

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 301

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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:*

SECTION 1. IC 2-5-1.3-4, AS AMENDED BY P.L.231-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary.
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.

SEA 301 — Concur



**(18) Child Services.**

SECTION 2. IC 2-5-1.3-5, AS ADDED BY P.L. 53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **Except as provided in section 5.1 of this chapter**, a study committee has the following members:

- (1) Four (4) members of the senate, appointed by the president pro tempore, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.
- (2) Three (3) members, appointed by the minority leader of the senate, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.
- (3) Four (4) members, appointed by the speaker, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.
- (4) Three (3) members, appointed by the minority leader of the house of representatives, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.
- (5) The members (if any) appointed under section 6 of this chapter.

SECTION 3. IC 2-5-1.3-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) The interim study committee on child services consists of sixteen (16) members appointed as follows:**

- (1) Three (3) members of the senate appointed by the president pro tempore of the senate.**
- (2) Two (2) members of the senate appointed by the minority leader of the senate.**
- (3) Three (3) members of the house of representatives appointed by the speaker of the house of representatives.**
- (4) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.**
- (5) Two (2) individuals who are not members of the general**



assembly, appointed by the president pro tempore of the senate.

**(6) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives.**

**(7) A juvenile court judge appointed by the chief justice.**

**(8) One (1) individual appointed by the governor.**

**The members of the general assembly appointed under this subsection must be members of either the senate committee on family and children services or the house committee on family, children, and human affairs. The individuals appointed under subdivisions (5) and (6) must be experts in the area of family and child services.**

**(b) If a legislative member of the interim study committee on child services ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.**

SECTION 4. IC 2-5-1.3-13, AS AMENDED BY P.L.138-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

(1) identify particular needs of the criminal justice system that can be addressed by legislation; and

(2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations



concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.
- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.
- (6) A description of the:
  - (A) county's population growth in the ten (10) years before the date of the request; and
  - (B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available; and any documentation to support the information provided under this subdivision.
- (7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.
- (8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

- (1) Identify each county in which the number of courts or judicial



officers exceeds the number used by the county in that report year.

(2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.

(3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

**(f) In addition to studying the issues assigned under subsection (a), the interim study committee on child services shall:**

**(1) review the annual reports submitted by:**

**(A) each local child fatality review team under IC 16-49-3-7;**

**(B) the statewide child fatality review committee under IC 16-49-4-11; and**

**(C) the department of child services under IC 31-25-2-24; during the immediately preceding twelve (12) month period, and may make recommendations regarding changes in policies or statutes to improve child safety; and**

**(2) report to the legislative council before November 1 of each interim, in an electronic format under IC 5-14-6, the results of:**

**(A) the committee's review under subdivision (1); and**

**(B) the committee's study of any issue assigned to the committee under subsection (a).**

SECTION 5. IC 16-49-2-2, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The child fatality committee shall meet for the first meeting of the child fatality committee at the call of:

**(1) the prosecuting attorney of the county, or the prosecuting attorney's representative;**

**(2) the county coroner or deputy coroner, if the first meeting of the child fatality committee is not called by the member described in subdivision (1);**

**(3) the member of the child fatality committee representing a department or corporation under section 1(3) of this chapter, if the first meeting of the child fatality committee is not called**



by a member described in subdivision (1) or (2); or  
**(4) the member of the child fatality committee representing the department of child services under section 1(4) of this chapter, if the first meeting of the child fatality committee is not called by a member described in subdivisions (1) through (3).**

(b) The child fatality committee members shall select a chairperson at the first meeting.

(c) The child fatality committee shall meet at the call of the chairperson for all meetings after the first meeting.

SECTION 6. IC 16-49-3-7, AS AMENDED BY P.L.29-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Before July 1 each year, a local child fatality review team shall prepare and submit to the state child fatality review coordinator a report that must include the following information:

(1) A summary of the data collected regarding the reviews conducted by the local child fatality review team in the previous calendar year.

(2) Actions recommended by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.

(3) Solutions proposed for system inadequacies.

**(b) Not later than July 31 of each year, the state child fatality review coordinator shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the annual report submitted for that year by a local child fatality review team under subsection (a). Reports provided under this subsection must be in an electronic format under IC 5-14-6.**

~~(b)~~ (c) A report released under this section may not contain identifying information relating to the fatalities reviewed by the local child fatality review team.

~~(c)~~ (d) Except as otherwise provided in this article, review data concerning a child fatality is confidential and may not be released.

~~(d)~~ (e) A local child fatality review team may prepare and release a joint report for the report required by subsection (a) with another child fatality review team if the local child fatality review team reviewed fewer than two (2) child fatalities in the previous calendar year.

SECTION 7. IC 31-25-2-24, AS AMENDED BY P.L.98-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Before December 31 of each year, the



department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:

- (1) A summary of the information gathered concerning child fatalities resulting from abuse or neglect.
- (2) Demographic information regarding victims, perpetrators, and households involved in child fatalities resulting from abuse or neglect.
- (3) An analysis of the primary risk factors involved in child fatalities resulting from abuse or neglect.
- (4) A summary of the most frequent causes of child fatalities resulting from abuse or neglect.
- (5) A description of the manner in which the information was assembled.

The department shall post the report prepared under this section on the department's Internet web site.

(b) As part of the summary of information described in subsection (a)(1), the report must include whether ~~the death occurred in either any~~ of the following ~~settings~~: **apply:**

- (1) **The child's death occurred** while the child was placed in foster care.
- (2) **The child's death occurred** after the child, who was once placed in foster care, was returned to a natural parent.
- (3) **The child was a ward of the department at the time of the event that led to the child's death.**

(c) **Not later than January 31 of each year, the department shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the most recent annual report prepared by the department under this section. The report provided to the executive director of the legislative services agency under this subsection must be in an electronic format under IC 5-14-6.**

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of amending the Indiana Code to provide for a structured, limited, confidential process by which members of the general assembly may, in the regular course of legislative duties, individually request and view reports and other materials described in IC 31-33-18-1, while**



**protecting personally identifying information and confidentiality.**

**(b) This SECTION expires January 1, 2022.**

**SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of the child fatality review process.**

**(b) If the legislative council assigns the topic under subsection (a) to a study committee, the department of child services and the state department of health shall make recommendations to the study committee with regard to improving reporting and data collection.**

**(c) This SECTION expires January 1, 2022.**

**SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 16-49-2-2(a), before its amendment by this act, a child fatality committee established under IC 16-49-2-1 that has not met for the first meeting of the child fatality committee under IC 16-49-2-2(a), before its amendment by this act, shall meet for the first meeting of the child fatality committee not later than December 31, 2021.**

**(b) This SECTION expires July 1, 2022.**

**SECTION 11. An emergency is declared for this act.**





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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 301 — Concur**

