimbursement under this chapter, including the following:

(A) The issuance and enforcement of orders requiring the parent or guardian to pay for the cost for services.



(B) Qualifications for an attorney to represent a child under IC 31-32-4 at the public expense.

(C) Compensation rates for salaried, contractual, and assigned attorneys.

(D) Minimum and maximum caseloads of attorneys.

(3) Make an annual report to the governor, the general assembly, and the supreme court regarding the operation of the juvenile court appointed attorney fund.

The report to the general assembly under subdivision (3) must be in an electronic format under IC 5-14-6.

Sec. 6. The commission shall hire staff and may enter into contracts for any additional staff support that the commission determines is necessary to implement this section.

Sec. 7. (a) The juvenile court appointed attorney fund is established.

(b) The commission shall administer the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(e) A county may submit on a quarterly basis a certified request to the commission for reimbursement from the juvenile court appointed attorney fund for an amount equal to fifty percent (50%) of the county's expenditures for attorney services provided to a child under IC 31-32-4-1."

Page 2, line 10, delete "must be".

Page 2, line 11, delete "an attorney;" and insert "**may not be the child's attorney;**".

Page 2, line 15, delete "The" and insert "**(a) Subject to subsection (b),** the".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(b) In a proceeding described in subsection (a) that involves siblings, the juvenile court shall appoint only one (1) attorney to represent the siblings."

Page 2, line 34, reset in roman "and".

Page 2, line 36, delete "and".

Page 2, delete line 37.

Page 3, delete lines 23 through 32.

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 7. IC 31-35-2-4, AS AMENDED BY P.L.258-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:

- (1) The attorney for the department.
- (2) The child's court appointed special advocate.
- (3) The child's guardian ad litem.
- (4) The child's attorney.**

(b) The petition must meet the following requirements:

(1) The petition must be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)".

(2) The petition must allege:

(A) that one (1) of the following is true:

(i) The child has been removed from the parent for at least six (6) months under a dispositional decree.

(ii) A court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made.

(iii) The child has been removed from the parent and has been under the supervision of a local office or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;

(B) that one (1) of the following is true:

(i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.

(ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.

(iii) The child has, on two (2) separate occasions, been adjudicated a child in need of services;

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

(3) If the department intends to file a motion to dismiss under section 4.5 of this chapter, the petition must indicate whether at



least one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(4) of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.

(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a:

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or
- (2) permanency plan for the child as described by IC 31-34-21-7.5."

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 9. IC 31-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. Subject to IC 31-40-1-3, juvenile court may order the parent or guardian of the estate of any child for whom a guardian ad litem, ~~or~~ court appointed special advocate, **or an attorney** is appointed to pay to the probation department a user fee of not more than one hundred dollars (\$100) for deposit by the probation department in:

- (1) the guardian ad litem fund if a guardian ad litem has been appointed; ~~or~~
- (2) the court appointed special advocate fund if a court appointed special advocate has been appointed; **or**
- (3) the juvenile court appointed attorney fund if an attorney has been appointed.**

SECTION 11. IC 31-40-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. Money remaining in the:

- (1) guardian ad litem fund; ~~or~~
- (2) court appointed special advocate fund; **or**
- (3) juvenile court appointed attorney fund;**

at the end of the county's fiscal year does not revert to any other fund but continues in the guardian ad litem fund, ~~or~~ court appointed special advocate fund, **or juvenile court appointed attorney fund."**

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 180 as introduced.)

ROGERS, Chairperson

Committee Vote: Yeas 9, Nays 0.

