

2016 Legislative Update for Commission on Improving the Status of Children – 5.18.2016

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Senate Enrolled Act (SEA) 305 – Department of Child Services (DCS agency bill)

- Defines “victim of human trafficking” and creates a new Child in Need of Services (CHINS) category for child victims of human trafficking and children who live in the same household as an adult who has been convicted of or charged with human trafficking. Also provides that reasonable efforts to reunify a child with a parent are not required if the parent has been convicted of human trafficking.
- Expands the list of criminal offenses under the CHINS statute dealing with sexual offenses against children (known as a “CHINS 3”) to include sexual battery against a child, vicarious sexual gratification offenses, and child solicitation, among others.
- Removes a statute that previously prevented juvenile courts from entering into an informal adjustment (IA) in a delinquency action for children who have been removed from the home under a CHINS case.
- Adds a definition of “foster care” to Title 20 (education) to ensure foster youth have access to certain educational services required under federal law, such as tutoring and transportation. Also changes the deadline when DCS staff must notify a school corporation that a child will be attending a certain school for the upcoming school year to September 1 (previously June 30).

House Enrolled Act (HEA) 1005 – Various Education Matters

- Addresses various education issues including Choice Scholarships, dual credit teacher grants and supplemental pay for teachers, career pathways program, background checks for school employees, and employer/employee confidentiality agreements.
- Requires schools to conduct a Child Protection Index (CPI) check on prospective hires as part of the pre-employment background check to determine whether the applicant has substantiated history of child abuse/neglect.
- Requires teachers to self-report any substantiations in their private lives to their school employer.
- Requires schools to disclose any substantiated reports against an employee to another school asking for a hiring reference, regardless of any standing confidentiality agreement.
- Provides that a confidentiality agreement entered into by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated allegation of abuse or neglect.

HEA 1064 – Terminating the Parent-Child Relationship

- Allows a parent who is the victim of an act of rape from which a child was conceived to file a petition to terminate the parent-child relationship between the child and the alleged perpetrator of the act of rape.
- In these cases, the court is required to terminate parental rights if the court finds: (1) by clear and convincing evidence that the alleged perpetrator committed an act of rape against the parent who filed the petition to terminate the parent-child relationship and that the child was conceived as a result of the act of rape; and (2) that terminating the parent-child relationship would be in the best interests of the child.
- Requires a court to notify DCS when a petition is filed by a parent and to stay the termination proceedings if the child is the subject of a pending CHINS petition.

HEA 1069 – No Contact Orders and Battery

- Allows DCS, a Guardian Ad Litem, or Court Appointed Special Advocate to file a no contact order with the juvenile court on behalf of a foster family.

- Increases criminal penalties for certain battery offenses, including if the offense is committed against a member of a foster family home by a person who is not a resident of the home and is a relative of a person who lived in the foster family home at the time of the offense.

HEA 1271 – Child Abuse Matters

- Requires DCS to notify the U.S. Department of Defense Family Advocacy Program if a child of an active duty military member is the subject of a substantiated investigation of abuse or neglect.
- Requires DCS to make the assessment report available to the Family Advocacy Program upon request.
- Allows DCS to seek assistance from the Family Advocacy Program in providing services to military families.

HEA 1369 – Juvenile Justice

- Requires the Commission on Improving the Status of Children to study and evaluate innovative juvenile justice programs (including juvenile community corrections) and consult with the Justice Reinvestment Advisory Council concerning distribution of funds for juvenile justice programs and juvenile community corrections.

SEA 26 – Children in Need of Services

- Cleans up the CHINS 3 statute (dealing with sexual offenses against a child) to better allow the court and DCS the ability to find a non-victim child to be a CHINS when the child lives in the same household as an adult who has been convicted of or charged with certain sexual offenses.

SEA 131 – Department of Child Services Reporting

- Changes the definition of "near fatality" for purposes of DCS records related to fatalities and near fatalities that may have been the result of child abuse or neglect.
- Defines "near fatality" as a severe childhood injury or condition that is certified by a physician as being life threatening (critical or severe).
- Requests an interim study committee to examine confidentiality and disclosure of medical records in instances of child abuse or neglect.

SEA 339 – Daily Fantasy Sports

- States that paid fantasy sports games (such as Fan Duel and Draft Kings) are not considered gaming in Indiana.
- Provides regulations for the operation of paid fantasy sports games, including collection of delinquent child support from winnings.
- Requests an interim study committee to look at the regulation of paid fantasy sports, including taxation and interception of past due taxes and child support owed by paid fantasy sports game players.

SEA 357 – Registry of Convicted Child Abusers

- Requires the Division of State Court Administration to create an online child abuse registry containing information about individuals who have been convicted of a "crime of child abuse" in Indiana. Crimes included in the registry are neglect of a dependent, child selling, sex offenses committed against a child, and battery offenses committed against a child.