

**Legislative Update for CISC 5-10-17**  
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- HB1001 STATE BIENNIAL BUDGET (BROWN T)** Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes.  
*Current Status:* 4/27/2017 - Signed by the Governor
- HB1006 MENTAL HEALTH MATTERS (KIRCHHOFER C)** Requires the secretary of family and social services to provide that residences for residential care and supported housing for chronic addiction that receive reimbursement when used as a recovery residence to be certified and meet standards determined by the division of mental health addiction through administrative rules. Adds, subject to the approval of the Indiana commission to combat drug abuse (commission), an individual who is: (1) less than 18 years of age; and (2) a defendant whose case is either waived from juvenile court to adult court or directly filed in adult court; to the individuals who may be eligible for mental health and addiction forensic treatment services. Provides that a child welfare program may be established for the purpose of providing child welfare substance abuse treatment services for families and children who have an open child welfare or delinquency case with the juvenile court. Requires that information and training concerning child welfare substance abuse treatment services be provided to certain judges, department of child services employees, and public defenders. Includes neonatal abstinence syndrome as a factor for a child to be determined a child in need of services. Urges the legislative council to assign to the interim study committee on corrections and criminal code the topic of extending mental health and addiction forensic treatment services to individuals in the criminal justice system: (1) who: (A) are charged with a misdemeanor offense; or (B) have a prior misdemeanor conviction; and (2) who have been placed in or are eligible for placement in a pretrial services program, a community corrections program, a prosecuting attorney's diversion program, or jail. (The introduced version of this bill was prepared by the interim study committee on public health, behavioral health, and human services).  
*Current Status:* 4/28/2017 - Signed by the Governor
- HB1048 ADOPTION CRIMINAL HISTORY CHECK (AYLESWORTH M)** Removes a requirement that a criminal history check in an adoption or guardianship proceeding must include a request for information from a national registry of substantiated child abuse and neglect reports.  
*Current Status:* 4/12/2017 - Signed by the Governor
- HB1079 SCHOOL EMPLOYMENT AND TEACHER LICENSURE (THOMPSON J)** Amends the time by which a school corporation, charter school, or nonpublic school must conduct expanded criminal history checks for applicants for employment. Requires a school corporation, charter school, or nonpublic school to conduct an expanded child protection index check concerning each applicant for employment before or not later than 60 days after the applicant's employment. Provides that a school corporation, charter school, or nonpublic school shall require an expanded criminal history check on each employee every five years. Provides that a school corporation, charter school, or nonpublic school may implement the requirement for updated background checks for current employees over a five year period. Provides that an applicant is responsible for all costs associated with obtaining the expanded criminal history check and expanded child protection index check unless the school corporation, charter school, or nonpublic school agrees to pay the costs. Provides that an employee of a school corporation, charter school, or nonpublic school may not be required to pay the costs of an expanded child protection index check. Makes an exception to the provision that an applicant or employee may not be required to obtain an expanded criminal history check more than one time during a five year period. Requires each school

corporation, charter school, and nonpublic school with one or more employees to adopt a policy requiring the school employer of the school corporation or charter school to contact references and, if applicable, the most recent employer provided by a prospective employee, before the school corporation or charter school may hire the prospective employee. Prohibits a school from hiring persons who have been convicted of certain crimes. Adds human trafficking to the list of offenses requiring license revocation. Permits the department of education (department) to reinstate the license of a person convicted of certain crimes if the conviction is reversed, vacated, or set aside on appeal. Requires the division of state court administration to weekly transmit a list of persons convicted of specified crimes to the department, and requires the department to: (1) compare this list with the department's list of licensed employees; and (2) revoke the license of a licensed employee who has been convicted of a specified offense. Provides that a presentence investigation includes gathering information with respect to whether the convicted defendant holds a teaching license or is a teacher. Provides that a superintendent (in addition to a principal under current law) may initiate the cancellation of a teacher's contract by providing notice to the teacher of the superintendent's preliminary decision.

**Current Status:** 4/26/2017 - Signed by the Governor

**HB1080 COMMISSION ON IMPROVING THE STATUS OF CHILDREN (FRIZZELL D)** Provides that the commission on improving the status of children (commission) may appoint an executive director. Provides that an executive director shall perform duties as assigned by the commission. Provides that the office of judicial administration shall pay the salary of the executive director. Removes obsolete provisions related to commission duties.

**Current Status:** 3/29/2017 - Signed by the Governor

**HB1218 JUVENILE JUSTICE (MCNAMARA W)** Adds additional members to a community corrections advisory board. Allows an application for a state grant for a community corrections program for juveniles to be made to the department of correction division of youth services. Provides that a child who was: (1) the victim of human trafficking; and (2) adjudicated a delinquent child for an act performed while a victim of human trafficking and the delinquent act was a result of human trafficking; is entitled to have the adjudication expunged. Specifies that expunged electronic records must be stored in a secure data base. Permits the department of correction to award funding to a court appointed forensic advocate program. Provides that a person who was: (1) the victim of human trafficking; and (2) convicted of a nonviolent offense committed while the person was being trafficked; is entitled to have the person's conviction vacated if certain conditions are met. Provides that prostitution is a criminal offense only if committed by a person who is at least 18 years of age. Defines "juvenile prostitution". Provides that a person less than 18 years of age who is engaged in juvenile prostitution is considered a victim of juvenile prostitution and human or sexual trafficking. Adds juvenile prostitution to offenses involving prostitution in human trafficking crimes and the crimes of visiting a common nuisance and promoting prostitution. Makes technical corrections.

**Current Status:** 4/20/2017 - Signed by the Governor

**HB1245 NOTICE OF ADOPTION TO GRANDPARENTS (KARICKHOFF M)** Provides that a grandparent of a child sought to be adopted is entitled to notice of pending adoption proceedings if: (1) the grandparent has an existing right to petition for visitation; and (2) the grandparent's right to visitation will not be terminated after the adoption.

**Current Status:** 3/29/2017 - Signed by the Governor

**HB1342 CHILD IN NEED OF SERVICES (CHERRY R)** Removes a rebuttable presumption that a child is a child in need of services if a child is born with: (1) fetal alcohol syndrome; (2)

neonatal abstinence syndrome; or (3) any amount of a controlled substance or legend drug in the child's body; and there is evidence that a child's mother used a controlled substance or legend drug during pregnancy.

**Current Status:** 4/28/2017 - Signed by the Governor

**HB1391 SOCIAL WORKER LICENSES (FRIZZELL D)** Creates a bachelor's degree social worker license. Provides an exception from the social work and clinical social work license requirements for providers who are contracted by the department of child services and meet certain requirements. Provides that individuals who pursue a social work license with a bachelor's degree may apply under existing requirements and use clinical social work experience hours until July 1, 2019. Allows individuals who: (1) have at least two years of experience; (2) meet certain requirements; and (3) apply before July 1, 2018; to be granted a bachelor's degree social worker license without taking an examination. Provides that any supervised clinical social work experience hours that an applicant for licensure as a clinical social worker accumulates do not expire and may be used by the applicant to satisfy the supervised clinical social work experience requirements. Requires the behavioral health and human services licensing board to issue a license to a bachelor's degree social worker, social worker, or clinical social worker who: (1) has a valid license or certificate to practice from another state or jurisdiction; (2) has passed an examination substantially equivalent to the license examination; (3) does not have a pending disciplinary proceeding in another state; and (4) pays a fee.

**Current Status:** 4/26/2017 - Signed by the Governor

**HB1430 SUICIDE AWARENESS AND PREVENTION (OLTHOFF J)** Provides that, after June 30, 2018, each school corporation, charter school, and accredited nonpublic school: (1) shall require all teachers; and (2) may require any other appropriate school employees; who are employed at schools that provide instruction to students in any combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate in evidence based inservice youth suicide awareness and prevention training every three school years. Requires the division of mental health and addiction to: (1) develop a statewide program for suicide prevention; and (2) employ a coordinator of the statewide program for suicide prevention. Requires the coordinator to study and determine: (1) the professions that should be required to receive training on suicide assessment, treatment, and management; and (2) the manner in which to fund the training. Requires the coordinator to report the determinations to the legislative council not later than December 31, 2017. Requires emergency medical services providers to complete an evidence based training program concerning suicide assessment, treatment, and management. Requires each school corporation to adopt a policy addressing measures intended to increase child suicide awareness and prevention. Establishes requirements regarding the policy. Requires an approved postsecondary educational institution to adopt a policy concerning suicide information and resources.

**Current Status:** 4/28/2017 - Signed by the Governor

**HB1516 DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE (OLTHOFF J)** Removes the limit on the authority of a local domestic violence review team (local review team) to the review of fatalities when the person who commits domestic violence resulting in death is charged with a criminal offense that results in a final judgment or is deceased. Specifies that local review teams may review near fatalities. Establishes the statewide domestic violence fatality review committee (committee). Imposes various duties upon the committee, including to: (1) assist local review teams; (2) assist in or conduct a review of a death or near fatality in possible domestic violence cases; (3) gather information; (4) submit reports; and (5) make recommendations concerning the prevention of domestic violence deaths. Provides that various records must be made available to the committee,

subject to confidentiality requirements. Provides certain immunities concerning information provided to and discussions involving the committee. Provides that the Indiana criminal justice institute will administer the committees. Makes conforming changes to the local review team law.

**Current Status:** 4/28/2017 - Signed by the Governor

**SB49**      **PLAN FOR THE PERMANENT PLACEMENT OF A CHILD** (GLICK S) Requires that a permanency plan is filed simultaneously with a petition for termination of a parent-child relationship.

**Current Status:** 4/13/2017 - Signed by the Governor

**SB59**      **PROFESSIONAL LICENSING** (HEAD R) Requires the behavioral health and human services licensing board to issue a license to a social worker, clinical social worker, marriage and family therapist, mental health counselor, licensed addiction counselor, licensed clinical addiction counselor, addiction counselor associate, or clinical addiction counselor associate who: (1) has a valid license or certificate to practice from another state or jurisdiction; (2) has passed an examination substantially equivalent to the level for which licensure is being requested; (3) does not have a pending disciplinary proceeding in another state; and (4) pays a fee. Establishes requirements to obtain a license as an addiction counselor associate or clinical addiction counselor associate. Allows for an out-of-state individual seeking reciprocity for licensing in Indiana for psychology to receive a temporary license.

**Current Status:** 4/28/2017 - Signed by the Governor

**SB246**      **CHILD NEGLECT DEFENSE** (HOLDMAN T) Specifies under the safe haven law that it is a defense to a claim of neglect of a dependent if the individual left the child: (1) with a person who is an emergency medical services provider; or (2) in a newborn safety device that meets the specified requirements. Allows a newborn safety device that was installed on January 1, 2017, to continue to operate. Provides civil immunity for a hospital that operates a newborn safety device if the device meets specified requirements, unless the act or omission constitutes gross negligence or willful or wanton misconduct. Provides that neglect of a dependent with a mental or physical disability is a Level 1 felony in certain instances.

**Current Status:** 5/2/2017 - Signed by the Governor

**SB332**      **ADOPTION MATTERS** (ZAKAS J) Amends provisions regarding adoption notices. Provides that a consent to an adoption is not required from the biological father of a child born out of wedlock who was conceived as a result of a crime in any jurisdiction in which the elements of the crime are substantially similar to certain crimes under Indiana law. Amends provisions regarding: (1) when a putative father is not entitled to establish paternity; and (2) postadoption contact privileges. Prohibits any person from challenging an adoption decree after the expiration period. Makes the following changes to the crime of profiting from an adoption: (1) Provides that the crime does not apply if the birth mother is not a resident of Indiana and the adoption takes place outside of Indiana. (2) Increases, from \$3,000 to \$4,000, the allowable payments for certain costs and expenses. Prohibits the state department of health from processing a birth certificate with respect to a record for adoption unless certain fees have been paid and the report summarizing the available medical, psychological, and educational records concerning the birth parents has been submitted to the state department of health. Increases the penalty for adoption deception from a Class A misdemeanor to a Level 6 felony. Increases the penalty for unauthorized adoption advertising from a Class A misdemeanor to a Level 6 felony.

Exempts the Indiana department of child services and federal agencies from the criminal statute pertaining to unauthorized adoption advertising.

**Current Status:** 4/21/2017 - Signed by the Governor

**SB355 CHILD ABUSE EDUCATION AND POLICIES** (MESSMER M) Requires, not later than July 1, 2018, the department of education (department) to make available model educational materials and model response policies and reporting procedures concerning child abuse and child sexual abuse to assist schools with the implementation of: (1) child abuse and child sexual abuse education programs in kindergarten through grade 12; and (2) child abuse and child sexual abuse response and reporting policies. (Current law requires the department to make available the model educational materials and model response policies and reporting procedures concerning child abuse and child sexual abuse to assist schools with the implementation of: (1) child abuse and child sexual abuse education programs in grades 2 through 5; and (2) child abuse and child sexual abuse response and reporting policies.) Requires that the: (1) materials and guidelines provided to assist a safe school committee in developing a plan and policy for a school include the model educational materials and the model response policies and reporting procedures; and (2) plan and policy developed by the safe school committee; must address the issues of child abuse and child sexual abuse. Requires the child abuse and child sexual abuse response and reporting policies to include information on the duty to report suspected child abuse or neglect. Beginning in 2018, requires, not later than December 15 of each year, a public school, including a charter school and an accredited nonpublic school, to provide age appropriate and research and evidence based instruction on child abuse and child sexual abuse to students in kindergarten through grade 12. Provides that a school corporation, charter school, or nonpublic school that employs one or more employees may not establish a policy that restricts or delays the duty of an employee or individual to report suspected child abuse or neglect. Provides that the legislative council is urged to assign to the education interim study committee during the 2017 legislative interim the topic of teacher training requirements regarding student behavior and health issues.

**Current Status:** 4/21/2017 - Signed by the Governor

**SB366 DRIVER'S LICENSES FOR FOSTER CHILDREN** (ZAY A) Allows an individual who is at least 16 years of age but less than 18 years of age and is under the care and supervision of the department of child services (department) to: (1) obtain an identification card, learner's permit, or operator's license without paying a fee; (2) contract for a policy of motor vehicle insurance; and (3) complete driving practice with individuals approved by the department.

**Current Status:** 4/21/2017 - Signed by the Governor

**SB404 ABORTION, CHILD ABUSE, AND HUMAN TRAFFICKING** (HOUCHIN E) Defines "parent or legal guardian or custodian". Prohibits the state or an agency of the state from consenting to the abortion of a pregnant minor unless the life or health of the pregnant minor is endangered. Specifies that before performing an abortion on an unemancipated pregnant minor, a physician must first obtain from a parent, legal guardian, or custodian accompanying the unemancipated pregnant minor seeking an abortion: (1) written consent; (2) proof of identification; and (3) evidence of the relationship between the parent, legal guardian, or custodian and the unemancipated minor. Adds a parental notification requirement subject to judicial waiver for an abortion performed on an unemancipated pregnant minor. Specifies who may bring an action against a person who aids or assists a pregnant minor in obtaining an unlawful abortion, and who may be named as a defendant. Prohibits a person from aiding or assisting an unemancipated pregnant minor in obtaining an abortion under certain circumstances, and authorizes the award of

civil damages for a violation. Requires a physician who receives written consent for an unemancipated pregnant minor to have an abortion to execute an affidavit for inclusion in the unemancipated pregnant minor's medical record. Makes it a Level 6 felony for a person to falsely claim to be the parent or legal guardian or custodian of a pregnant minor with intent to circumvent parental notification requirements. Authorizes certain persons to seek an injunction for certain acts that would aid or assist an unemancipated pregnant woman in obtaining an abortion without parental consent. Specifies reporting requirements and the consequences of failing to comply with reporting requirements. Permits suspension of a physician's license under certain circumstances. Provides that a health care practitioner is subject to disciplinary sanctions for failure to report suspected: (1) child abuse in accordance with the mandatory reporting requirements; or (2) human trafficking, if there is evidence that a patient is the victim of human trafficking and a practitioner with a similar background would believe that the patient is a victim of human trafficking. Permits the medical licensing board to revoke a physician's license if the physician: (1) fails to transmit a form regarding an abortion performed on a female who is less than 16 years of age; and (2) performs an abortion with the intent to avoid the requirements of state law. Instructs the state department of health (state department) to adopt additional rules relating to abortion clinics. Requires a pregnancy termination report with respect to an abortion performed on a patient who is at least 16 years of age to be transmitted to the state department within 30 days after the date of the abortion rather than on the semiannual basis required under current law.

*Current Status:* 4/25/2017 - Signed by the Governor

**SB447**

**CHILD SERVICES** (MERRITT J) Requires child abuse and neglect training for school employees. Allows the department of child services (department) to share costs incurred in maintaining the new hire directory in accordance with federal law with the department of workforce development. Adds a definition of "concurrent planning". Adds a definition of "nonwaivable offense" and makes conforming changes. Allows the department to pay the criminal background check fee in certain adoption cases. Prohibits the department from charging a fee for state tax offsets. Amends provisions concerning restricted driving licenses. Provides that the department may not grant a variance or waiver of a rule to an applicant for a: (1) child care institution; (2) foster family home; (3) group home; or (4) child placing agency; license if the applicant has been convicted of certain felonies. Requires that a criminal history check be conducted on all members of the household of an applicant for a foster family home license. (Current law requires a criminal history check of household members 14 years of age or older.) Amends provisions governing sharing of jurisdiction between: (1) a court that has jurisdiction over a child in a marriage dissolution or paternity action; and (2) another court hearing a delinquency or child in need of services proceeding regarding the child. Permits a juvenile court to authorize drug and alcohol testing of a child under certain circumstances. Requires an individual who is required to make a report of abuse or neglect in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2 to first notify the individual in charge of the hospital or the designated agent of the individual in charge of the hospital. Prohibits a public or nonpublic school, school corporation, facility, or agency from establishing a policy restricting an employee's duty to report suspected child abuse or neglect. Adds a written report as a means to report suspected child abuse or neglect. Amends a requirement that the department must notify the United States Department of Defense Family Advocacy Program (Program) regarding a substantiated investigation of abuse or neglect of a child of an active duty military member, to provide that the department must notify the Program upon request. Provides that a child: (1) who lives in the same household as another child who is a child in need of services because the other child is a victim of specified offenses; and (2) regarding whom a caseworker makes specified determinations; is a child in need of services. Provides that a child who: (1) is born with: (A) neonatal abstinence syndrome;

or (B) a controlled substance, legend drug, or metabolite of a controlled substance or legend drug in the child's body, including in the child's blood, urine, umbilical cord tissue, or meconium; and (2) needs care, treatment, or rehabilitation the child is not receiving or unlikely to receive without court intervention; is a child in need of services, and establishes a rebuttable presumption that the conditions regarding the child's care, treatment, or rehabilitation are met if evidence exists that the child's mother used a controlled substance or a legend drug during pregnancy. Provides that a child in need of services may be placed in a residence at which a person who has been convicted of battery (rather than battery only as a felony, as provided in current law) resides, if the person's commission of the offense is not relevant to the person's ability to care for the child and the placement is in the best interests of the child. Makes optional (rather than required, as under current law) certain recommendations in a petition seeking participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation of a child. Permits out-of-home placement of a child in a facility located outside Indiana only if there is not an equivalent facility (rather than a comparable facility, under current law) located in Indiana. Provides that a court may order a parent, guardian, or custodian of a child to participate in a mental health or addiction treatment program if the parent, guardian, or custodian will be participating in a program of care, treatment, or rehabilitation of the child. Prohibits filing by a child placing agency of a petition for voluntary termination of parental rights unless the petition is in furtherance of an adoption or other permanency plan. Requires a law enforcement agency to forward a missing child report to the department. Requires the department to complete a written report within 24 hours of receiving a report of a missing child. Requires the department to provide information concerning certain missing children to the National Center for Missing and Exploited Children. Provides that the consent of an agency or local office: (1) with lawful custody of a child whose adoption is being sought; and (2) who is served with a notice of adoption concerning the child; is not subject to being irrevocably implied. Provides immunity for a person who leaves an infant with a person who is an emergency medical services provider.

**Current Status:** 4/26/2017 - Signed by the Governor

**SB497**

**MEDICAID ELIGIBILITY OF FORMER FOSTER CHILDREN (GROOMS R)** Sets forth Medicaid eligibility for individuals who: (1) are at least 18 years of age or emancipated; and (2) are less than 26 years of age. Requires the department of child services (department), in cooperation with the office of Medicaid policy and planning (office), to enroll individuals, who received foster care in Indiana and are turning 18 years of age, in the Medicaid program as part of the individuals' transitional services plan. Prohibits the office from requiring the individual to submit eligibility information after enrolling in the Medicaid program during the individual's Medicaid eligibility as a former foster child. Requires the department to provide information concerning the individual's Medicaid enrollment to the individual.

**Current Status:** 4/21/2017 - Signed by the Governor