



February 20, 2017

HOUSE BILL No. 1245

DIGEST OF HB 1245 (Updated February 20, 2017 11:24 am - DI 123)

Citations Affected: IC 31-17; IC 31-19.

Synopsis: Notice of adoption to grandparents. Provides that a grandparent of a child sought to be adopted is entitled to notice of pending adoption proceedings if: (1) the grandparent has an existing right to petition for visitation; and (2) the grandparent's right to visitation will not be terminated after the adoption.

Effective: July 1, 2017.

Karickhoff

January 10, 2017, read first time and referred to Committee on Judiciary.
February 20, 2017, amended, reported — Do Pass.

HB 1245—LS 6943/DI 130



February 20, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1245

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 31-17-5-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) A proceeding for
3 grandparent's visitation must be commenced by the filing of a petition
4 entitled, "In Re the visitation of _____". The petition must:
5 (1) be filed by a grandparent entitled to receive visitation rights
6 under this chapter;
7 (2) be verified; and
8 (3) set forth the following:
9 (A) The names and relationship of:
10 (i) the petitioning grandparent or grandparents;
11 (ii) each child with whom visitation is sought; and
12 (iii) the custodial parent or guardian of each child.
13 (B) The present address of each person named in clause (A).
14 (C) The date of birth of each child with whom visitation is
15 sought.
16 (D) The status under section 1 of this chapter upon which the
17 grandparent seeks visitation.

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- 1 (E) The relief sought.
- 2 **(b) A petition described in subsection (a) must be filed prior to**
- 3 **the date a decree of adoption is entered.**
- 4 SECTION 2. IC 31-19-2.5-3, AS AMENDED BY P.L.128-2012,
- 5 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2017]: Sec. 3. (a) Except as provided in section 4 of this
- 7 chapter, notice must be given to a:
- 8 (1) person whose consent to adoption is required under
- 9 IC 31-19-9-1; ~~and~~
- 10 (2) putative father who is entitled to notice under IC 31-19-4; ~~and~~
- 11 **(3) grandparent of a child sought to be adopted in a form**
- 12 **substantially similar to the form prescribed by IC 31-19-4.5-3.**
- 13 (b) If the parent-child relationship has been terminated under
- 14 IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of the
- 15 adoption proceedings shall be given to the:
- 16 (1) licensed child placing agency; or
- 17 (2) local office;
- 18 of which the child is a ward.
- 19 SECTION 3. IC 31-19-4.5-1, AS AMENDED BY P.L.146-2007,
- 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2017]: Sec. 1. This chapter:
- 22 (1) shall not be construed to affect notice of an adoption provided
- 23 to a putative father under IC 31-19-4; ~~and~~
- 24 (2) applies to a father who has abandoned, failed to support, or
- 25 failed to communicate with a child; ~~and~~
- 26 **(3) applies to a grandparent who:**
- 27 **(A) is the grandparent of a child sought to be adopted; and**
- 28 **(B) has:**
- 29 **(i) an existing right to petition for visitation under**
- 30 **IC 31-17-5; and**
- 31 **(ii) a right to visitation that will not be terminated after**
- 32 **the adoption pursuant to IC 31-17-5-9;**
- 33 **at a time prior to the date of the filing of the petition for**
- 34 **adoption.**
- 35 SECTION 4. IC 31-19-4.5-1.5 IS ADDED TO THE INDIANA
- 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2017]: Sec. 1.5. A notice described under
- 38 section 1(3) of this chapter is:
- 39 (1) limited to the issue of visitation and may not be used to
- 40 contest an adoption; and
- 41 (2) not required if the child to be adopted has been placed in
- 42 the care, custody, or control of the department.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-17-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. **(a)** A proceeding for grandparent's visitation must be commenced by the filing of a petition entitled, "In Re the visitation of _____". The petition must:

- (1) be filed by a grandparent entitled to receive visitation rights under this chapter;
- (2) be verified; and
- (3) set forth the following:
 - (A) The names and relationship of:
 - (i) the petitioning grandparent or grandparents;
 - (ii) each child with whom visitation is sought; and
 - (iii) the custodial parent or guardian of each child.
 - (B) The present address of each person named in clause (A).
 - (C) The date of birth of each child with whom visitation is sought.
 - (D) The status under section 1 of this chapter upon which the grandparent seeks visitation.
 - (E) The relief sought.

(b) A petition described in subsection (a) must be filed prior to the date a decree of adoption is entered."

Page 2, line 6, delete "of a child sought to be adopted." and insert "who:

- (A) is the grandparent of a child sought to be adopted; and**
 - (B) has:**
 - (i) an existing right to petition for visitation under IC 31-17-5; and**
 - (ii) a right to visitation that will not be terminated after the adoption pursuant to IC 31-17-5-9;**
- at a time prior to the date of the filing of the petition for adoption.**

SECTION 4. IC 31-19-4.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1.5. A notice described under section 1(3) of this chapter is:**

- (1) limited to the issue of visitation and may not be used to**



**contest an adoption; and
(2) not required if the child to be adopted has been placed in
the care, custody, or control of the department."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1245 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

