

Voices for Indiana's Children 2016 Legislative Summary

The 2016 legislative session ended Sine Die on March 10. Bills pertaining to civil rights, bias-motivated crimes, human trafficking, ISTEP and access to pseudoephedrine to prevent the production of methamphetamine were prominent during this session. MCCOY's 2016 legislative priorities included:

- **Early Childhood Safety & Education** – improving the quality and accessibility of child care and early education programs, requiring kindergarten attendance, and fully-funded full-day kindergarten
- **Early Intervention and Prevention** – ensuring that prevention and early intervention services are available and accessible to individuals and families before they are in crisis
- **School Safety & School Discipline Reform** – ensuring that schools utilize evidence-based prevention programs and implement positive behavioral interventions & supports state-wide
- **Youth Safety** – ensure that policies related to issues such as violence, suicide, human trafficking, gangs, and bullying are data-driven and reflect a comprehensive approach to addressing the root causes of the issues within families, communities, and schools



Select Enacted Legislation

CHILD SAFETY

HEA1012 DEVELOPMENTAL DISABILITY BRACELET AND IDENTIFICATION CARD (KOCH E) Allows a person with a medical diagnosis of a developmental disability (including Autism) or their parent/guardian to request an ID card, bracelet, or both indicated their diagnosis.

HEA1028 HUMAN TRAFFICKING AND COMMON NUISANCES (TRUITT R) Certain human trafficking crimes including knowingly visiting or maintaining a property, vehicle, etc. used for promotion of human trafficking are Class A misdemeanors and Level 6 felonies, respectively.

HEA1064 TERMINATING THE PARENT-CHILD RELATIONSHIP (SLAGER H) The parent of a child who was conceived via rape may terminate the rapist's parental rights if it is in the best interest of the child.

HEA1157 METHAMPHETAMINE MATTERS (FRIZZELL D) Creates a procedure for creating a stop sale alert for a person with a previous methamphetamine-related felony from attempting to buy pseudoephedrine without a prescription.

HEA1199 HUMAN TRAFFICKING (MCNAMARA W) Adds the crime of promotion of human trafficking of a minor to the definitions of "sex offender" and "sex or violent offender".

SEA14 VARIOUS CRIMINAL LAW MATTERS (HEAD R) Increases penalties for creation or possession of child pornography in cases where the children are depicted in acts of bestiality, are mentally disabled, participating in sexual conduct by use of force, physically or verbally resisting the participation, receives bodily injury while participating, or is less than 12 years of age.

SEA80 EPHEDRINE AND PSEUDOEPHEDRINE (HEAD R) Provides for the development and use of a screening process for pharmacists to use to determine a customer's need for purchasing Sudafed. A person with a customer history with pharmacy does not need to be screened.

SEA161 PHARMACISTS, EPHEDRINE, AND METHAMPHETAMINE (YOUNG R) Similar to both HEA1157 & SEA80. Also requires INSPECT program to track Sudafed dispensed via prescription.

SEA186 RELEASE OF MEDICAL TESTS OF PREGNANT WOMEN (MERRITT J) Prohibits certain practitioners from releasing to law enforcement the results of certain screenings and test results of a pregnant woman.



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SEA234 EDUCATION OF COACHES OF STUDENT ATHLETES (LANANE T) Requires coaches of interscholastic sports to complete a certified player safety education course approved by the Department of Education, in consultation with a physician with expertise in concussions and brain injuries. Is optional for coaches of intramural sports.

SEA250 PARENTING COORDINATORS (BUCK J) Recommends the study of the use of parenting coordinators in resolving custody and parenting conflicts

CHILD WELFARE/ JUVENILE JUSTICE

HEA1183 GUARDIANSHIP; DEPARTMENT OF CHILD SERVICES (FRIZZELL D) Provides that a delegation of power by a properly executed power of attorney does not subject the parties to any laws, rules, or regulations concerning the licensing or regulation of foster family homes, child placing agencies, or child caring institutions. Prohibits a licensed foster family home from providing supervision to a child who is the subject of a power of attorney while providing overnight or regular and continuous care to a child placed in the foster family home unless the department of child services grants an exception. Allows a parent to delegate the powers for a period longer than 12 months if the parent is on active duty service, except that the term of delegation may not exceed the term of active duty service plus 30 days. Provides that the department may provide information about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis to the parent or guardian of a child who is the subject of an assessment if the department classifies the assessment as unsubstantiated. Provides that: (1) if the department provides the information to a parent or guardian, the department may not initiate an investigation or assessment or substantiate an assessment of child abuse or neglect based solely on the provision of the information; and (2) the department is not liable for any action arising out of having furnished the information.

HEA1271 CHILD ABUSE MATTERS (ZENT D) Requires the department of child services to notify the United States Department of Defense Family Advocacy Program (program) if a child of an active duty member of the military is the subject of a substantiated investigation for purpose of seeking services for that family.

HEA1369 JUVENILE JUSTICE (MCNAMARA W) Requires the Commission on Improving the Status of Children to study innovative juvenile justice programs, including juvenile community corrections, and to consult with the Justice Reinvestment Advisory Council on how to distribute funds to those programs.

SEA17 CHILD ABUSE PREVENTION FEE AND DOMESTIC VIOLENCE PREVENTION AND TREATMENT FEE (HEAD R) Adds the offense of strangulation to the list of offenses requiring payment of the fee.

SEA26 CHILDREN IN NEED OF SERVICES (STEELE B) Clarifies language surrounding a Child in Need of Services (CHINS) designation for a child living in the same household as an adult who commits certain offenses.

SEA91 RELEASE OF IDENTIFYING ADOPTION INFORMATION (STEELE B) Repeals provisions that prohibit release of identifying adoption information unless a release consent is on file for adoptions before 1/1/1994. Provides that identifying adoption information may be released unless a nonrelease is on file regardless of when adoption occurred.

SEA131 DEPARTMENT OF CHILD SERVICES REPORTING (BRODEN J) Defines "life threatening". Changes the definition of "near fatality", for purposes of the law concerning records relating to a child's death or near fatality, to a severe childhood injury or condition that is certified by a physician as being life threatening. Specifies that documents related to a near fatality are confidential while a police investigation is ongoing. Urges the legislative council to assign to the interim study committee on public health, behavioral health, and human services or another appropriate interim study committee the topics of medical records confidentiality and medical records disclosure in instances of child abuse or neglect.

SEA160 JUVENILE LAW (YOUNG R) Allows an adult court having jurisdiction over a minor charged with an offense requiring the automatic transfer of jurisdiction to the adult court to withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition if the minor is convicted of an offense, but not convicted of an offense requiring the automatic transfer of jurisdiction to the adult court. Allows an intake officer to impose conditions upon the release of a child who was not taken into custody under an order of the court. Requires the juvenile court to hold a detention hearing within 48 hours if an intake officer imposes conditions of release upon a child.

SEA305 DEPARTMENT OF CHILD SERVICES MATTERS (HEAD R)

- Adds the following to the list of offenses under which a child victim may be designated a Child in Need of Services (CHINS):
 - Human or sexual trafficking offenses
 - Sexual battery against a child
 - Vicarious sexual gratification offenses
 - Child solicitation
 - Patronizing a prostitute
 - Promoting prostitution
- Expands the statutory definition of “human trafficking” and “sex trafficking” to include the federal definitions and definitions from other jurisdictions.
- Adds a CHINS designation for a child who lives in a household with an adult charged with human trafficking.
- Permits a juvenile court to find that reasonable efforts for reunification are not necessary if a child is a CHINS as a result of parent, guardian or custodian involvement in human trafficking of child or others.
- Removes requirement that a delinquent child be removed from home in order to enter an informal adjustment.
- Provides that DCS may share assessment reports with the National Center for Missing and Exploited Children.

SEA357 REGISTRY OF CONVICTED CHILD ABUSERS (YODER C) Establishes an electronic child abuse registry of persons convicted of a crime of child abuse.

EDUCATION

HEA1003 TEACHER EVALUATIONS (BEHNING R) Holds teachers harmless from results of the 2014-2015 ISTEP test unless it would improve that teacher’s performance rating.

HEA1005 VARIOUS EDUCATION MATTERS (DEVON D) Makes certain changes to choice scholarship eligibility (from 1 per year to 2). Establishes the Dual Credit Teacher Stipend Matching Grant Program. Contains provisions related to disclosure of information related to current or former school employees who received substantiated reports of abuse or neglect. Requires schools to conduct checks on applicants to determine if they have been the subject of reports of committing child abuse or neglect or had a teacher’s license suspended or revoked in another state. Provides that nonpublic schools must develop policies for applicants to obtain a background check. Urges the study of certain topics including reducing sexual misconduct violations and improving reporting in schools.

HEA1209 WORKPLACE SPANISH TRANSCRIPT DESIGNATION (COOK A) Creates a Workplace Spanish designation on a student’s transcript who completes certain Spanish language courses.

HEA1219 HIGH SCHOOL DIPLOMAS (CLERE E) Requires high schools to offer all types of diplomas approved by the State Board of Education.

HEA1394 VARIOUS EDUCATION MATTERS (BEHNING R) Establishes enrollment requirements and limitations to enroll in an innovation network charter school. Requires a charter school to establish and disseminate written discipline rules. Prohibits a charter school from expelling or suspending a student based on certain characteristics.

HEA1395 ISTEP MATTERS (BEHNING R) Provides that ISTEP program expires July 1, 2017. Establishes a panel to study school accountability metrics, teacher evaluations, and alternatives to ISTEP.

SEA9 CHARTER SCHOOL DATA COLLECTION (RAATZ J) Removes the requirement that charter schools report certain data to the department of education.

SEA93 VARIOUS EDUCATION MATTERS (KRUSE D) Provides that every public school have safe, potable water. Makes certain changes to charter schools. Requests the study of certain topics including graduation rates, opportunities to earn college credits in high school and the establishment of special education scholarship accounts.

Select Enacted Legislation

SEA189 IDENTIFIER FOR MILITARY FAMILIES (KRUSE D) Provides that information concerning attendance records and academic progress for a student attending an adult high school who is a member of the military or children in military families must be submitted to the department of education by each school corporation and charter school.

SEA200 MEASURING SCHOOL AND SCHOOL CORPORATION PERFORMANCE (KRUSE D) Holds schools harmless from the results of the 2014-2015 ISTEP test.

SEA251 INDIANA OUT OF SCHOOL TIME LEARNING ADVISORY BOARD (KRUSE) – Establishes the advisory board for a 3-year period to study existing out of school time programs and recommend policies, procedures, funding levels, and eligibility criteria for programs.

Mental Health

HEA1347 MENTAL HEALTH MATTERS (KIRCHHOFER C) Requires Office of Medicaid Policy and Planning to reimburse services provided by certain advanced practice nurses, certain graduate and post-graduate degree level students in specified fields who are interning in a practicum at a community mental health center under supervision of licensed professional and licensed clinical addiction counselors who are under the clinical supervision of a physician or health service provider in psychology.

Other

SEA15 FRESH FOOD INITIATIVE (HEAD R) Urges the legislative council to assign to an appropriate study committee the topics related to the establishment of a food desert grant and loan program.

SEA271 DRUG ENFORCEMENT, TREATMENT, AND PREVENTION (MERRITT J) Establishes the Indiana Commission to Combat Drug Abuse (ICDA) and repeals the Commission for a Drug Free Indiana.

To view complete information for all bills, visit the Indiana General Assembly's website – www.iga.in.gov