



March 17, 2023

ENGROSSED HOUSE BILL No. 1282

DIGEST OF HB 1282 (Updated March 15, 2023 3:04 pm - DI 140)

Citations Affected: IC 31-25; IC 34-30.

Synopsis: Limitation of liability for DCS contractors. Limits the civil liability of contractors that provide specified services under a contract with the department of child services (DCS).

Effective: Upon passage.

Judy, Jeter, Cherry, Steuerwald

(SENATE SPONSORS — BROWN L, JOHNSON T)

January 11, 2023, read first time and referred to Committee on Judiciary.
January 19, 2023, reassigned to Committee on Insurance.
January 26, 2023, reported — Do Pass.
February 9, 2023, read second time, amended, ordered engrossed.
February 10, 2023, engrossed.
February 13, 2023, read third time, passed. Yeas 69, nays 30.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Judiciary.
March 16, 2023, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1282—LS 7269/DI 119



March 17, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1282

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 31-25-2-2.5, AS ADDED BY P.L.146-2008,
2 SECTION 563, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a)** The following are not
4 personally liable, except to the state, for an official act done or omitted
5 in connection with performance of duties under this title:
6 (1) The director of the department.
7 (2) Other officers and employees of the department.
8 **(b) The following apply to an act done or omitted by a nonprofit**
9 **corporation in connection with the nonprofit corporation's**
10 **provision of services described in section 7(a) of this chapter under**
11 **a contract entered into with the department:**
12 **(1) The nonprofit corporation is liable only to the state for the**
13 **act or omission.**
14 **(2) The nonprofit corporation's liability for the act or**
15 **omission is limited to the liability that would attach to the**
16 **department under IC 34-13-3 for the same act or omission.**
17 **(c) An officer or employee of a nonprofit corporation organized**

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1 under the laws of Indiana is not personally liable, except to the
2 state, for an act done or omitted in connection with the officer's or
3 employee's provision of services described in section 7(a) of this
4 chapter under a contract entered into with the department.

5 (d) This section does not apply to an act done or omitted that
6 constitutes:

- 7 (1) a criminal offense;
- 8 (2) gross negligence; or
- 9 (3) willful or wanton misconduct.

10 SECTION 2. IC 34-30-2.1-506, AS ADDED BY P.L.105-2022,
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 506. IC 31-25-2-2.5 (Concerning ~~the~~ officers,
13 ~~and other~~ employees, **and certain contractors** of the department of
14 child services).

15 SECTION 3. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1282, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1282 as introduced.)

CARBAUGH

Committee Vote: Yeas 13, Nays 0

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1282 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"(b) The following apply to an act done or omitted by a nonprofit corporation in connection with the nonprofit corporation's provision of services described in section 7(a) of this chapter under a contract entered into with the department:

(1) The nonprofit corporation is liable only to the state for the act or omission.

(2) The nonprofit corporation's liability for the act or omission is limited to the liability that would attach to the department under IC 34-13-3 for the same act or omission."

Page 1, line 8, delete "(b)" and insert "(c)".

Page 1, line 8, delete "individual or" and insert **"officer or employee of"**.

Page 1, line 9, after "not" insert **"personally"**.

Page 1, line 10, delete "individual's or nonprofit" and insert **"officer's or employee's"**.

Page 1, line 11, delete "corporation's".

(Reference is to HB 1282 as printed January 26, 2023.)

JUDY



HOUSE MOTION

Mr. Speaker: I move that House Bill 1282 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"(c) This section does not apply to an act done or omitted that constitutes:

- (1) a criminal offense;**
- (2) gross negligence; or**
- (3) willful or wanton misconduct."**

(Reference is to HB 1282 as printed January 26, 2023.)

JUDY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1282, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1282 as reprinted February 10, 2023.)

BROWN L, Chairperson

Committee Vote: Yeas 6, Nays 5

