

IC 31-9

ARTICLE 9. DEFINITIONS

IC 31-9-1

Chapter 1. General Provisions

IC 31-9-1-1

Applicability of definitions

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title.

As added by P.L.1-1997, SEC.1.

IC 31-9-1-2

Inapplicability of definitions

Sec. 2. Except as otherwise provided, the definitions in this article do not apply to the following:

- (1) IC 31-11-3.
- (2) IC 31-21 (or IC 31-17-3 before its repeal).
- (3) IC 31-18.
- (4) IC 31-19-29.
- (5) IC 31-37-23.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.5.

IC 31-9-2

Chapter 2. Definitions

IC 31-9-2-0.3

"Abandoned"

Sec. 0.3. "Abandoned", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-2.

As added by P.L.138-2007, SEC.6.

IC 31-9-2-0.4

"Abandoned child"

Sec. 0.4. "Abandoned child", for purposes of IC 31-34-21-4 and IC 31-35-2-6.5, means a child who is, or who appears to be, not more than forty-five (45) days of age and whose parent:

- (1) has knowingly or intentionally left the child with an emergency medical services provider; and
- (2) did not express an intent to return for the child.

As added by P.L.1-2009, SEC.154.

IC 31-9-2-0.5

"Abandoned infant"

Sec. 0.5. "Abandoned infant", for purposes of IC 31-34-21-5.6, means:

- (1) a child who is less than twelve (12) months of age and whose parent, guardian, or custodian has knowingly or intentionally left the child in:

(A) an environment that endangers the child's life or health;
or

(B) a hospital or medical facility;
and has no reasonable plan to assume the care, custody, and control of the child; or

- (2) a child who is, or who appears to be, not more than forty-five (45) days of age and whose parent:

(A) has knowingly or intentionally left the child with an emergency medical services provider; and

(B) did not express an intent to return for the child.

As added by P.L.35-1998, SEC.2. Amended by P.L.133-2000, SEC.1; P.L.217-2001, SEC.2; P.L.1-2009, SEC.155.

IC 31-9-2-0.7

"Account"

Sec. 0.7. (a) "Account", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-3.

(b) "Account", for purposes of IC 31-26-1, has the meaning set forth in IC 31-26-1-1.

As added by P.L.145-2006, SEC.170.

IC 31-9-2-0.8

"Active duty"

Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3 and IC 31-17-2-21.3, means full-time service in:

(1) the armed forces of the United States (as defined in IC 5-9-4-3); or

(2) the National Guard (as defined in IC 5-9-4-4);

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.80-2010, SEC.21.

IC 31-9-2-1

"Actual notice"

Sec. 1. "Actual notice", for purposes of IC 31-19-3, means written notice that is actually received by the putative father.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-2

"Adoptee"

Sec. 2. "Adoptee", for purposes of IC 31-19-17 through IC 31-19-24, means a person who has been legally adopted.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-3

"Adoption"

Sec. 3. "Adoption", for purposes of IC 31-19-17 through IC 31-19-24, means the judicial act of creating the relationship of parent and child where the relationship did not exist previously.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-4

"Adoption assistance state"

Sec. 4. "Adoption assistance state", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-5

"Adoption history"

Sec. 5. "Adoption history", for purposes of IC 31-19-17 through IC 31-19-24, means:

(1) identifying information (as defined in section 54 of this chapter);

(2) the medical history (as defined in section 78 of this chapter); and

(3) nonidentifying information (as defined in section 84 of this chapter).

As added by P.L.1-1997, SEC.1.

IC 31-9-2-5.5

"Adoption subsidy"

Sec. 5.5. "Adoption subsidy", for purposes of IC 31-19-26.5, has

the meaning set forth in IC 31-19-26.5-1.

As added by P.L.146-2008, SEC.532.

IC 31-9-2-6

"Adoptive parent"

Sec. 6. "Adoptive parent", for purposes of IC 31-19-11 and IC 31-19-17 through IC 31-19-24, means an adult who has become a parent of a child through adoption.

As added by P.L.1-1997, SEC.1. Amended by P.L.129-2005, SEC.1.

IC 31-9-2-7

"Adult"

Sec. 7. (a) "Adult", for purposes of IC 31-19-17 through IC 31-19-24, means a person who is at least twenty-one (21) years of age.

(b) "Adult", for purposes of the juvenile law, means a person other than a child.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-8

"Advisory board"

Sec. 8. "Advisory board", for purposes of IC 31-31-9, refers to the juvenile detention center advisory board described in IC 31-31-9.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-9

"Alleged father"

Sec. 9. "Alleged father", for purposes of IC 31-14, means any man claiming to be or charged with being a child's biological father.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-9.3

"Applicant"

Sec. 9.3. (a) "Applicant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, and IC 31-26-3.5, means a person who has applied for assistance for the applicant or another person.

(b) "Applicant", for purposes of IC 31-27, means a person who seeks a license to operate a child caring institution, foster family home, group home, or child placing agency.

As added by P.L.145-2006, SEC.171. Amended by P.L.146-2008, SEC.533.

IC 31-9-2-9.5

"Appropriate public authorities"

Sec. 9.5. "Appropriate public authorities", for purposes of IC 31-28-4, has the meaning set forth in IC 31-28-4-3.

As added by P.L.145-2006, SEC.172.

IC 31-9-2-9.6

"Assessment"

Sec. 9.6. "Assessment", for purposes of IC 31-25 and IC 31-33, means an initial and ongoing investigation or evaluation that includes:

- (1) a review and determination of the safety issues that affect a child and:
 - (A) a child's parents, guardians, or custodians; or
 - (B) another individual residing in the residence where the child resides or is likely to reside;
- (2) an identification of the underlying causes of the safety issues described in subdivision (1);
- (3) a determination whether child abuse, neglect, or maltreatment occurred; and
- (4) a determination of the needs of a child's family in order for the child to:
 - (A) remain in the home safely;
 - (B) be returned to the home safely; or
 - (C) be placed in an alternative living arrangement.

As added by P.L.131-2009, SEC.6.

IC 31-9-2-9.7

"Assistance"

Sec. 9.7. "Assistance", for purposes of the following statutes, means money or services regardless of the source, paid or furnished under any of the following statutes:

- (1) IC 31-25-3.
- (2) IC 31-25-4.
- (3) IC 31-26-2.
- (4) IC 31-26-3.5.

As added by P.L.145-2006, SEC.173. Amended by P.L.146-2008, SEC.534.

IC 31-9-2-10

"Birth parent"

Sec. 10. "Birth parent", for purposes of IC 31-19-17 through IC 31-19-24, means:

- (1) the woman who is legally presumed under Indiana law to be the mother of biological origin of an adoptee;
- (2) the man who is legally presumed under Indiana law to be the father of biological origin of an adoptee; or
- (3) a man who establishes paternity of a child born out of wedlock:
 - (A) in a court proceeding; or
 - (B) by executing a paternity affidavit under IC 16-37-2-2.1.

As added by P.L.1-1997, SEC.1. Amended by P.L.197-1997, SEC.1.

IC 31-9-2-10.3

"Blind"

Sec. 10.3. "Blind", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an individual who has vision in the better eye with correcting glasses of

20/200 or less, or a disqualifying visual field defect as determined upon examination by an ophthalmologist or optometrist who has been designated to make such examinations by the county office and approved by the department.

As added by P.L.145-2006, SEC.174. Amended by P.L.146-2008, SEC.535.

IC 31-9-2-10.6

"Board"

Sec. 10.6. (a) "Board", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-34(a).

(b) "Board", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-2.

As added by P.L.145-2006, SEC.175.

IC 31-9-2-10.8

"Bureau"

Sec. 10.8. "Bureau", for purposes of IC 31-16-15 and IC 31-25 has the meaning set forth in IC 31-25-4-1.

As added by P.L.145-2006, SEC.176. Amended by P.L.103-2007, SEC.10.

IC 31-9-2-11

"Caseworker"

Sec. 11. "Caseworker", for purposes of the juvenile law, means an employee of the department of child services who is classified as a family case manager.

As added by P.L.1-1997, SEC.1. Amended by P.L.146-2006, SEC.11.

IC 31-9-2-12

"Center"

Sec. 12. "Center", for purposes of IC 31-31-9, means any secure juvenile detention center that operates in a county containing a consolidated city except for a center operated by the federal government. The term includes a juvenile detention facility.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-13

"Child"

Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) Except as otherwise provided in this section, "child", for purposes of the juvenile law, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

(h) "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

As added by P.L.1-1997, SEC.1. Amended by P.L.27-2004, SEC.1; P.L.145-2006, SEC.177; P.L.120-2007, SEC.1; P.L.138-2007, SEC.7; P.L.133-2008, SEC.4.

IC 31-9-2-14

"Child abuse or neglect"

Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-9.

As added by P.L.1-1997, SEC.1. Amended by P.L.1-2006, SEC.496; P.L.52-2007, SEC.6.

IC 31-9-2-14.5

"Child at imminent risk of placement"

Sec. 14.5. "Child at imminent risk of placement", for purposes of IC 31-26-5, has the meaning set forth in IC 31-26-5-1.

As added by P.L.145-2006, SEC.178.

IC 31-9-2-15

"Child born in wedlock"

Sec. 15. "Child born in wedlock", for purposes of IC 31-19-9, means a child born to:

- (1) a woman; and
- (2) a man who is presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2) unless the presumption is rebutted.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-16

"Child born out of wedlock"

Sec. 16. "Child born out of wedlock", for purposes of IC 31-19-3, IC 31-19-4-4, and IC 31-19-9, means a child who is born to:

- (1) a woman; and
- (2) a man who is not presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2).

As added by P.L.1-1997, SEC.1.

IC 31-9-2-16.3

"Child care"

Sec. 16.3. "Child care", for purposes of IC 31-27, means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

As added by P.L.145-2006, SEC.179.

IC 31-9-2-16.4

"Child caregiver"

Sec. 16.4. "Child caregiver", for purposes of section 31 of this chapter, means a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian or custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:

- (1) is not required to be licensed as the operator of:
 - (A) a child care home under IC 12-17.2-5; or
 - (B) a foster family home under IC 31-27-4;
- (2) provides care and supervision of a child while unattended by the child's:
 - (A) parent;
 - (B) guardian; or
 - (C) custodian with whom the child resides; and
- (3) receives more than two thousand dollars (\$2,000) in annual

compensation for providing care and supervision of a child or children.

As added by P.L.124-2007, SEC.8.

IC 31-9-2-16.5

"Child care provider"

Sec. 16.5. "Child care provider", for purposes of IC 31-33-26, has the meaning set forth in IC 31-33-26-1.

As added by P.L.36-2001, SEC.1. Amended by P.L.138-2007, SEC.8.

IC 31-9-2-16.7

"Child caring institution"

Sec. 16.7. "Child caring institution", for purposes of IC 31-27, means:

- (1) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
- (2) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home.

As added by P.L.145-2006, SEC.180.

IC 31-9-2-16.8

"Child custody determination"

Sec. 16.8. "Child custody determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-4.

As added by P.L.138-2007, SEC.9.

IC 31-9-2-16.9

"Child custody proceeding"

Sec. 16.9. "Child custody proceeding", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-5.

As added by P.L.138-2007, SEC.10.

IC 31-9-2-17

"Child in need of services"

Sec. 17. "Child in need of services", for purposes of this title, refers to a child described in IC 31-34-1.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.181; P.L.146-2008, SEC.536.

IC 31-9-2-17.5

"Child placing agency"

Sec. 17.5. "Child placing agency", for purposes of IC 31-27, means a person that provides child welfare services to children and families, including:

- (1) home studies, investigation, and recommendation of families for the purpose of placing, arranging, or causing the placement of children for adoption, foster care, or residential care; and

(2) supervision of those placements.
As added by P.L.1-2007, SEC.189.

IC 31-9-2-17.8

"Child services"

Sec. 17.8. "Child services", for purposes of this title, means the following:

- (1) Services, other than services that are costs of secure detention, specifically provided by or on behalf of the department for or on behalf of children who are:
 - (A) adjudicated to be:
 - (i) children in need of services under IC 31-34; or
 - (ii) delinquent children under IC 31-37;
 - (B) parties in a child in need of services case filed under IC 31-34 or in a delinquency case filed under IC 31-37 before adjudication or entry of a dispositional decree;
 - (C) subject to temporary care or supervision by the department under any applicable provision of IC 31-33, IC 31-34, or IC 31-37;
 - (D) recipients or beneficiaries of a program of informal adjustment approved under IC 31-34-8 or IC 31-37-9; or
 - (E) recipients or beneficiaries of:
 - (i) adoption assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 673), as amended;
 - (ii) adoption subsidies or assistance under IC 31-19-26.5; or
 - (iii) assistance, including emergency assistance or assisted guardianships, provided under Title IV-A of the federal Social Security Act (42 U.S.C. 601 et seq.), as amended.
- (2) Costs of using an institution or facility for providing educational services to children described in subdivision (1)(A), under either IC 20-33-2-29 (if applicable) or IC 20-26-11-13 (if applicable).
- (3) Assistance awarded by the department to a destitute child under IC 31-26-2.

As added by P.L.146-2008, SEC.537.

IC 31-9-2-18

"Child support guidelines"

Sec. 18. "Child support guidelines", for purposes of IC 31-14-11-8 and IC 31-16-8-1, refers to the guidelines adopted by the Indiana supreme court.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-19

"Child support order"

Sec. 19. "Child support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-3.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-19.3

"Child welfare agency"

Sec. 19.3. "Child welfare agency", for purposes of IC 31-25-2-20.4, means:

- (1) the department of child services; and
- (2) a person (as defined in IC 24-4-14-5) that, directly or indirectly, provides:
 - (A) services to a child or family of a child, for which payment is made, in whole or in part, by the department of child services or a local office of the department of child services;
 - (B) services to:
 - (i) a child who is; or
 - (ii) a family with;
a child at imminent risk of placement (as defined in IC 31-26-5-1) who is referred by the department of child services or a local office of the department of child services to the person for family support or family preservation services; or
 - (C) assistance to or works in cooperation with the department of child services in the investigations of allegations of possible child abuse or neglect in accordance with IC 31-33.

As added by P.L.138-2007, SEC.11.

IC 31-9-2-19.5

"Child welfare services"

Sec. 19.5. "Child welfare services", for purposes of this title, means services provided under a child welfare program.

As added by P.L.145-2006, SEC.182. Amended by P.L.146-2008, SEC.538.

IC 31-9-2-19.6

"Child welfare program"

Sec. 19.6. "Child welfare program", for purposes of this title, has the meaning set forth in IC 31-26-3.5-1.

As added by P.L.146-2008, SEC.539.

IC 31-9-2-20

"Child with a disability"

Sec. 20. "Child with a disability", for purposes of IC 31-34-1-9, means an individual who:

- (1) is less than eighteen (18) years of age; and
- (2) has a disability (as defined in IC 22-9-1-3(r)).

As added by P.L.1-1997, SEC.1.

IC 31-9-2-20.3

"Child with special needs"

Sec. 20.3. "Child with special needs", for purposes of IC 31-19-26.5, has the meaning set forth in IC 31-19-26.5-2.

As added by P.L.146-2008, SEC.540.

IC 31-9-2-20.5

"Commencement"

Sec. 20.5. "Commencement", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-6.

As added by P.L.138-2007, SEC.12.

IC 31-9-2-21

Repealed

(Repealed by P.L.131-2009, SEC.76.)

IC 31-9-2-22

"Compact"

Sec. 22. "Compact", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-2.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-22.5

"Conduct a criminal history check"

Sec. 22.5. "Conduct a criminal history check", for purposes of IC 31-19, IC 31-26, IC 31-27, IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is at least fourteen (14) years of age and who is:

(i) for purposes of IC 31-19, IC 31-26, IC 31-33, IC 31-34, and IC 31-37, currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; or

(ii) for purposes of IC 31-27-4-5, a resident of the applicant's household who is at least fourteen (14) years of age; and

(B) conduct a:

(i) fingerprint based criminal history background check of both national and state records data bases concerning a person who is at least eighteen (18) years of age in accordance with IC 10-13-3-27 and IC 10-13-3-39; or

(ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person who is at least eighteen (18) years of age as described in clause (A) as provided by IC 10-13-3-27.5;

(2) collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe that a person described in subdivision (1)(A), or a

person for whom a fingerprint based criminal history background check is required under IC 31, resided within the previous five (5) years; and

(3) request information concerning any substantiated report of child abuse or neglect relating to a person described in subdivision (1)(A) that is contained in a national registry of substantiated cases of child abuse or neglect that is established and maintained by the United States Department of Health and Human Services, to the extent that the information is accessible under 42 U.S.C. 16990 and any applicable regulations or policies of the Department of Health and Human Services.

As added by P.L.234-2005, SEC.81. Amended by P.L.145-2006, SEC.183; P.L.138-2007, SEC.13.

IC 31-9-2-23

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-24

"Controlled substance"

Sec. 24. "Controlled substance", for purposes of the juvenile law, has the meaning set forth in IC 35-48-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-24.5

"Costs of secure detention"

Sec. 24.5. "Costs of secure detention", for purposes of this title, has the meaning set forth in IC 31-40-1-1.5.

As added by P.L.146-2008, SEC.541.

IC 31-9-2-25

"Council"

Sec. 25. "Council", for purposes of IC 31-31-9, refers to the city-county council of the consolidated city within the county.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-26

"County office" or "county office of family and children"

Sec. 26. "County office" or "county office of family and children", for purposes of this title, refers to a local office of the department.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.184; P.L.138-2007, SEC.14; P.L.146-2008, SEC.542.

IC 31-9-2-27

"Court"

Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

(b) "Court", for purposes of IC 31-16-15, refers to the court

having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(e) "Court", for purposes of IC 31-27, means a circuit or superior court.

(f) "Court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-7.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.185; P.L.138-2007, SEC.15.

IC 31-9-2-28

"Court appointed special advocate"

Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.1; P.L.14-2000, SEC.63; P.L.133-2008, SEC.5.

IC 31-9-2-29

"Crime"

Sec. 29. "Crime", for purposes of the juvenile law, means an offense for which an adult might be imprisoned or incarcerated if convicted under the law of the jurisdiction in which the offense is committed.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-29.5

"Crime involving domestic or family violence"

Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.

(11) Stalking under IC 35-45-10.

(12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(13) Human and sexual trafficking crimes under IC 35-42-3.5.

(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

As added by P.L.133-2002, SEC.20. Amended by P.L.173-2006, SEC.46; P.L.171-2007, SEC.1; P.L.111-2009, SEC.6.

IC 31-9-2-29.7

Repealed

(Repealed by P.L.234-2005, SEC.192.)

IC 31-9-2-30

"Custodial parent"

Sec. 30. "Custodial parent", for purposes of IC 31-14-13-8, IC 31-14-15, IC 31-16-12.5, IC 31-17-2-22, and IC 31-17-4, means the parent who has been awarded physical custody of a child by a court.

As added by P.L.1-1997, SEC.1. Amended by P.L.27-2004, SEC.2.

IC 31-9-2-31

"Custodian"

Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of IC 31-34-1, includes any person who is:

(1) a license applicant or licensee of:

(A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 31-27;

(B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or

(C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5;

(2) a person who is responsible for care, supervision, or welfare of children while providing services as an owner, operator, director, manager, supervisor, employee, or volunteer at:

(A) a home, center, or facility described in subdivision (1);

(B) a child care ministry, as defined in IC 12-7-2-28.8, that is exempt from licensing requirements and is registered or required to be registered under IC 12-17.2-6;

(C) a home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4);

(D) a home, center, or facility that is the location of a program that provides child care, as defined in section 16.3 of this chapter, to serve migrant children and that is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9; or

(E) a school, as defined in section 113.5 of this chapter;

- (3) a child caregiver, as defined in section 16.4 of this chapter;
- (4) a member of the household of the child's noncustodial parent; or
- (5) an individual who has direct contact, on a regular and continuing basis, with a child for whom care and supervision is provided as described in this subsection.

As added by P.L.1-1997, SEC.1. Amended by P.L.146-2006, SEC.12; P.L.124-2007, SEC.9.

IC 31-9-2-32

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-33

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-34

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-35

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-35.5

"De facto custodian"

Sec. 35.5. "De facto custodian", for purposes of IC 31-14-13, IC 31-17-2, and IC 31-34-4, means a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least:

- (1) six (6) months if the child is less than three (3) years of age; or
- (2) one (1) year if the child is at least three (3) years of age.

Any period after a child custody proceeding has been commenced may not be included in determining whether the child has resided with the person for the required minimum period. The term does not include a person providing care for a child in a foster family home (as defined in IC 31-9-2-46.9).

As added by P.L.96-1999, SEC.1. Amended by P.L.145-2006, SEC.186; P.L.52-2007, SEC.7.

IC 31-9-2-36

"Delinquent"

Sec. 36. (a) "Delinquent", for purposes of IC 31-16-15, refers to a situation in which an obligor is the equivalent of one (1) month in arrears in the payment of child support ordered by a court.

(b) "Delinquent", for purposes of IC 31-16-16, refers to a situation in which an obligor is in arrears in the payment of child support ordered by a court in Indiana or another state that has jurisdiction

over the support order.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-37

"Delinquent child"

Sec. 37. (a) "Delinquent child", for purposes of the juvenile law, except as provided in subsection (b), means:

- (1) a child described in IC 31-37-1-1; or
- (2) a child described in IC 31-37-2-1.

(b) "Delinquent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-4.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-38

"Delinquent juvenile"

Sec. 38. "Delinquent juvenile", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-38.5

"Department"

Sec. 38.5. "Department", for purposes of IC 31-19 and IC 31-25 through IC 31-40, has the meaning set forth in IC 31-25-2-1.

As added by P.L.234-2005, SEC.82. Amended by P.L.145-2006, SEC.187; P.L.138-2007, SEC.16.

IC 31-9-2-39

"Dependent child" or "neglected child"

Sec. 39. "Dependent child" or "neglected child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-5.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-39.5

"Destitute child"

Sec. 39.5. "Destitute child", for purposes of this title, means an individual:

- (1) who is needy;
- (2) who is not a public ward;
- (3) who is less than eighteen (18) years of age;
- (4) who has been deprived of parental support or care because of a parent's:
 - (A) death;
 - (B) continued absence from the home; or
 - (C) physical or mental incapacity;
- (5) whose relatives liable for the individual's support are not able to provide adequate care or support for the individual without public assistance; and
- (6) who is in need of foster care, under circumstances that do not require the individual to be made a public ward.

As added by P.L.145-2006, SEC.188. Amended by P.L.146-2008, SEC.543.

IC 31-9-2-40

"Director"

Sec. 40. "Director", for purposes of IC 31-25-1, IC 31-25-2, IC 31-33, IC 31-34, and IC 31-37, refers to the director of the department of child services.

As added by P.L.1-1997, SEC.1. Amended by P.L.55-1997, SEC.10; P.L.234-2005, SEC.83; P.L.145-2006, SEC.190.

IC 31-9-2-41

"Dissolution decree"

Sec. 41. "Dissolution decree", for purposes of IC 31-15, IC 31-16, and IC 31-17, means a judicial decree entered in a proceeding for the dissolution of marriage which:

- (1) has the effect of terminating the marriage and restoring the parties to the state of unmarried persons; and
- (2) may include those matters set forth in IC 31-15-2-16.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-41.2

Repealed

(Repealed by P.L.145-2006, SEC.376.)

IC 31-9-2-42

"Domestic or family violence"

Sec. 42. "Domestic or family violence" means, except for an act of self defense, the occurrence of one (1) or more of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification.
- (2) Placing a family or household member in fear of physical harm without legal justification.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
- (4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as described in IC 35-46-3-0.5(5)), mutilating (as described in IC 35-46-3-0.5(3)), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 22-4-15-1 and IC 34-26-5, domestic or family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

As added by P.L.1-1997, SEC.1. Amended by P.L.133-2002, SEC.21; P.L.189-2003, SEC.9; P.L.221-2003, SEC.3; P.L.97-2004, SEC.104; P.L.171-2007, SEC.2.

IC 31-9-2-42.3

"Drug or alcohol screen test"

Sec. 42.3. "Drug or alcohol screen test" means a test used to determine the presence or use of alcohol, a controlled substance, or a drug in a person's bodily substance.

As added by P.L.131-2009, SEC.7.

IC 31-9-2-43

"Duty of support"

Sec. 43. "Duty of support", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-4.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-43.3

"Emergency medical services"

Sec. 43.3. "Emergency medical services", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-2.

(b) "Emergency medical services", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-2.

As added by P.L.145-2006, SEC.189.

IC 31-9-2-43.5

"Emergency medical services provider"

Sec. 43.5. "Emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

As added by P.L.133-2000, SEC.2.

IC 31-9-2-43.8

"Evaluator"

Sec. 43.8. "Evaluator", for purposes of IC 31-32-2 and IC 31-37-8-4.5, means a person responsible for providing mental health screening, evaluation, or treatment to a child in connection with a juvenile proceeding or probation proceeding under this title.

As added by P.L.120-2007, SEC.2.

IC 31-9-2-44

"Executive authority"

Sec. 44. "Executive authority", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-6.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-44.3

Repealed

(Repealed by P.L.146-2008, SEC.804.)

IC 31-9-2-44.5

"Family or household member"

Sec. 44.5. (a) An individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is engaged or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
- (7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

As added by P.L.133-2002, SEC.22. Amended by P.L.97-2004, SEC.105.

IC 31-9-2-44.8

"Family preservation services"

Sec. 44.8. "Family preservation services", for purposes of IC 31-26-6, means short term, highly intensive services designed to protect, treat, and support the following:

- (1) A family with a child at risk of placement by enabling the family to remain intact and care for the child at home.
- (2) A family that adopts or plans to adopt an abused or neglected child who is at risk of placement or adoption disruption by assisting the family to achieve or maintain a stable, successful adoption of the child.

As added by P.L.138-2007, SEC.17. Amended by P.L.146-2008, SEC.544.

IC 31-9-2-45

"Family services"

Sec. 45. "Family services", for purposes of the juvenile law, means services provided to:

- (1) prevent a child from being removed from a parent, guardian, or custodian;
- (2) reunite the child with a parent, guardian, or custodian; or
- (3) implement a permanent plan of adoption, guardianship, or emancipation of a child.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-46

"Final separation"

Sec. 46. "Final separation", for purposes of IC 31-15-7, means the date of filing of the petition for dissolution of marriage under

IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal). However, if:

- (1) a legal separation proceeding involving the parties was pending when the petition for dissolution of marriage under IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal) was filed; or
- (2) a provisional order or final decree for legal separation of the parties was in effect when the petition for dissolution of marriage under IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal) was filed;

the term means the date that the petition for legal separation was filed under IC 31-15-3-4 (or IC 31-1-11.5-3 before its repeal).

As added by P.L.1-1997, SEC.1.

IC 31-9-2-46.5

"Financial institution"

Sec. 46.5. "Financial institution", for purposes of IC 31-25-3 and IC 31-25-4, has the meaning set forth in IC 31-25-4-3.

As added by P.L.145-2006, SEC.192.

IC 31-9-2-46.7

"Foster care"

Sec. 46.7. "Foster care", for purposes of IC 31-25, IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, and IC 31-28-5.7, means living in a place licensed under IC 31-27.

As added by P.L.145-2006, SEC.193. Amended by P.L.143-2008, SEC.1.

IC 31-9-2-46.9

"Foster family home"

Sec. 46.9. (a) "Foster family home", for purposes of IC 31-27, means a place where an individual resides and provides care and supervision on a twenty-four (24) hour basis to:

- (1) a child who satisfies the conditions set forth in subsection (b);
 - (2) an individual:
 - (A) who is at least eighteen (18) but less than twenty-one (21) years of age;
 - (B) who was placed in foster care under the order of a court; and
 - (C) who satisfies the conditions set forth in subsection (b);or
 - (3) an individual:
 - (A) who is at least eighteen (18) but less than twenty-one (21) years of age;
 - (B) who is receiving foster care for older youth; and
 - (C) who is no longer under the care and supervision of the juvenile court for purposes of placement.
- (b) A child or an individual described in subsection (a)(1) or (a)(2):
- (1) may not be the:
 - (A) child;

- (B) stepchild;
 - (C) grandchild;
 - (D) niece;
 - (E) nephew; or
 - (F) sibling;
- of the individual providing care and supervision;
- (2) must be separated from the child's or individual's:

- (A) parent;
- (B) stepparent;
- (C) guardian;
- (D) custodian; or
- (E) other relative; and

(3) must be receiving care and supervision under an order of a juvenile court or for the purposes of placement.

(c) This section may not be construed to require the licensing of an individual who provides foster care to a relative.

As added by P.L.145-2006, SEC.194. Amended by P.L.143-2008, SEC.2.

IC 31-9-2-47

"Foster parent"

Sec. 47. "Foster parent", for purposes of the juvenile law, means an individual who provides care and supervision to a child in:

- (1) a foster family home (as defined in IC 31-9-2-46.9); or
- (2) a home approved as a foster family home under IC 31-27.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.195.

IC 31-9-2-47.6

"Fund"

Sec. 47.6. "Fund", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-3.

As added by P.L.145-2006, SEC.196.

IC 31-9-2-48

"Governor"

Sec. 48. "Governor", for purposes of IC 31-18-8 in the Uniform Interstate Family Support Act, has the meaning set forth in IC 31-18-8-1(a).

As added by P.L.1-1997, SEC.1.

IC 31-9-2-48.3

"Grandparent visitation"

Sec. 48.3. "Grandparent visitation", for purposes of IC 31-17-2.2, means visitation rights granted to a grandparent under IC 31-17-5.

As added by P.L.50-2006, SEC.1.

IC 31-9-2-48.5

"Group home"

Sec. 48.5. "Group home", for purposes of IC 31-27, means a

residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.

As added by P.L.145-2006, SEC.197.

IC 31-9-2-49

"Guardian"

Sec. 49. "Guardian", for purposes of the juvenile law, means a person appointed by a court to have the care and custody of a child or the child's estate, or both.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-50

"Guardian ad litem"

Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

- (1) represent and protect the best interests of a child; and
- (2) provide the child with services requested by the court, including:

- (A) researching;
- (B) examining;
- (C) advocating;
- (D) facilitating; and
- (E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.2; P.L.2-1998, SEC.72; P.L.98-2004, SEC.101; P.L.133-2008, SEC.6; P.L.1-2010, SEC.115.

IC 31-9-2-51

"Hard to place child" or "hard to place children"

Sec. 51. "Hard to place child" or "hard to place children", for purposes of IC 31-19, means a child who is or children who are disadvantaged:

- (1) because of:
 - (A) ethnic background;
 - (B) race;
 - (C) color;
 - (D) language;
 - (E) physical, mental, or medical disability; or
 - (F) age; or

- (2) because the child or children are members of a sibling group that should be placed in the same home.

As added by P.L.1-1997, SEC.1. Amended by P.L.200-1999, SEC.1.

IC 31-9-2-52

"Health care provider"

Sec. 52. "Health care provider", for purposes of IC 31-32-6-4, IC 31-32-11-1, and IC 31-33, means any of the following:

- (1) A licensed physician, intern, or resident.
- (2) An osteopath.
- (3) A chiropractor.
- (4) A dentist.
- (5) A podiatrist.
- (6) A registered nurse or other licensed nurse.
- (7) A mental health professional.
- (8) A paramedic or an emergency medical technician.
- (9) A social worker, an x-ray technician, or a laboratory technician employed by a hospital.
- (10) A pharmacist.
- (11) A person working under the direction of any of the practitioners listed in subdivisions (1) through (10).

As added by P.L.1-1997, SEC.1. Amended by P.L.170-2009, SEC.10; P.L.1-2010, SEC.116.

IC 31-9-2-53

"Home state"

Sec. 53. (a) "Home state", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-8.

(b) "Home state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-5.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.18.

IC 31-9-2-54

"Identifying information"

Sec. 54. "Identifying information", for purposes of IC 31-19-9-6 and IC 31-19-17 through IC 31-19-25, means:

- (1) any name that a party to an adoption has used or is using;
- (2) any address that a party to an adoption has used or is using;
- (3) the original certificates of birth stored with the state department of health with evidence of adoption under IC 31-19-13-2; and
- (4) any other information, except the medical history, that may identify a person as a party to an adoption or as a birth parent, an adoptee, or an adoptive parent.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-55

"Includes"

Sec. 55. "Includes" means includes but is not limited to.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-56

"Income"

Sec. 56. "Income", for purposes of IC 31-16-15, IC 31-16-16, and the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-6.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-57

"Income payor"

Sec. 57. "Income payor", for purposes of IC 31-16-15, IC 31-16-16, and the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-7.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-58

"Income withholding order"

Sec. 58. "Income withholding order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC-31-18-1-8.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-58.3

"Index"

Sec. 58.3. "Index", for purposes of IC 31-33-26, means the child protection index established under IC 31-33-26-2.

As added by P.L.138-2007, SEC.19.

IC 31-9-2-58.5

Repealed

(Repealed by P.L.131-2009, SEC.76.)

IC 31-9-2-59

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-59.5

"Initial determination"

Sec. 59.5. "Initial determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-9.

As added by P.L.138-2007, SEC.20.

IC 31-9-2-60

"Initiating state"

Sec. 60. "Initiating state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-9.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-61

"Initiating tribunal"

Sec. 61. "Initiating tribunal", for purposes of the Uniform

Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-10.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-62

"Intake officer"

Sec. 62. "Intake officer", for purposes of the juvenile law, means a probation officer or a caseworker who performs the intake, preliminary inquiry, or other functions specified by the juvenile court or by the juvenile law.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-63

"Intended biological parent"

Sec. 63. "Intended biological parent", for purposes of sections 126 and 127 of this chapter, means a party to a surrogate agreement who:

- (1) agrees to be or is genetically related to a child borne by a surrogate; and
- (2) is not the surrogate's spouse.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-64

"Interested person"

Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

- (1) An adoptee.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) A relative of a birth parent.
- (5) A relative of an adoptive parent.
- (6) The department or a county office of family and children.
- (7) An adoption agency.
- (8) A court.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.198.

IC 31-9-2-64.5

"Issuing court"

Sec. 64.5. "Issuing court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-10.

As added by P.L.138-2007, SEC.21.

IC 31-9-2-65

"Issuing state"

Sec. 65. (a) "Issuing state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-11.

(b) "Issuing state", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in

IC 31-21-2-11.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.22.

IC 31-9-2-66

"Issuing tribunal"

Sec. 66. "Issuing tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-12.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-67

"Joint legal custody"

Sec. 67. "Joint legal custody", for purposes of IC 31-14-13, IC 31-17-2-13, IC 31-17-2-14, and IC 31-17-2-15, means that the persons awarded joint custody will share authority and responsibility for the major decisions concerning the child's upbringing, including the child's education, health care, and religious training.

As added by P.L.1-1997, SEC.1. Amended by P.L.95-2009, SEC.1.

IC 31-9-2-68

"Judge"

Sec. 68. "Judge", for purposes of the juvenile law, refers to the judge of the juvenile court.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-69

"Juvenile"

Sec. 69. "Juvenile", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-70

"Juvenile court"

Sec. 70. "Juvenile court", for purposes of the juvenile law, refers to a court having juvenile jurisdiction.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-71

"Juvenile detention facility"

Sec. 71. "Juvenile detention facility", for purposes of the juvenile law, means a facility described in IC 31-31-8-2.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-72

"Juvenile law"

Sec. 72. "Juvenile law" refers to IC 31-30 through IC 31-40.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-72.5

"Kinship caregiver"

Sec. 72.5. (a) "Kinship caregiver", for purposes of IC 31-25-2-20, means a person who is:

- (1) at least eighteen (18) years of age;
- (2) related to a child by blood, adoption, or marriage or is a godparent or stepparent of the child; and
- (3) the primary caregiver for and provider of financial support of a child described in subdivision (2) who is residing with the person.

(b) The term includes a grandparent, a great grandparent, a sibling, an uncle, an aunt, a nephew, a niece, or a first cousin.

As added by P.L.153-2007, SEC.1.

IC 31-9-2-72.6

"Kinship care navigator"

Sec. 72.6. "Kinship care navigator", for purposes of IC 31-25-2-20, means a person that assists kinship caregivers with understanding and navigating the system of services for children in out-of-home care under the pilot projects established under IC 31-25-2-20.

As added by P.L.153-2007, SEC.2.

IC 31-9-2-73

"Law"

Sec. 73. "Law", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-13.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-74

"Law enforcement agency"

Sec. 74. "Law enforcement agency", for purposes of IC 31-36, means a governmental agency or department whose principal function is the apprehension of criminal offenders.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-75

"Legal settlement"

Sec. 75. "Legal settlement", for purposes of IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, and IC 31-37-20-6, has the meaning set forth in IC 20-18-2-11.

As added by P.L.1-1997, SEC.1. Amended by P.L.1-2005, SEC.198.

IC 31-9-2-76

"Legend drug"

Sec. 76. "Legend drug", for purposes of the juvenile law, has the meaning set forth in IC 16-18-2-199.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-76.3

"Licensee"

Sec. 76.3. "Licensee", for purposes of IC 31-27, means a person who holds a valid license issued under IC 31-27.

As added by P.L.145-2006, SEC.199.

IC 31-9-2-76.4**"Local child fatality review team"**

Sec. 76.4. (a) "Local child fatality review team", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.

(b) "Local child fatality review team", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-3.

As added by P.L.145-2006, SEC.200.

IC 31-9-2-76.5**"Long term foster parent"**

Sec. 76.5. "Long term foster parent", for purposes of IC 31-34-21-4 and IC 31-34-21-4.5, has the meaning set forth in IC 31-34-21-4.6.

As added by P.L.152-2003, SEC.1. Amended by P.L.97-2004, SEC.106.

IC 31-9-2-76.6**"Local office"**

Sec. 76.6. "Local office", for purposes of this title, refers to a local office established by the department to serve a county or a region.

As added by P.L.146-2008, SEC.545.

IC 31-9-2-77**"Maternal or paternal grandparent"**

Sec. 77. "Maternal or paternal grandparent", for purposes of IC 31-17-5, includes:

- (1) the adoptive parent of the child's parent;
- (2) the parent of the child's adoptive parent; and
- (3) the parent of the child's parent.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-78**"Medical history"**

Sec. 78. "Medical history", for purposes of IC 31-19-18 through IC 31-19-20, means:

- (1) a comprehensive report required by IC 31-19-2-7; and
- (2) any voluntary medical information transmitted to the state registrar under IC 31-19-18-3.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-79**"Medical information"**

Sec. 79. "Medical information", for purposes of IC 31-19-18, IC 31-19-20, and IC 31-19-24, means any information that may affect

the medical history of an adoptee.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-80

Repealed

(Repealed by P.L.131-2009, SEC.76.)

IC 31-9-2-80.5

"Mental health provider"

Sec. 80.5. (a) "Mental health provider", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-4.

(b) "Mental health provider", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-4.

As added by P.L.145-2006, SEC.201.

IC 31-9-2-80.8

"Modification"

Sec. 80.8. "Modification", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-12.

As added by P.L.138-2007, SEC.23.

IC 31-9-2-81

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-81.5

"Monitor"

Sec. 81.5. "Monitor", for purposes of IC 31-27, means observation to determine the licensee's continuing compliance with IC 31-27.

As added by P.L.145-2006, SEC.202.

IC 31-9-2-82

"Neglected child" or "dependent child"

Sec. 82. "Neglected child" or "dependent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-5.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-83

"Noncustodial parent"

Sec. 83. "Noncustodial parent", for purposes of IC 31-14-13-10, IC 31-14-15, and IC 31-17-4, means the parent who is not the custodial parent.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-84

"Nonidentifying information"

Sec. 84. "Nonidentifying information", for purposes of IC 31-19-18, IC 31-19-21, IC 31-19-23, and IC 31-19-24, means any information, other than a medical history, that:

- (1) concerns an interested person to an adoption; and
- (2) does not identify a birth parent, an adoptive parent, or an adoptee.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-84.6

"Nonrelocating individual"

Sec. 84.6. "Nonrelocating individual", for purposes of IC 31-14-13 and IC 31-17-2.2, means an individual who has, or has filed an action seeking:

- (1) custody of the child;
- (2) parenting time with the child; or
- (3) visitation with the child under IC 31-17-5.

As added by P.L.50-2006, SEC.2.

IC 31-9-2-84.7

"Nonrelocating parent"

Sec. 84.7. "Nonrelocating parent", for purposes of IC 31-17-2.2, means a parent of a child who has or is seeking:

- (1) custody of the child; or
- (2) parenting time with the child;

and does not intend to move the individual's principal residence.

As added by P.L.50-2006, SEC.3.

IC 31-9-2-85

"Obligee" or "petitioner"

Sec. 85. (a) "Obligee", for purposes of IC 31-16-15 and IC 31-16-16, means a person who is entitled to receive a payment under a support order.

(b) "Obligee" or "petitioner", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

As added by P.L.1-1997, SEC.1. Amended by P.L.103-2007, SEC.11.

IC 31-9-2-86

"Obligor" or "respondent"

Sec. 86. (a) "Obligor", for purposes of IC 31-16-15 and IC 31-16-16, means an individual who has been ordered by a court to pay child support.

(b) "Obligor" or "respondent", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(c) "Obligor", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-4.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.203.

IC 31-9-2-87

"Omission"

Sec. 87. "Omission", for purposes of IC 31-34-1-2, means an

occurrence in which the parent, guardian, or custodian allowed the child of the parent, guardian, or custodian to receive an injury that the parent, guardian, or custodian had a reasonable opportunity to prevent or mitigate.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-88

"Parent"

Sec. 88. "Parent", for purposes of the juvenile law, means a biological or an adoptive parent. Unless otherwise specified, the term includes both parents, regardless of their marital status.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-88.5

"Parenting time"

Sec. 88.5. "Parenting time" means the time set aside by a court order for a parent and child to spend together.

As added by P.L.68-2005, SEC.8.

IC 31-9-2-89

"Person"

Sec. 89. (a) "Person", for purposes of IC 31-19-19 and the juvenile law, means:

- (1) a human being;
- (2) a corporation;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

As added by P.L.1-1997, SEC.1. Amended by P.L.133-2002, SEC.23; P.L.145-2006, SEC.204; P.L.138-2007, SEC.24; P.L.42-2009, SEC.1.

IC 31-9-2-90

"Person acting as parent"

Sec. 90. "Person acting as a parent", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-14.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.25.

IC 31-9-2-91

"Petitioner" or "obligee"

Sec. 91. (a) "Petitioner" or "obligee", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

(b) "Petitioner", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-15.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.26.

IC 31-9-2-92

"Physical custody"

Sec. 92. "Physical custody", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-16.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.27.

IC 31-9-2-92.5

"Plan"

Sec. 92.5. (a) "Plan", for purposes of IC 31-26-6, has the meaning set forth in IC 31-26-6-1.

(b) "Plan", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-5.

As added by P.L.55-1997, SEC.11. Amended by P.L.145-2006, SEC.205; P.L.146-2008, SEC.546.

IC 31-9-2-93

"Pre-adoptive sibling"

Sec. 93. "Pre-adoptive sibling", for purposes of:

- (1) IC 31-19-18;
- (2) IC 31-19-16.5; and
- (3) IC 31-19-25;

means a person who would have been a sibling of an adoptee had the adoptee not been adopted, regardless of whether the person is born before or after the adoptee's adoption is finalized.

As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.3; P.L.2-1998, SEC.73; P.L.58-2009, SEC.1.

IC 31-9-2-94

"Preliminary inquiry"

Sec. 94. "Preliminary inquiry", for purposes of IC 31-34 and IC 31-37, means an informal investigation into the facts and circumstances reported to the court.

As added by P.L.1-1997, SEC.1. Amended by P.L.197-1997, SEC.2; P.L.2-1998, SEC.74.

IC 31-9-2-95

"Premarital agreement"

Sec. 95. "Premarital agreement", for purposes of the Uniform Premarital Agreement Act under IC 31-11-3, has the meaning set forth in IC 31-11-3-2.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-95.5

Repealed

(Repealed by P.L.1-2007, SEC.248.)

IC 31-9-2-96

"Prior family law and juvenile law"

Sec. 96. "Prior family law and juvenile law", for purposes of IC 31-10, refers to the statutes that are repealed or amended in the recodification act of the 1997 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 1997 regular session of the general assembly.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-97

"Probation or parole"

Sec. 97. "Probation or parole", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-97.6

"Project"

Sec. 97.6. "Project", for purposes of IC 31-26-4, has the meaning set forth in IC 31-26-4-4.

As added by P.L.145-2006, SEC.207.

IC 31-9-2-98

"Property"

Sec. 98. (a) "Property", for purposes of the Uniform Premarital Agreement Act under IC 31-11-3, has the meaning set forth in IC 31-11-3-3.

(b) "Property", for purposes of IC 31-15, IC 31-16, and IC 31-17, means all the assets of either party or both parties, including:

- (1) a present right to withdraw pension or retirement benefits;
- (2) the right to receive pension or retirement benefits that are not forfeited upon termination of employment or that are vested (as defined in Section 411 of the Internal Revenue Code) but that are payable after the dissolution of marriage; and
- (3) the right to receive disposable retired or retainer pay (as defined in 10 U.S.C. 1408(a)) acquired during the marriage that is or may be payable after the dissolution of marriage.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-99

"Prosecuting attorney"

Sec. 99. "Prosecuting attorney", for purposes of the juvenile law, means the prosecuting attorney or the prosecuting attorney's deputy of the judicial circuit where the juvenile court is located.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-99.3

"Provider"

Sec. 99.3. (a) "Provider", for purposes of IC 31-28-2 and IC 31-28-3, means an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under IC 4-22-2 by the office of Medicaid policy and planning.

(b) "Provider", for purposes of IC 31-28-1, has the meaning set forth in IC 31-28-1-2.

(c) "Provider", for purposes of IC 31-27, means a person who operates a child caring institution, foster family home, group home, or child placing agency under IC 31-27.

As added by P.L.145-2006, SEC.208.

IC 31-9-2-99.7

"Public welfare"

Sec. 99.7. "Public welfare", for purposes of IC 31-25-3, IC 31-25-4, and IC 31-26-2, means any form of public welfare or Social Security provided in IC 31-25-3, IC 31-25-4, or IC 31-26-2. The term does not include direct township assistance as administered by township trustees under IC 12-20.

As added by P.L.145-2006, SEC.209. Amended by P.L.146-2008, SEC.547.

IC 31-9-2-100

"Putative father"

Sec. 100. "Putative father", for purposes of IC 31-19 and IC 31-35-1, means a male of any age who is alleged to be or claims that he may be a child's father but who:

(1) is not presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2); and

(2) has not established paternity of the child:

(A) in a court proceeding; or

(B) by executing a paternity affidavit under IC 16-37-2-2.1; before the filing of an adoption petition.

As added by P.L.1-1997, SEC.1. Amended by P.L.200-1999, SEC.2.

IC 31-9-2-101

"Reason to believe"

Sec. 101. "Reason to believe", for purposes of IC 31-33, means evidence that, if presented to individuals of similar background and training, would cause the individuals to believe that a child was abused or neglected.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-102

"Receiving state"

Sec. 102. "Receiving state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-102.5

"Recipient"

Sec. 102.5. "Recipient", for purposes of IC 31-25-3, IC 31-25-4, and IC 31-26-2, means a person who has received or is receiving assistance for the person or another person.

As added by P.L.145-2006, SEC.210. Amended by P.L.146-2008, SEC.548.

IC 31-9-2-102.7

"Record"

Sec. 102.7. "Record", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-17.

As added by P.L.138-2007, SEC.28.

IC 31-9-2-103

Repealed

(Repealed by P.L.131-2009, SEC.76.)

IC 31-9-2-103.6

"Region"

Sec. 103.6. "Region", for purposes of this title, refers to an area in Indiana designated as a region by the department. However, for purposes of:

- (1) IC 31-25-2-20, the term refers to a region established under IC 31-25-2-20; and
- (2) IC 31-26-6, the term refers to a service region established under IC 31-26-6-3.

As added by P.L.146-2008, SEC.549.

IC 31-9-2-103.7

"Regional services council"

Sec. 103.7. "Regional services council", for purposes of this title, refers to a regional services council established for a region under IC 31-26-6-4.

As added by P.L.146-2008, SEC.550.

IC 31-9-2-104

"Register"

Sec. 104. "Register", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-16.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-105

"Registering tribunal"

Sec. 105. "Registering tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set

forth in IC 31-18-1-17.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-106

"Registry"

Sec. 106. "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.211; P.L.138-2007, SEC.29.

IC 31-9-2-106.5

"Related"

Sec. 106.5. "Related", for purposes of IC 31-27, means any of the following relationships to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption:

- (1) Parent.
- (2) Grandparent.
- (3) Brother.
- (4) Sister.
- (5) Stepparent.
- (6) Stepgrandparent.
- (7) Stepbrother.
- (8) Stepsister.
- (9) First cousin.
- (10) Uncle.
- (11) Aunt.

As added by P.L.145-2006, SEC.212.

IC 31-9-2-107

"Relative"

Sec. 107. (a) "Relative", for purposes of IC 31-19-18, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

(b) "Relative", for purposes of IC 31-34-3, means:

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle; or
- (3) any other adult relative suggested by either parent of a child.

As added by P.L.1-1997, SEC.1. Amended by P.L.131-2009, SEC.8.

IC 31-9-2-107.5

"Relocating individual"

Sec. 107.5. "Relocating individual", for purposes of IC 31-17-2.2, means an individual who has or is seeking:

- (1) custody of a child; or
- (2) parenting time with a child;

and intends to move the individual's principal residence. The term does not include an individual granted visitation rights under IC 31-17-5.

As added by P.L.50-2006, SEC.4.

IC 31-9-2-107.7

"Relocation"

Sec. 107.7. "Relocation", for purposes of IC 31-17-2.2, means a change in the primary residence of an individual for a period of at least sixty (60) days.

As added by P.L.50-2006, SEC.5.

IC 31-9-2-108

"Residence"

Sec. 108. "Residence", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-109

"Residence state"

Sec. 109. "Residence state", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-110

"Respondent" or "obligor"

Sec. 110. (a) "Respondent" or "obligor", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(b) "Respondent", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-18.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.30.

IC 31-9-2-111

"Responding state"

Sec. 111. "Responding state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-18.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-112

"Responding tribunal"

Sec. 112. "Responding tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-19.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-113

Repealed

(Repealed by P.L.131-2009, SEC.76.)

IC 31-9-2-113.5

"School"

Sec. 113.5. "School", for purposes of section 31 of this chapter and IC 31-39-2-13.8, means a:

- (1) public school (including a charter school as defined in IC 20-24-1-4); or
- (2) nonpublic school (as defined in IC 20-18-2-12);

that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding. *As added by P.L.85-2004, SEC.50. Amended by P.L.1-2005, SEC.200; P.L.146-2006, SEC.13.*

IC 31-9-2-113.7

"Secure detention facility"

Sec. 113.7. "Secure detention facility", for purposes of this title, has the meaning set forth in IC 31-40-1-1.5.

As added by P.L.146-2008, SEC.551.

IC 31-9-2-114

"Secure facility"

Sec. 114. "Secure facility", for purposes of the juvenile law, means a place of residence, other than a shelter care facility, that prohibits the departure of a child.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-115

"Secure private facility"

Sec. 115. (a) Except as provided in subsection (b), "secure private facility", for purposes of the juvenile law, means the following:

- (1) A facility that is licensed under IC 31-27 to operate as a secure private facility.
- (2) A private facility that is licensed in another state to provide residential care and treatment to one (1) or more children in a secure facility other than a detention center, prison, jail, or similar correctional facility.

(b) "Secure private facility", for purposes of IC 31-27, means a secure private facility other than the following:

- (1) A juvenile detention facility established under IC 31-31-8 or IC 31-31-9 (or IC 31-6-9-5 or IC 31-6-9.5 before their repeal).
- (2) A facility operated by the department of correction.
- (3) A county jail.
- (4) A detention center operated by a county sheriff.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.213.

IC 31-9-2-116

"Sending state"

Sec. 116. "Sending state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-116.4

"Services"

Sec. 116.4. "Services", for purposes of IC 31-40-1, has the meaning set forth in IC 31-40-1-1.5.

As added by P.L.146-2008, SEC.552.

IC 31-9-2-116.5

"Services or items"

Sec. 116.5. "Services or items", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-1.

As added by P.L.133-2008, SEC.7.

IC 31-9-2-117

"Shelter care facility"

Sec. 117. (a) Except as provided in subsection (b), "shelter care facility", for purposes of the juvenile law, means a place of residence that:

- (1) is licensed under the laws of any state; and
- (2) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health.

(b) "Shelter care facility", for purposes of IC 31-27-3 and IC 31-27-5, means a child caring institution or group home that provides temporary service for not more than sixty (60) consecutive days to a child:

- (1) who is admitted to a residential facility on an emergency basis;
- (2) for twenty-four (24) hours a day; and
- (3) who:
 - (A) is not the child, stepchild, grandchild, niece, nephew, or sibling of the individual providing care and supervision;
 - (B) is separated from the child's parent, stepparent, guardian, custodian, or other relative; and
 - (C) is:
 - (i) receiving care and supervision under an order of a juvenile court;
 - (ii) voluntarily placed by the parent or guardian of the child; or
 - (iii) self-referred.

As added by P.L.1-1997, SEC.1. Amended by P.L.145-2006, SEC.214.

IC 31-9-2-117.3

"Sibling"

Sec. 117.3. "Sibling", for purposes of IC 31-19 and IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.

As added by P.L.133-2008, SEC.8. Amended by P.L.58-2009, SEC.2.

IC 31-9-2-117.5

"Special needs foster family home"

Sec. 117.5. "Special needs foster family home", for purposes of IC 31-27, means a foster family home:

(1) that provides care for:

(A) a child; or

(B) an individual at least eighteen (18) but less than twenty-one (21) years of age receiving foster care for older youth under IC 31-28-5.7-1;

who has a mental, physical, or emotional disability and will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems; and

(2) that meets the additional requirements under IC 31-27-4-3.

As added by P.L.145-2006, SEC.215. Amended by P.L.143-2008, SEC.3.

IC 31-9-2-118

"Spousal support order"

Sec. 118. "Spousal support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-20.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-119

"State"

Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-19.

(b) "State", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-21.

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

As added by P.L.1-1997, SEC.1. Amended by P.L.138-2007, SEC.31.

IC 31-9-2-120

"State department"

Sec. 120. "State department", for purposes of IC 31-19-5, refers to the state department of health.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-121

"State registrar"

Sec. 121. "State registrar", for purposes of IC 31-19-18 through IC 31-19-25, means the person who:

(1) is in charge of the division of the state department of health that administers the system of vital records; and

(2) has charge of the files and records pertaining to vital records.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-121.5

"Statewide child fatality review committee"

Sec. 121.5. (a) "Statewide child fatality review committee", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-5.

(b) "Statewide child fatality review committee", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-5.

As added by P.L.145-2006, SEC.216.

IC 31-9-2-122

Repealed

(Repealed by P.L.1-2010, SEC.156.)

IC 31-9-2-123

"Substantiated"

Sec. 123. "Substantiated", when used in reference to a child abuse or neglect report made under IC 31-33, means a determination regarding the status of the report whenever facts obtained during an assessment of the report provide a preponderance of evidence that child abuse or neglect has occurred.

As added by P.L.1-1997, SEC.1. Amended by P.L.146-2006, SEC.14; P.L.131-2009, SEC.9.

IC 31-9-2-124

"Support enforcement agency"

Sec. 124. "Support enforcement agency", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-23.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-125

"Support order"

Sec. 125. (a) "Support order", for purposes of IC 31-16-15 and IC 31-16-16, means any judgment, decree, or order of child support, including medical support, issued by a court, in Indiana or another state, that has jurisdiction over the support order. The term includes orders issued under IC 31-14 through IC 31-17.

(b) "Support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-24.

As added by P.L.1-1997, SEC.1. Amended by P.L.103-2007, SEC.12.

IC 31-9-2-126

"Surrogate"

Sec. 126. "Surrogate", for purposes of IC 31-20, means a party to a surrogate agreement who agrees to bear or bears a child that is genetically related to:

- (1) the party who agrees to bear or bears the child and an intended biological parent;
- (2) an intended biological parent and a gamete donor who is not:
 - (A) an intended biological parent; and
 - (B) the spouse of the party who agrees to bear or bears the child; or
- (3) two (2) intended biological parents of the child.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-127

"Surrogate agreement"

Sec. 127. "Surrogate agreement", for purposes of IC 31-20, means an agreement that is entered into before the birth of a child between a surrogate and one (1) or more parties and that is intended by the parties at the time that the agreement is made to induce the surrogate to relinquish care, custody, and control over the child at birth to any of the following:

- (1) An intended biological parent of the child.
- (2) An intended biological parent of the child and another person who is not:
 - (A) genetically related to the child; and
 - (B) the surrogate's spouse.
- (3) Two (2) intended biological parents of the child.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-128

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-9-2-129

"Team"

Sec. 129. "Team", for purposes of IC 31-33-3, refers to a community child protection team appointed under IC 31-33-3.

As added by P.L.1-1997, SEC.1. Amended by P.L.55-1997, SEC.12; P.L.146-2008, SEC.553.

IC 31-9-2-129.5

"Therapeutic foster family home"

Sec. 129.5. "Therapeutic foster family home", for purposes of IC 31-27, means a foster family home:

- (1) that provides care to:
 - (A) a child; or
 - (B) an individual at least eighteen (18) but less than twenty-one (21) years of age receiving foster care for older youth under IC 31-28-5.7-1;who is seriously emotionally disturbed or developmentally disabled;
- (2) in which the child or individual receives treatment in a family home through an integrated array of services supervised

and supported by qualified program staff from:

- (A) the office of the secretary of family and social services;
- (B) a managed care provider that contracts with the division of mental health and addiction; or
- (C) a licensed child placing agency; and

(3) that meets the additional requirements of IC 31-27-4-2.

As added by P.L.1-2007, SEC.190. Amended by P.L.143-2008, SEC.4.

IC 31-9-2-130

"Title IV-D agency"

Sec. 130. "Title IV-D agency" means:

- (1) the bureau of child support established in the department of child services established by IC 31-25-3-1; or
- (2) a designated agent of the department described in subdivision (1).

As added by P.L.1-1997, SEC.1. Amended by P.L.234-2005, SEC.84; P.L.145-2006, SEC.217.

IC 31-9-2-130.2

"Title IV-D case"

Sec. 130.2. "Title IV-D case", for purposes of IC 31-16-15, means a case arising under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

As added by P.L.103-2007, SEC.13.

IC 31-9-2-130.3

"Transitional services plan"

Sec. 130.3. "Transitional services plan", for purposes of IC 31-25-2-21, has the meaning set forth in IC 31-25-2-21(a).

As added by P.L.143-2008, SEC.5.

IC 31-9-2-130.5

"Tribe"

Sec. 130.5. "Tribe", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-20.

As added by P.L.138-2007, SEC.32.

IC 31-9-2-131

"Tribunal"

Sec. 131. "Tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-25.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-132

"Unsubstantiated"

Sec. 132. "Unsubstantiated", for purposes of IC 31-33 and IC 31-39-8-4, means a determination regarding the status of a report

made under IC 31-33 whenever facts obtained during an assessment of the report provide credible evidence that child abuse or neglect has not occurred.

As added by P.L.1-1997, SEC.1. Amended by P.L.131-2009, SEC.10.

IC 31-9-2-133

"Victim of child abuse or neglect"

Sec. 133. (a) "Victim of child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to a child in need of services as described in:

- (1) IC 31-34-1-1 through IC 31-34-1-5;
- (2) IC 31-34-1-10; or
- (3) IC 31-34-1-11.

(b) The term does not include a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-134

"Voluntary information"

Sec. 134. "Voluntary information", for purposes of IC 31-19-18, means the information transmitted to the state registrar as provided in IC 31-19-18-3.

As added by P.L.1-1997, SEC.1.

IC 31-9-2-134.5

"Wardship"

Sec. 134.5. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:

- (1) physical custody of the child;
- (2) care and supervision of the child;
- (3) child's visitation with parents, relatives, or other individuals; and
- (4) medical care and treatment of the child.

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9.

As added by P.L.146-2006, SEC.15.

IC 31-9-2-135

"Warrant"

Sec. 135. (a) "Warrant", for purposes of IC 31-25-3, IC 31-25-4, and IC 31-26-2, means an instrument that is:

- (1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

(b) "Warrant", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-21.

As added by P.L.145-2006, SEC.218. Amended by P.L.103-2007, SEC.14; P.L.138-2007, SEC.33; P.L.146-2008, SEC.554.

IC 31-9-2-136

"Youth service bureau"

Sec. 136. "Youth service bureau", for purposes of IC 31-26-1, has the meaning set forth in IC 31-26-1-2.

As added by P.L.145-2006, SEC.219.