

IC 31-26

ARTICLE 26. CHILD SERVICES: PROGRAMS

IC 31-26-1

Chapter 1. Youth Service Bureau

IC 31-26-1-1

"Account"

Sec. 1. As used in this chapter, "account" refers to the youth service bureau grant account.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-2

"Youth service bureau"

Sec. 2. As used in this chapter, "youth service bureau" means an organization that is certified as a youth service bureau by the department under section 3 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-3

Certification requirements

Sec. 3. Any organization may apply to the department for certification as a youth service bureau. The department shall establish criteria for the certification of an organization as a youth service bureau, which must include the following requirements:

- (1) The organization must be registered with the secretary of state as a nonprofit corporation or must be an agency of a local governmental unit.
- (2) The organization must develop and operate direct and indirect service programs designed to do the following:
 - (A) Support, represent, and protect the rights of young people.
 - (B) Prevent adolescent misbehavior and divert young people from the justice system.
 - (C) Maintain a referral system with other service agencies that might benefit young people.
 - (D) Inform and educate citizens about the functions and services available through the organization and serve as a link between the needs of youth and the community.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-4

Youth service bureau grant account

Sec. 4. (a) The youth service bureau grant account is established within the state general fund to provide grants to youth service bureaus. The account consists of money:

- (1) appropriated by the general assembly;
 - (2) received in the form of donations; and
 - (3) from any other source.
- (b) The account shall be administered by the department.

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

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

As added by P.L.145-2006, SEC.272.

IC 31-26-1-5

Annual grant to each bureau; additional grants

Sec. 5. (a) The department may provide an annual grant to each youth service bureau.

(b) The department may also provide an additional grant to a youth service bureau that is receiving a grant under subsection (a) to permit the youth service bureau to maintain or expand the youth service bureau's programs. An additional grant under this subsection is subject to the requirements of section 7 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-6

Grants to bureaus not receiving annual or additional grants

Sec. 6. The department may provide a grant to a youth service bureau that is not receiving a grant under section 5 of this chapter to permit the youth service bureau to establish, maintain, or expand the youth service bureau's programs. A grant under this section is subject to the requirements of section 7 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-7

Matching grants to bureaus

Sec. 7. A grant under section 5(b) or 6 of this chapter must be matched by an equal amount of money raised by the youth service bureau from sources other than the state.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-8

Rules; application procedures and evaluation criteria; certification and grants

Sec. 8. The department may adopt rules under IC 4-22-2 establishing application procedures and evaluation criteria for organizations applying for certification and grants under this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-1-9

Grant recipients' duties

Sec. 9. A youth service bureau that receives a grant under this chapter shall do the following:

- (1) Maintain accurate and complete records, reports, statistics, and other information necessary for the conduct of the youth service bureau's programs.
- (2) Establish appropriate written policies and procedures to

protect the confidentiality of individual client records.

(3) Submit service and activity reports to the department as required by the department.

As added by P.L.145-2006, SEC.272.

IC 31-26-2

Chapter 2. Assistance of Destitute Children

IC 31-26-2-1

Eligibility for assistance

Sec. 1. The department shall provide assistance under this chapter to a destitute child who is living in a suitable foster family home or institution conforming to the standards of care and health under Indiana law and the department's rules.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-2

Amount of assistance

Sec. 2. The department shall determine the amount of assistance to be granted to a destitute child. In determining the amount under rules adopted by the department, the county office shall consider the following:

- (1) The resources and necessary expenditures of the child.
- (2) The conditions existing in each case.
- (3) Whether the amount is sufficient when added to all other income and support available to provide the child with a reasonable subsistence.

However, a Holocaust victim's settlement payment received by the child may not be considered a resource of the child by the county office when determining the amount of assistance for the destitute child.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-3

Total amount; limits; exceptions

Sec. 3. The total amount that the department pays to a destitute child under section 2 of this chapter, other than for medical expenses, may not exceed the designated amount per day established by the rules of the department, except:

- (1) as otherwise provided in this chapter; or
- (2) for additional amounts established by the department's rules.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-4

Immediate needs provision; excessive needs provision; adjustment

Sec. 4. (a) Whenever a child is initially determined to be eligible for assistance as a destitute child under this chapter, the department under the department's rules may provide for the child's immediate needs.

(b) If the child's needs exceed the designated amount per day established by the department's rules, the department may provide assistance to the child if the deduction is made within six (6) months from the date of any payment from future allowances so that the average allowances will not exceed the designated amount per day established by the department's rules.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-5

Total amount paid for child in licensed child caring institution; exceptions

Sec. 5. (a) The total amount paid to a destitute child being cared for in a licensed child caring institution, other than for medical expenses, may not exceed the designated amount per day established by the department's rules, except:

- (1) as otherwise provided in this chapter; or
- (2) as established by the department's rules.

(b) Additional amounts established by the department's rules may not exceed the maximum amounts established by the federal Social Security Act (42 U.S.C. 602) or supplementary or related acts as the basis for reimbursement from federal money.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-6

Medical care recipients; effect upon total amount of assistance paid

Sec. 6. (a) If a destitute child is determined to be in need of medical care, payment for necessary care may be included in the award to the recipient, even if the following exist:

- (1) Payment for the care may increase the amount of the award in excess of the maximum amounts otherwise allowed by this chapter.
- (2) Payment for the care, regardless of maximum monthly limitations in this chapter, is to be made directly to the person, corporation, association, institution, or agency furnishing the care.

(b) Direct payments under subsection (a) may be made during the lifetime of the child either:

- (1) before or after the child reaches the maximum age for destitute children; or
- (2) after the death of the child, for care furnished before the child reaches the maximum age for destitute children.

(c) The county office shall establish and submit for review and approval by the department a plan for furnishing necessary medical care, adjusted to the medical facilities and the needs in the county.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-7

Application for assistance

Sec. 7. An application for assistance for a destitute child under this chapter must be made to the county office in which the destitute child resides. The application must be in writing. The department shall prescribe the manner and the form on which the application must be made.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-8

Postsecondary education award; effect upon eligibility for assistance

Sec. 8. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)) for the individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of that individual when applying for assistance for a destitute child under this chapter; and
- (2) the award must not be considered income or a resource of the individual in determining eligibility for assistance to a destitute child under this chapter.

As added by P.L.145-2006, SEC.272. Amended by P.L.2-2007, SEC.364.

IC 31-26-2-9

Investigation; record

Sec. 9. Whenever the county office receives notice of a child's application or need for assistance, the county office shall promptly conduct an investigation and make a record regarding the child's circumstances to determine the following:

- (1) The need of the child.
- (2) The facts supporting the application made under this chapter.
- (3) Any other information that the department's rules require.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-10

Eligibility; amount; payment; schedule

Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the department shall do the following:

- (1) Determine whether the child is eligible for assistance under this chapter and the department's rules.
- (2) Determine the amount of the assistance and the date on which the assistance is to begin.
- (3) Make an award, including any subsequent modification of the award, with which the department shall comply until the award or modified award is vacated.
- (4) Notify the applicant and the department of the county office's decision in writing.

(b) The department shall provide assistance to the recipient at least monthly upon warrant of the auditor of state.

As added by P.L.145-2006, SEC.272. Amended by P.L.146-2008, SEC.569.

IC 31-26-2-11

Necessities account

Sec. 11. (a) The county office may establish an account for a child if the department determines the account is necessary or beneficial to the child's welfare.

(b) The county office shall pay to a designated person from the account under subsection (a) an amount needed for the child's food, clothing, shelter, and other necessities.

(c) The balance of the remaining amount under subsection (b) that exceeds the child's immediate needs:

(1) may be credited to the child's account for a period of not more than six (6) months; and

(2) must be used for the child's benefit as the need arises; if necessary records are maintained and payment is made for the destitute child under the department's rules.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-12

Certificate in support of award

Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of assistance, as prescribed by the department, must be entered on a certificate.

(b) The department shall prescribe the form for the certificate under subsection (a). The certificate must bear the impress of the department's seal.

(c) The department shall prepare four (4) copies of the certificate under subsection (a). The department shall distribute copies of the certificate as follows:

(1) One (1) copy must be filed with and retained by the office.

(2) One (1) copy must be filed with and retained by the department.

(3) One (1) copy must be filed with and retained by the office of the county auditor.

(4) One (1) copy must be given to the recipient.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-13

Reconsideration of amount

Sec. 13. (a) Whenever a destitute child receives assistance under this chapter, the department shall reconsider whether the assistance is to continue as frequently as:

(1) the department's rules require; or

(2) the department considers necessary.

(b) After an investigation, the county office or the department may change or withdraw the amount of assistance if the county office or department finds that the child's circumstances have altered sufficiently to warrant the action.

(c) The county office or department may revoke or suspend the assistance if the child becomes ineligible for assistance under this chapter. If assistance is revoked or suspended, the county office shall immediately do the following:

(1) Report the decision to the department.

(2) Submit to the department the county office's record of investigation regarding the county office's decision.

(d) The department shall review each county office's decision to

revoke or suspend assistance under this section.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-14

Support; application of law

Sec. 14. If the department or county office determines after an investigation that a child on whose behalf an application for assistance has been made is:

(1) a destitute child; and

(2) living or is expected to live in a foster family home or an institution meeting the requirements of this chapter;

assistance may be allowed for the support of the child without complying with any Indiana law other than this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-2-15

Eligibility for other relief

Sec. 15. A destitute child is eligible for other relief under Indiana law that the child requires, unless the child's needs are provided for by this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-3

Repealed

(Repealed by P.L.146-2008, SEC.805.)

IC 31-26-3.5

Chapter 3.5. Child Welfare Programs

IC 31-26-3.5-1

"Child welfare program"

Sec. 1. As used in this chapter, "child welfare program" means a program or an activity that is:

- (1) not a component of child services provided to or for the benefit of a particular child or family; and
- (2) designed to serve groups or categories of children or families in a community for the purposes described in section 2 of this chapter.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-2

Authority to establish and fund program; purposes of program

Sec. 2. A child welfare program may be established and funded by the department for any of the following purposes:

- (1) Protecting and promoting the welfare of children in a community who are, or are likely to be, at risk of becoming homeless, neglected, or abused due to lack of adequate or appropriate parental support or supervision, in order to reduce the likelihood that the children will become wards of a juvenile court or the department.
- (2) Preventing, remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation, or delinquency of children.
- (3) Preventing unnecessary separation of children from their families by identifying family problems, assisting in the resolution of family problems, and preventing the breakup of families whenever prevention of child removal is possible and desirable.
- (4) Providing services targeted to the assistance of children who are developmentally or physically disabled and their families, for the purposes of prevention of potential abuse, neglect, or abandonment of those children, and enabling the children to receive adequate family support and preparation to become self-supporting to the extent feasible.
- (5) Providing family preservation services or family support services (both as defined in 42 U.S.C. 629a) for families and children who are not currently receiving individually designed services provided or funded by the department through an open juvenile court child in need of services or delinquency case.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-3

Application to establish, continue, or modify program

Sec. 3. (a) An application to establish a new child welfare program, or to continue or modify an existing child welfare program, may be submitted by a court, county executive, private nonprofit

agency or organization, or an interested person based on guidelines and instructions issued by the department. Except as provided in subsection (b), the application shall be transmitted to the regional services council or councils for the county, region, or geographic area of Indiana that the applicant proposes to serve. Each regional services council must review and submit its recommendations to the director in conformity with procedures established by the department.

(b) An application to establish, continue, or modify a program that will operate on a statewide basis shall be submitted directly to the director of the department for review and evaluation.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-4

Approval of program

Sec. 4. A child welfare program must be approved by the director of the department or the director's designee. The director's approval shall specify the period for which operation of the program is approved and the procedure for submission of any request for continuation, extension, or modification of the approved program. The department may not pay for the costs of any programs that have not been approved by the director.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-5

Policies and procedures for review and evaluation of programs

Sec. 5. The department shall establish policies and procedures for periodic review and evaluation of approved child welfare programs, including evaluation of the effectiveness and results of the program activities, as part of the consideration of any application to continue or modify the program.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-6

Child welfare program account established; sources of funds in account

Sec. 6. (a) A child welfare program account is established in the state general fund to receive money for establishment, operation, or support of child welfare programs. Receipts credited to the child welfare program account may be derived from the following sources:

- (1) Any appropriation made by the general assembly that is specifically designated for child welfare programs.
- (2) Any part of the appropriation to the department that is set aside and allocated by the department for child welfare programs, at the discretion of the director.
- (3) Any part of federal grant funds received by the department through Title IV-B Parts 1 and 2 of the Social Security Act (42 U.S.C. 620 et seq.) that is allocated by the department for child welfare programs under this chapter at the discretion of the director, subject to the terms and conditions of the grant.

(4) Any gifts received by the department from individuals or nongovernmental organizations, for purposes of child welfare programs. The department may receive and administer any gifts earmarked for specifically designated child welfare programs, in accordance with the terms of the gift.

(b) Any appropriation made by the general assembly for the child welfare program account remains in the child welfare program account until expended and does not revert to the state general fund at the expiration of the state fiscal year for which the appropriation was made.

As added by P.L.146-2008, SEC.570.

IC 31-26-3.5-7

Rules

Sec. 7. The department may adopt rules under IC 4-22-2 that are necessary or appropriate to implement this chapter.

As added by P.L.146-2008, SEC.570.

IC 31-26-4

Chapter 4. Indiana Kids First Trust

IC 31-26-4-1

Purpose

Sec. 1. (a) The purpose of the Indiana kids first trust program and this chapter is to recognize that:

- (1) the children of the state are its single greatest resource;
- (2) children require the utmost protection to guard their future and the future of the state;
- (3) it is in the public interest to protect children from abuse and neglect; and
- (4) it is in the public interest to reduce infant mortality.

(b) The Indiana kids first trust program shall provide funds for community programs that prevent child abuse and neglect.

(c) The Indiana kids first trust program shall provide funds for community programs that reduce infant mortality from the infant mortality account established by section 14 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-2

"Board"

Sec. 2. As used in this chapter, "board" refers to the Indiana kids first trust fund board established by section 5 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-2.3

Treatment of references to Indiana children's trust fund board; transfer of property to board

Sec. 2.3. (a) After June 30, 2003, any reference in a statute or rule referring to the Indiana children's trust fund board is considered a reference to the board.

(b) On July 1, 2003, the board becomes the owner of all the personal property and assets and assumes the obligations and liabilities of the Indiana children's trust fund board, as it existed before July 1, 2003.

As added by P.L.220-2011, SEC.506.

IC 31-26-4-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the Indiana kids first trust fund established by section 12 of this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-4

"Project"

Sec. 4. As used in this chapter, "project" means an undertaking:

- (1) that furthers the purposes of this chapter; and
- (2) for which an expenditure from the fund may be made.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-5

Indiana kids first trust fund board

Sec. 5. (a) The Indiana kids first trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve projects and recommend to the department that the projects receive funds under sections 12 and 14 of this chapter.

(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the department and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-6

Members of board

Sec. 6. The board consists of the following ten (10) members:

(1) Two (2) individuals who are not members of the general assembly, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(3) The director of the department or the director's designee.

(4) Four (4) individuals appointed by the governor as follows:

(A) One (1) individual who represents the general public.

(B) Two (2) individuals who represent child advocacy organizations.

(C) One (1) individual who represents the medical community.

(5) The commissioner of the state department of health or the commissioner's designee. An individual designated by the commissioner under this subdivision must have knowledge of or experience in issues relating to:

(A) the prevention of child abuse and neglect; and

(B) the reduction of infant mortality.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-7

Chairperson and vice chairperson of board

Sec. 7. (a) The members shall annually choose a chairperson and vice chairperson from among the members of the board under this section.

(b) The director of the department or the director's designee may not serve as chairperson or vice chairperson.

(c) If the member chosen as chairperson was appointed as a member by the president pro tempore of the senate or the speaker of the house of representatives, the vice chairperson must be chosen from among the members appointed by the governor. If the member chosen as chairperson was appointed as a member by the governor, the vice chairperson must be chosen from among the members appointed by the president pro tempore of the senate or the speaker of the house of representatives.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-8

Meetings; quorum; voting of board

Sec. 8. (a) The board shall meet at least quarterly and at the call of the chair.

(b) Six (6) voting members of the board constitute a quorum. The board may take action only in the presence of a quorum.

(c) The affirmative vote of a majority of the members of the board is necessary for the board to take any action.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-9

Terms of board members

Sec. 9. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-10

Compensation of board members

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and

approved by the budget agency.
As added by P.L.145-2006, SEC.272.

IC 31-26-4-11

Strategic plan; plan proposal and fund request method

Sec. 11. The board shall adopt and make available to the public:

- (1) a strategic plan to implement the purposes of this chapter;
and
- (2) a method for proposing projects and requesting funds from the Indiana kids first trust fund.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-12

Indiana kids first trust fund

Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from kids first trust license plates issued under IC 9-18-30.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-13

Use of fund money

Sec. 13. (a) Except as provided in subsection (b), money in the fund may be used for projects that propose to accomplish the following:

- (1) The support, development, and operation in local communities of programs that prevent child abuse and neglect.
- (2) The development of innovative local programs of education

and training concerning child abuse and neglect.

(3) The promotion of public awareness of child abuse and neglect.

(4) Statewide efforts to prevent child abuse and neglect.

(b) Money in the infant mortality account established within the fund under section 14 of this chapter may be used only for projects that:

(1) support, develop, and operate programs that reduce infant mortality in local communities;

(2) develop innovative local programs of education and training concerning infant mortality;

(3) promote public awareness of infant mortality; or

(4) promote statewide efforts to reduce infant mortality.

(c) Money in the fund may not be granted to a state or local unit of government.

(d) The cost of any salary and benefits paid to staff employed under this chapter:

(1) shall be paid from money in the fund; and

(2) may not exceed forty-five thousand dollars (\$45,000) during any fiscal year.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-14

Infant mortality account

Sec. 14. (a) The infant mortality account is established within the fund for the purpose of providing money for education and programs approved by the board under section 5(b) of this chapter to reduce infant mortality in Indiana. The account shall be administered by the treasurer of state.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Appropriations to the account.

(2) Money donated to the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

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

As added by P.L.145-2006, SEC.272. Amended by P.L.156-2011, SEC.40.

IC 31-26-4-15

Annual report

Sec. 15. Before October 1 of each year, the board shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared under this section for the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.145-2006, SEC.272.

IC 31-26-4-16**Adoption of rules**

Sec. 16. The department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.145-2006, SEC.272.

IC 31-26-5

Chapter 5. Family Preservation Services

IC 31-26-5-1

"Child at imminent risk of placement"

Sec. 1. As used in this chapter, "child at imminent risk of placement" means a child less than eighteen (18) years of age who reasonably may be expected to face in the near future out-of-home placement under IC 31-27 through IC 31-28 and IC 31-30 through IC 31-40 as a result of at least one (1) of the following:

- (1) Dependency, abuse, or neglect.
- (2) Emotional disturbance.
- (3) Family conflict so extensive that reasonable control of the child is not exercised.
- (4) Delinquency adjudication.

As added by P.L.145-2006, SEC.272.

IC 31-26-5-2

Department contracting to provide family preservation services

Sec. 2. The department may contract to provide or provide, when appropriate, within the limits of available funding, family preservation services to families with a child at imminent risk of placement.

As added by P.L.145-2006, SEC.272.

IC 31-26-5-3

Duties of family preservation services

Sec. 3. (a) Family preservation services may provide:

- (1) comprehensive, coordinated, flexible, and accessible services;
- (2) intervention as early as possible with emphasis on establishing a safe and nurturing environment;
- (3) services to families who have members placed in care settings outside the nuclear family; and
- (4) planning options for temporary placement outside the family if it would endanger the child to remain in the home.

(b) Unless authorized by a juvenile court, family preservation services may not include a temporary out-of-home placement if a person who is currently residing in the location designated as the out-of-home placement has committed an act resulting in a substantiated report of child abuse or neglect or has a juvenile adjudication or a conviction for a felony listed in IC 31-27-4-13.

(c) Before placing a child at imminent risk of placement in a temporary out-of-home placement, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person described in subsection (b). However, the department is not required to conduct a criminal history check under this section if the temporary out-of-home placement is made to an entity or facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

As added by P.L.145-2006, SEC.272.

IC 31-26-5-4

Family preservation services; delivery of services

Sec. 4. Family preservation services must be delivered:

- (1) only to families and in situations where the services may reasonably be expected to avoid out-of-home placement of the child; and
- (2) to afford effective protection of the child, the family, and the community.

As added by P.L.145-2006, SEC.272.

IC 31-26-5-5

Family preservation services; required services; discretionary services

Sec. 5. (a) Family preservation services must include the following:

- (1) A twenty-four (24) hour crisis intervention service.
- (2) Risk assessment, case management, and monitoring.
- (3) Intensive in-home skill building and counseling.
- (4) After-care linkage.

(b) The following services may be available as needed to families receiving family preservation services:

- (1) Emergency respite care.
- (2) Pre-adoption and post-adoption services.

As added by P.L.145-2006, SEC.272.

IC 31-26-5-6

Family preservation services; maximum caseload per caseworker

Sec. 6. A caseworker who provides family preservation services may retain a maximum caseload of twelve (12) families.

As added by P.L.145-2006, SEC.272.

IC 31-26-6

Chapter 6. Regional Service Strategic Plans

IC 31-26-6-1

"Plan"

Sec. 1. As used in this chapter, "plan" includes a regional services strategic plan to achieve the purposes described in section 5 of this chapter and any implementation strategy, revision, addition, or update of the plan, as described in section 12(a) of this chapter.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-2

"Regional services council"

Sec. 2. As used in this chapter, "regional services council" means a council appointed as provided in section 7 of this chapter.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-3

"Service region"

Sec. 3. As used in this chapter, "service region" means an area of Indiana consisting of one (1) or more counties.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-4

County participation in regional services council

Sec. 4. (a) Each county shall participate in a regional services council established under this chapter for the service region in which the county is located.

(b) The department shall determine the county or counties that comprise each service region. A county may not be divided when establishing a service region.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-5

Biennial regional services strategic plan required

Sec. 5. Each regional services council shall develop a biennial regional services strategic plan that is tailored to provide services targeted to the individual needs of children who:

(1) have been either:

(A) adjudicated as, or alleged in a proceeding initiated under IC 31-34 or IC 31-37 to be, children in need of services or delinquent children; or

(B) identified by the department, based on information received from:

(i) a school;

(ii) a social service agency;

(iii) a court;

(iv) a probation department;

(v) the child's parent or guardian; or

(vi) an interested person in the community having

- knowledge of the child's environment and family circumstances;
- and after an informal investigation, as substantially at risk of becoming children in need of services or delinquent children; and
- (2) have been referred to the department by, or with the consent of, the child's parent, guardian, or custodian for services to be provided through the plan based on an individual case plan for the child.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-6

Evaluation of needs; determination of appropriate delivery mechanisms; recommendation regarding allocation and distribution of funds

Sec. 6. (a) Each regional services council shall, according to guidelines and policies established by the department, include in its plan an evaluation of local child welfare service needs and a determination of appropriate delivery mechanisms. The policies shall provide an opportunity for local services providers to be represented in the evaluation of local child welfare service needs. In addition, the regional services council shall take public testimony regarding local service needs and system changes.

(b) The council shall also recommend in the plan, or any revision, addition, or update relating to implementation of a plan under section 12(a) of this chapter, the allocation and distribution among service providers of funds that:

- (1) the department allocates to the service region; and
- (2) are used to pay for the expenses of child welfare programs and child services administered by the department within the region.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-7

Members of regional services council

Sec. 7. (a) If the service region consists of at least three (3) counties, the regional services council is composed of the following members appointed from the service region:

- (1) The regional manager, who must be an employee of the department.
- (2) Three (3) members who are juvenile court judges or their designees.
- (3) Three (3) local office directors.
- (4) Two (2) family case manager supervisors.
- (5) Two (2) family case managers.
- (6) Two (2) licensed foster parents.
- (7) One (1) guardian ad litem or court appointed special advocate.
- (8) One (1) member who is a prosecuting attorney or the prosecuting attorney's designee.

(9) One (1) individual who:

(A) is at least sixteen (16) and less than twenty-five (25) years of age;

(B) is a resident of the service region;

(C) has received or is receiving services through funds provided, directly or indirectly, through the department; and

(D) will serve in a nonvoting capacity.

(b) If the service region consists of one (1) or two (2) counties, the regional services council must include at least the following members from the service region:

(1) Three (3) employees of the department, including the regional manager.

(2) One (1) juvenile court judge or judicial hearing officer.

(3) Two (2) members who are designees of a juvenile court judge.

(4) Two (2) family case manager supervisors.

(5) Two (2) family case managers.

(6) One (1) licensed foster parent.

(7) One (1) person from each category described in subsection (a)(7), (a)(8), and (a)(9).

(c) The director shall appoint the members of the regional services council with the exception of judges or judicial hearing officers and prosecuting attorneys or their respective designees.

(d) The members of the regional services council described in subsections (a)(2), (b)(2), and (b)(3) shall be selected by the juvenile court judge or judges in the service region.

(e) The member of the regional services council described in subsection (a)(8) shall be selected by the prosecuting attorneys in the counties comprising the service region.

(f) Each member of the regional services council shall serve at the pleasure of the member's appointing authority.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-8

Organizational meeting; chairperson of regional services council

Sec. 8. (a) The regional manager shall convene an organizational meeting of the members of a regional services council appointed under section 7 of this chapter.

(b) The regional manager shall serve as the chairperson of the council. The council shall select one (1) of its members as vice chairperson.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-9

Review and consideration of certain programs

Sec. 9. In preparing the plan under section 5 of this chapter, a regional services council shall review and consider existing publicly and privately funded programs that are available or that could be made available in the regional services council's service region to provide supportive services to or for the benefit of children described

in section 5 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).
- (5) Special education programs under IC 20-35-6-2.
- (6) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the department, county offices, prosecuting attorneys, or juvenile courts, including programs funded under IC 31-26-3.5 and IC 31-40.
- (7) A child advocacy fund under IC 12-17-17.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-10

Family preservation services

Sec. 10. A regional services council may include in its plan a program for provision of family preservation services that:

- (1) is or will be in effect in the regional services council's service region;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to be considered for out-of-home placement under IC 31-34 or IC 31-37 as a result of:
 - (A) abuse or neglect;
 - (B) emotional disturbance; or
 - (C) delinquency adjudication; and
- (3) addresses all the objectives of family preservation services.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-11

Transmission of plan by regional services council; action on plan by director of department

Sec. 11. (a) Each regional services council shall transmit to the director each plan it develops and approves. The council shall transmit its biennial plan described in section 5 of this chapter to the director not later than February 2 of each even-numbered year.

(b) Not later than sixty (60) days after receiving the plan, the director of the department or the director's designee shall do one (1) of the following:

- (1) Approve the plan as submitted by the council.
- (2) Approve the plan with amendments, modifications, or revisions.
- (3) Return the plan to the council with directions concerning:

- (A) subjects for further study and reconsideration; and
- (B) resubmission of a revised plan.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-12

Quarterly meetings; additional meetings; quorum; designation of representative or proxy; application of public meetings law

Sec. 12. (a) A regional services council shall meet at least quarterly to do the following:

(1) Develop, review, or revise a strategy for implementation of an approved plan that identifies:

(A) the manner in which prevention and early intervention services will be provided or improved;

(B) how local collaboration will improve children's services; and

(C) how different funds can be used to serve children and families more effectively.

(2) Reorganize as needed and select its vice chairperson for the ensuing year.

(3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the regional services council considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.

(b) The chairperson or vice chairperson of a regional services council may convene any additional meetings of the regional services council that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

(c) A majority of the voting members of the regional services council appointed under section 7 of this chapter constitutes a quorum for the transaction of official business that includes taking final action (as defined in IC 5-14-1.5-2(g)). The regional services council may hold a meeting in the absence of a quorum to discuss any items of public business related to its responsibilities and functions as described in this chapter, without taking final action.

(d) A judicial officer or prosecuting attorney who is a member of the regional services council under section 7 of this chapter may designate in writing a person as the member's representative or proxy to attend any meeting of the council specified in the designation. Any designee under this subsection shall be a voting member of the council and be included for purposes of a quorum under subsection (c).

(e) Any department employee who is a member of the regional services council under section 7 of this chapter may designate in writing a person as the member's representative or proxy to attend any meeting of the council specified in the designation. Any designee under this subsection shall be a voting member of the council and be included for purposes of a quorum under subsection (c).

(f) All meetings of a regional services council under this chapter are subject to applicable provisions of IC 5-14-1.5.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-13

Participation in meeting by certain means of communication; memoranda of meeting

Sec. 13. (a) This section applies to a meeting of a regional services council at which at least four (4) voting members of the council are physically present at the place where the meeting is conducted.

(b) A member of the regional services council may participate in a meeting of the council by using a means of communication that allows:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to communicate simultaneously with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who:

- (1) was physically present at the place where the meeting was conducted;
- (2) participated in the meeting by using a means of communication described in subsection (b); or
- (3) was absent.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-14

Transmission of plan, annual report, and other documents

Sec. 14. (a) A regional services council or the regional manager shall transmit copies of the plan, each annual report, each revised plan, and any other report or document described by rule adopted under section 16 of this chapter, to the following:

- (1) The director.
- (2) Each department office in the service region.
- (3) Each juvenile court in the service region.

(b) A regional services council shall provide to the department a copy of each plan, annual report, or revised plan transmitted under subsection (a) to be posted to the department's Internet web site.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-15

Publicizing of plan

Sec. 15. A regional services council shall publicize to residents of each county in the service region the existence and availability of the plan, including information concerning access to the plan on the department web site.

As added by P.L.146-2008, SEC.571.

IC 31-26-6-16

Rules

Sec. 16. The department may adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.146-2008, SEC.571.