

## Summary of Indiana P.L. 210-2019 (SB 1)

Indiana [Senate Bill 1](#), signed into law by Governor Eric Holcomb on May 5, 2019, made significant changes to laws affecting foster care, kinship care and Child in Need of Services (CHINS) court proceedings. The Indiana General Assembly enacted the legislation in response to an [assessment](#) of the Indiana Department of Child Services (DCS) conducted by the Child Welfare Policy and Practice Group (CWG) and the work of the Interim Study Committee on Courts and the Judiciary (the Study Committee). The CWG recommendations focused primarily on the “front end” of the child welfare service continuum, including availability of prevention services, the statutory definition of neglect, family engagement in services, response times, caseload standards, agency culture and recruitment and retention of frontline staff, among other issues. The Study Committee examined many of the issues raised in the CWG report but was also charged with studying high rates of foster parent turnover.

Senate Bill 1 has the following provisions:

- Requires that all decisions made by DCS or courts be made in consideration of the best interests of the child.
- Requires DCS to provide family case managers with telephone contacts to assist them in finding suitable placements for children 24 hours a day, seven days a week.
- Allows DCS to exceed a foster home’s capacity if a child is being placed in the home for a second or subsequent time, the placement would not cause the home to be out of compliance with federal law, and the placement would not pose a safety risk.
- Allows a foster parent, long-term foster parent or former foster parent to petition the court to intervene as a party to a CHINS proceeding or termination of parental rights (TPR) proceeding. Allows the court to grant or deny the petition with or without a hearing, except that a hearing must be held in the following circumstances:
  - The petitioner is a long-term foster parent and a TPR petition has been filed, the petitioner has filed a petition to adopt the child, or the court ordered permanency plan is no longer reunification.
  - In a TPR proceeding if the petitioner is a long-term foster parent.

Requires the court to grant a petition to intervene if it determines that intervention is in the best interests of the child.

- Creates an exception to the statutory definition of neglect for parents who are financially unable to supply the child with necessary food, clothing or shelter, and who have not failed, refused or demonstrated an inability to seek financial or other reasonable means to do so.
- Requires caseworkers to exercise due diligence to identify all adult relatives of a child recommended to the court for out-of-home placement.
  - Requires that pre-dispositional reports prepared by DCS include a description of the due diligence efforts made to identify adult relatives of the child.
  - Requires the court to include in a dispositional decree an order that DCS continue exercising due diligence to identify adult relatives until the child has been in a placement for at least 12 months.
  - Requires court reports required at case reviews for children in care for less than 12 months to include an explanation of DCS's ongoing effort to identify adult relatives.
- Requires DCS and the office of judicial administration, in collaboration with foster parents and other stakeholders, to prepare a form that may be used by foster parents and other interested persons entitled to notice of court reviews to provide written testimony to the court.
- Requires DCS court reports to include information gathered from the foster parent regarding the child's progress.
- Requires DCS to make a reasonable effort to place children who re-enter foster care with the family with whom the child was first placed, if appropriate and in the child's best interest.
- In cases in which a child has been in foster care for 15 of the most recent 22 months and a TPR petition has not been filed, allows a foster parent, relative of the child or de facto custodian with whom the child has been placed for at least six months to file a notice with the court that a TPR petition has not been filed and requires the court to schedule a hearing within 30 days.

- Requires DCS and the office of judicial administration to jointly file a report with the General Assembly before July 1, 2020.
  - Requires the office of judicial administration to include information concerning its progress in providing training and technical assistance to judicial officers on foster parents' statutory right to be heard through oral or written testimony to the court.
  - Requires DCS to include information concerning the department's progress in improving opportunities for foster parents to provide oral and written testimony to the court.

In addition to SB 1, the Indiana General Assembly enacted [HB 1006](#) that also addressed some of the issues identified in the CWG assessment, including extending eligibility for collaborative care services to foster youth age 21, updating the DCS caseload standards to align with those of the Child Welfare League of American, and amending timelines for response to reports of child maltreatment and completion of assessments.

Outside of the legislative arena, DCS has taken [steps](#) to improve foster parent support through creation of an online portal for resource families, hiring of an Assistant Deputy Director for foster care and a Medicaid expert, and increasing the number of foster care licensing specialists and staff dedicated to foster parent training, recruitment and retention. Other actions by DCS have reduced the number of children in care by over 14 percent, reduced staff turnover by over 18 percent and reduced foster care re-entries from 9.73 percent in 2016 to 4.83 percent in 2018.