



February 1, 2013

SENATE BILL No. 125

DIGEST OF SB 125 (Updated January 30, 2013 11:38 am - DI 106)

Citations Affected: IC 2-5; noncode.

Synopsis: Commission on improving the status of children. Establishes the commission on improving the status of children in Indiana to: (1) study issues concerning vulnerable youth; (2) establish the department of child services oversight subcommittee; (3) review legislation; (4) cooperate with other entities; and (5) take other actions relating to children. Repeals the law establishing the department of child services interim study committee. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Effective: July 1, 2013.

**Holdman, Broden, Lanane, Zakas,
Steele, Head, Glick, Eckerty,
Randolph, Hume**

January 7, 2013, read first time and referred to Committee on Judiciary.
January 31, 2013, amended, reported favorably — Do Pass.

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SB 125—LS 6348/DI 97+



February 1, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

SENATE BILL No. 125

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-36 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]:

4 **Chapter 36. Commission on Improving the Status of Children**
5 **in Indiana**

6 **Sec. 1. The following definitions apply throughout this chapter:**

7 (1) "Commission" refers to the commission on improving the
8 status of children in Indiana established by section 3 of this
9 chapter.

10 (2) "Subcommittee" refers to the department of child services
11 oversight subcommittee established under section 9(2) of this
12 chapter.

13 (3) "Vulnerable youth" means a child served by:

14 (A) the department of child services;

15 (B) the office of the secretary of family and social services;

16 (C) the department of correction; or

17 (D) a juvenile probation department.

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1 **Sec. 2. As used in this chapter, "state agency" has the meaning**
2 **set forth in IC 4-6-3-1.**

3 **Sec. 3. The commission on improving the status of children in**
4 **Indiana is established.**

5 **Sec. 4. The commission consists of seventeen (17) members as**
6 **follows:**

7 **(1) One (1) legislative member appointed by the speaker of the**
8 **house of representatives.**

9 **(2) One (1) legislative member appointed by the minority**
10 **leader of the house of representatives.**

11 **(3) One (1) legislative member appointed by the president pro**
12 **tempore of the senate.**

13 **(4) One (1) legislative member appointed by the minority**
14 **leader of the senate.**

15 **(5) The superintendent of public instruction or the**
16 **superintendent's designee.**

17 **(6) The commissioner of the department of child services or**
18 **the commissioner's designee.**

19 **(7) One (1) judge or justice with experience in juvenile law**
20 **appointed by the chief justice of Indiana to serve on the**
21 **commission for a period of four (4) years.**

22 **(8) The executive director of the prosecuting attorneys council**
23 **of Indiana or the executive director's designee.**

24 **(9) The executive director of the public defender council of**
25 **Indiana or the executive director's designee.**

26 **(10) The secretary of family and social services or the**
27 **secretary's designee.**

28 **(11) The state health commissioner or the state health**
29 **commissioner's designee.**

30 **(12) The commissioner of the department of correction or the**
31 **commissioner's designee.**

32 **(13) One (1) representative of the juvenile probation system,**
33 **appointed by the chief justice of Indiana for a period of four**
34 **(4) years.**

35 **(14) The director of the office of management and budget, or**
36 **the director of the state budget agency, as selected by the**
37 **governor.**

38 **(15) A member of the governor's staff, to be appointed by the**
39 **governor.**

40 **(16) The executive director of the division of state court**
41 **administration or the executive director's designee.**

42 **(17) A provider to the department of child services of foster**

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1 care, residential, or group home services, appointed by the
2 governor.

3 Sec. 5. (a) The judge or justice appointed under section 4(7) of
4 this chapter shall serve as the chairperson of the commission in
5 calendar year 2013 and every third year thereafter.

6 (b) The chairperson of the legislative council shall designate one
7 (1) legislative member of the commission to serve as the
8 chairperson of the commission in calendar year 2014 and every
9 third year thereafter.

10 (c) The member of the governor's staff appointed under section
11 4(15) of this chapter shall serve as the chairperson of the
12 commission in calendar year 2015 and every third year thereafter.

13 (d) The chairperson shall determine the agenda for the
14 commission.

15 Sec. 6. (a) A legislative member of the commission may be
16 removed at any time by the appointing authority who appointed
17 the legislative member.

18 (b) If a vacancy exists on the commission, the appointing
19 authority who appointed the former member whose position has
20 become vacant shall appoint an individual to fill the vacancy.

21 Sec. 7. Each member of the commission is entitled to receive the
22 same per diem, mileage, and travel allowances paid to individuals
23 who serve as legislative and lay members, respectively, of interim
24 study committees established by the legislative council.

25 Sec. 8. (a) The affirmative votes of a majority of the members
26 appointed to the commission are required for the commission to
27 take action on any measure, including final reports.

28 (b) The affirmative votes of a majority of the members
29 appointed to the department of child services oversight
30 subcommittee or a subcommittee formed under section 10(1) of this
31 chapter are required for the subcommittee to take action on any
32 measure, including final reports.

33 Sec. 9. The commission shall do the following:

34 (1) Study and evaluate the following:

35 (A) Access to services for vulnerable youth.

36 (B) Availability of services for vulnerable youth.

37 (C) Duplication of services for vulnerable youth.

38 (D) Funding of services available for vulnerable youth.

39 (E) Barriers to service for vulnerable youth.

40 (F) Communication and cooperation by agencies
41 concerning vulnerable youth.

42 (G) Implementation of programs or laws concerning



- 1 vulnerable youth.
- 2 (H) The consolidation of existing entities that serve
- 3 vulnerable youth.
- 4 (I) Data from state agencies relevant to evaluating
- 5 progress, targeting efforts, and demonstrating outcomes.
- 6 (2) Establish the department of child services oversight
- 7 subcommittee.
- 8 (3) Review and make recommendations concerning pending
- 9 legislation.
- 10 (4) Promote information sharing concerning vulnerable youth
- 11 across the state.
- 12 (5) Promote best practices, policies, and programs.
- 13 (6) Cooperate with:
- 14 (A) other child focused commissions;
- 15 (B) the judicial branch of government;
- 16 (C) the executive branch of government;
- 17 (D) stakeholders; and
- 18 (E) members of the community.
- 19 (7) Submit a report by July 1 of each year regarding the
- 20 commission's work during the previous year. The report shall
- 21 be submitted to the legislative council, the governor, and the
- 22 chief justice of Indiana. The report to the legislative council
- 23 must be in an electronic format under IC 5-14-6.
- 24 **Sec. 10. The commission may do the following:**
- 25 (1) Appoint commission members to form a subcommittee in
- 26 addition to the department of child services oversight
- 27 subcommittee described in section 9(2) of this chapter.
- 28 (2) Request information or a presentation from an agency
- 29 involved with vulnerable youth.
- 30 (3) Request and review outcome data from an agency related
- 31 to vulnerable youth.
- 32 (4) Receive information from experts concerning vulnerable
- 33 youth.
- 34 **Sec. 11. (a) The subcommittee shall do the following:**
- 35 (1) Review quarterly data reports from the department of
- 36 child services.
- 37 (2) Review annual reports from the department of child
- 38 services ombudsman (established by IC 4-13-19-3).
- 39 (3) Make recommendations to the commission to improve the
- 40 delivery of child protection services in Indiana.
- 41 **(b) The subcommittee shall meet:**
- 42 (1) at least quarterly; and



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- 1 (2) at the call of the subcommittee's chairperson.
- 2 (c) The subcommittee must consist of not more than ten (10)
- 3 members.
- 4 (d) The subcommittee shall submit an annual report before
- 5 November 1 to the commission.
- 6 **Sec. 12. The Indiana judicial center shall provide support staff**
- 7 **for the commission and the subcommittee.**
- 8 SECTION 2. P.L.48-2012, SECTION 77, IS REPEALED
- 9 [EFFECTIVE JULY 1, 2013]. SECTION 77. (a) As used in this
- 10 SECTION, "committee" refers to the department of child services
- 11 interim study committee, as established by subsection (b):
- 12 (b) There is established the department of child services interim
- 13 study committee. The committee shall do the following:
- 14 (1) Review and study the progress and improvements made by the
- 15 department of child services since its creation in 2005.
- 16 (2) Review best practices concerning child welfare; child mental
- 17 health; and delinquent children.
- 18 (3) Receive and review status reports from the department of
- 19 child services ombudsman.
- 20 (4) Review and study the department of child services child abuse
- 21 and neglect hotline; including the process used to refer a report to
- 22 a local office.
- 23 (5) Make legislative recommendations concerning the department
- 24 of child services.
- 25 (c) The committee shall operate under the policies governing study
- 26 committees adopted by the legislative council.
- 27 (d) The committee consists of the following members:
- 28 (1) Four (4) senators appointed by the president pro tempore of
- 29 the senate in consultation with the minority leader of the senate;
- 30 not more than two (2) of whom may be members of the same
- 31 political party.
- 32 (2) Four (4) representatives appointed by the speaker of the house
- 33 of representatives in consultation with the minority leader of the
- 34 house of representatives; not more than two (2) of whom may be
- 35 members of the same political party.
- 36 (3) The director of the department of child services or the
- 37 director's designee; who shall serve as a nonvoting member.
- 38 (4) The director of the division of mental health and addiction or
- 39 the director's designee; who shall serve as a nonvoting member.
- 40 (5) The executive director of the prosecuting attorneys council or
- 41 the executive director's designee; who shall serve as a nonvoting
- 42 member.

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- 1 (6) The executive director of the public defenders council or the
- 2 executive director's designee, who shall serve as a nonvoting
- 3 member.
- 4 (7) A provider of foster care services to the department of child
- 5 services, who shall serve as a nonvoting member, appointed by
- 6 the president pro tempore of the senate.
- 7 (8) A provider of residential or group home services to the
- 8 department of child services, who shall serve as a nonvoting
- 9 member, appointed by the speaker of the house of representatives.
- 10 (9) One (1) juvenile or family court judge, who shall serve as a
- 11 nonvoting member, appointed by the president pro tempore of the
- 12 senate.
- 13 (10) One (1) juvenile or family court judge, who shall serve as a
- 14 nonvoting member, appointed by the speaker of the house of
- 15 representatives.
- 16 (e) The affirmative votes of a majority of the voting members of the
- 17 committee are required for the committee to take action on any
- 18 measure, including final reports.
- 19 (f) This SECTION expires December 31, 2013.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 125, 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, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 2-5-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 36. Commission on Improving the Status of Children in Indiana

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Commission" refers to the commission on improving the status of children in Indiana established by section 3 of this chapter.
- (2) "Subcommittee" refers to the department of child services oversight subcommittee established under section 9(2) of this chapter.
- (3) "Vulnerable youth" means a child served by:
 - (A) the department of child services;
 - (B) the office of the secretary of family and social services;
 - (C) the department of correction; or
 - (D) a juvenile probation department.

Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-6-3-1.

Sec. 3. The commission on improving the status of children in Indiana is established.

Sec. 4. The commission consists of seventeen (17) members as follows:

- (1) One (1) legislative member appointed by the speaker of the house of representatives.
- (2) One (1) legislative member appointed by the minority leader of the house of representatives.
- (3) One (1) legislative member appointed by the president pro tempore of the senate.
- (4) One (1) legislative member appointed by the minority leader of the senate.
- (5) The superintendent of public instruction or the superintendent's designee.
- (6) The commissioner of the department of child services or the commissioner's designee.
- (7) One (1) judge or justice with experience in juvenile law



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appointed by the chief justice of Indiana to serve on the commission for a period of four (4) years.

(8) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(9) The executive director of the public defender council of Indiana or the executive director's designee.

(10) The secretary of family and social services or the secretary's designee.

(11) The state health commissioner or the state health commissioner's designee.

(12) The commissioner of the department of correction or the commissioner's designee.

(13) One (1) representative of the juvenile probation system, appointed by the chief justice of Indiana for a period of four (4) years.

(14) The director of the office of management and budget, or the director of the state budget agency, as selected by the governor.

(15) A member of the governor's staff, to be appointed by the governor.

(16) The executive director of the division of state court administration or the executive director's designee.

(17) A provider to the department of child services of foster care, residential, or group home services, appointed by the governor.

Sec. 5. (a) The judge or justice appointed under section 4(7) of this chapter shall serve as the chairperson of the commission in calendar year 2013 and every third year thereafter.

(b) The chairperson of the legislative council shall designate one (1) legislative member of the commission to serve as the chairperson of the commission in calendar year 2014 and every third year thereafter.

(c) The member of the governor's staff appointed under section 4(15) of this chapter shall serve as the chairperson of the commission in calendar year 2015 and every third year thereafter.

(d) The chairperson shall determine the agenda for the commission.

Sec. 6. (a) A legislative member of the commission may be removed at any time by the appointing authority who appointed the legislative member.

(b) If a vacancy exists on the commission, the appointing authority who appointed the former member whose position has



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become vacant shall appoint an individual to fill the vacancy.

Sec. 7. Each member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 8. (a) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

(b) The affirmative votes of a majority of the members appointed to the department of child services oversight subcommittee or a subcommittee formed under section 10(1) of this chapter are required for the subcommittee to take action on any measure, including final reports.

Sec. 9. The commission shall do the following:

(1) Study and evaluate the following:

- (A)** Access to services for vulnerable youth.
- (B)** Availability of services for vulnerable youth.
- (C)** Duplication of services for vulnerable youth.
- (D)** Funding of services available for vulnerable youth.
- (E)** Barriers to service for vulnerable youth.
- (F)** Communication and cooperation by agencies concerning vulnerable youth.
- (G)** Implementation of programs or laws concerning vulnerable youth.
- (H)** The consolidation of existing entities that serve vulnerable youth.
- (I)** Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.

(2) Establish the department of child services oversight subcommittee.

(3) Review and make recommendations concerning pending legislation.

(4) Promote information sharing concerning vulnerable youth across the state.

(5) Promote best practices, policies, and programs.

(6) Cooperate with:

- (A)** other child focused commissions;
- (B)** the judicial branch of government;
- (C)** the executive branch of government;
- (D)** stakeholders; and
- (E)** members of the community.

(7) Submit a report by July 1 of each year regarding the

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commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 10. The commission may do the following:

- (1) Appoint commission members to form a subcommittee in addition to the department of child services oversight subcommittee described in section 9(2) of this chapter.**
- (2) Request information or a presentation from an agency involved with vulnerable youth.**
- (3) Request and review outcome data from an agency related to vulnerable youth.**
- (4) Receive information from experts concerning vulnerable youth.**

Sec. 11. (a) The subcommittee shall do the following:

- (1) Review quarterly data reports from the department of child services.**
- (2) Review annual reports from the department of child services ombudsman (established by IC 4-13-19-3).**
- (3) Make recommendations to the commission to improve the delivery of child protection services in Indiana.**

(b) The subcommittee shall meet:

- (1) at least quarterly; and**
- (2) at the call of the subcommittee's chairperson.**

(c) The subcommittee must consist of not more than ten (10) members.

(d) The subcommittee shall submit an annual report before November 1 to the commission.

Sec. 12. The Indiana judicial center shall provide support staff for the commission and the subcommittee."

Delete pages 2 through 3.

Page 4, delete lines 1 through 13.

and when so amended that said bill do pass.

(Reference is to SB 125 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

