

January 28, 1998

HOUSE BILL No. 1337

DIGEST OF HB1337 (Updated January 27, 1998 1:45 pm - DI 69)

Citations Affected: IC 12-13-5-1; IC 31-10-2-1; IC 31-19-2-8; IC 31-33-8-9; IC 31-34-21; IC 31-35; IC 31-40-3-4; IC 33-2.1-7-3.1; IC 33-19-5-4.

Synopsis: Adoption and children in need of services. Confers upon the division of family and children the duty to provide permanency planning services to children in need of services, including making children available for adoption and placing children in adoptive homes in a timely manner. Waives court costs and fees in adoption proceedings if a petitioner seeks to adopt a child less than 18 years of age who has been adjudicated a child in need of services and who is a ward of a county office of family and children at the time of the filing of the adoption petition. Expands the policy of the state and purpose
(Continued next page)

Effective: July 1, 1998.

**Avery, Klinker, Linder, Porter,
Kromkowski, Pond**

January 13, 1998, read first time and referred to Committee on Judiciary.
January 27, 1998, reported — Do Pass.

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statement of the juvenile code to include providing adoption as a viable permanency plan for children who have been adjudicated as children in need of services. Requires that every time a local child protection service participates in a child abuse or neglect investigation, the child protection service must forward its investigational report to the office of the prosecuting attorney having jurisdiction in the county where the child protection service is located. Requires an additional periodic case review for a child in need of services that must occur at least three months after: (1) the child's removal from the home; or (2) the date of the dispositional decree; whichever occurs first. Requires each periodic case review to be conducted by a court at a formal hearing. Requires a petition to terminate the parent-child relationship to be filed and a hearing on the petition to be conducted if a child in need of services has been in a certain out-of-home placement for at least 15 months out of the most recent 22 months, excluding any period not exceeding 60 days before a court finds that the child is a child in need of services. Requires a juvenile court to review a child's case once every six months until a petition for adoption is filed whenever the juvenile or probate court terminates the parent-child relationship with regard to the child. Requires that during each periodic case review of a child in need of services, certain written documentation must be provided describing the family services that have been offered or provided. Removes a provision that limited the division of state court administration to using not more than \$75,000 in matching funds per state fiscal year to implement and administer guardian ad litem and court appointed special advocate programs. Repeals a provision allowing a periodic case review of a child in need of services case conducted by an administrative panel and makes conforming amendments. Requires a court to conduct a hearing not more than 90 days after a petition to terminate the parent-child relationship is filed whenever a hearing on the petition is requested. Applies this requirement to proceedings to involuntarily terminate the parent-child relationship involving: (1) a child in need of services or a delinquent child; or (2) a parent who has been convicted of a certain offense. (Under current law, the court is not required to conduct the involuntary termination hearing within a specified period after the petition is filed.) Requires adoption incentive payments paid to Indiana under the federal adoption and safe families act to be used to facilitate the adoption of children who are in need of services.

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January 28, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1337

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

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

- 1 SECTION 1. IC 12-13-5-1, AS AMENDED BY P.L.1-1997,
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. The division shall administer or supervise the
4 public welfare activities of the state. The division has the following
5 powers and duties:
6 (1) The administration of old age assistance, aid to dependent
7 children, and assistance to the needy blind and persons with
8 disabilities, excluding assistance to children with special health
9 care needs.
10 (2) The administration of the following:
11 (A) Any public child welfare service.
12 (B) The licensing and inspection under IC 12-17.2 and
13 IC 12-17.4.
14 (C) The care of dependent and neglected children in foster
15 family homes or institutions, especially children placed for

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- adoption or those born out of wedlock.
- (D) The interstate placement of children.
- (3) The provision of services to county governments, including the following:
 - (A) Organizing and supervising county offices for the effective administration of public welfare functions.
 - (B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.
 - (C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.
- (4) Prescribing the form of, printing, and supplying to the county departments blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.
- (5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:
 - (A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.
 - (B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.
- (6) Appointing from eligible lists established by the state personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.
- (7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and optometrists for the examination of applicants for and recipients of assistance as needy blind persons.
- (8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.

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- 1 (9) Acting as the agent of the federal government for the
- 2 following:
- 3 (A) In welfare matters of mutual concern under IC 12-13
- 4 through IC 12-19.
- 5 (B) In the administration of federal money granted to
- 6 Indiana in aiding welfare functions of the state government.
- 7 (10) Administering additional public welfare functions vested in
- 8 the division by law and providing for the progressive
- 9 codification of the laws the division is required to administer.
- 10 (11) Transferring to each county that is required to submit a
- 11 schedule under IC 12-19-1-9(d) an amount equal to the
- 12 scheduled amount of the county's lease and rental obligations as
- 13 provided in IC 12-19-1-9.
- 14 (12) Supervising day care centers and child placing agencies.
- 15 (13) Supervising the licensing and inspection of all public child
- 16 caring agencies.
- 17 (14) Supervising the care of delinquent children and children in
- 18 need of services.
- 19 (15) Assisting juvenile courts as required by IC 31-30 through
- 20 IC 31-40.
- 21 (16) Supervising the care of dependent children and children
- 22 placed for adoption.
- 23 (17) Compiling information and statistics concerning the
- 24 ethnicity and gender of a program or service recipient.
- 25 **(18) Providing permanency planning services for children in**
- 26 **need of services, including:**
- 27 **(A) making children legally available for adoption; and**
- 28 **(B) placing children in adoptive homes;**
- 29 **in a timely manner.**
- 30 SECTION 2. IC 31-10-2-1, AS ADDED BY P.L.1-1997,
- 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 1998]: Sec. 1. It is the policy of this state and the purpose of
- 33 this title to:
- 34 (1) recognize the importance of family and children in our
- 35 society;
- 36 (2) recognize the responsibility of the state to enhance the
- 37 viability of children and family in our society;
- 38 (3) acknowledge the responsibility each person owes to the
- 39 other;
- 40 (4) strengthen family life by assisting parents to fulfill their
- 41 parental obligations;
- 42 (5) ensure that children within the juvenile justice system are

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- 1 treated as persons in need of care, protection, treatment, and
 2 rehabilitation;
 3 (6) remove children from families only when it is in the child's
 4 best interest or in the best interest of public safety;
 5 **(7) provide for adoption as a viable permanency plan for**
 6 **children who are adjudicated children in need of services;**
 7 ~~(7)~~ **(8)** provide a juvenile justice system that protects the public
 8 by enforcing the legal obligations that children have to society
 9 and society has to children;
 10 ~~(8)~~ **(9)** use diversionary programs when appropriate;
 11 ~~(9)~~ **(10)** provide a judicial procedure that:
 12 (A) ensures fair hearings;
 13 (B) recognizes and enforces the legal rights of children and
 14 their parents; and
 15 (C) recognizes and enforces the accountability of children
 16 and parents;
 17 ~~(10)~~ **(11)** promote public safety and individual accountability by
 18 the imposition of appropriate sanctions; and
 19 ~~(11)~~ **(12)** provide a continuum of services developed in a
 20 cooperative effort by local governments and the state.
 21 SECTION 3. IC 31-19-2-8, AS ADDED BY P.L.1-1997,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 1998]: Sec. 8. **(a)** Unless the petitioner for adoption seeks
 24 under section 1 of this chapter to adopt a person who is at least
 25 eighteen (18) years of age, **and except as provided in subsection (b),**
 26 the petitioner for adoption must attach to the petition for adoption:
 27 (1) an adoption history fee of twenty dollars (\$20) payable to the
 28 state department of health; and
 29 (2) a putative father registry fee of fifty dollars (\$50) payable to
 30 the state department of health for administering the putative
 31 father registry established by IC 31-19-5.
 32 **(b) The adoption history fee and putative father registry fee**
 33 **under subsection (a) are waived if a petitioner seeks to adopt:**
 34 **(1) a person who is at least eighteen (18) years of age under**
 35 **IC 31-19-2-1; or**
 36 **(2) a child less than eighteen (18) years of age who is:**
 37 **(A) adjudicated a child in need of services; and**
 38 **(B) a ward of a county office of family and children;**
 39 **at the time of the filing of the petition for adoption.**
 40 SECTION 4. IC 31-33-8-9, AS ADDED BY P.L.1-1997,
 41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 1998]: Sec. 9. (a) The local child protection service's report

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1 under section ~~7~~ **8** of this chapter shall be made available to:

- 2 (1) the appropriate court;
 3 (2) the prosecuting attorney; or
 4 (3) the appropriate law enforcement agency;

5 upon request.

6 **(b) A local child protection service shall forward its report of**
 7 **an investigation conducted under section 7 of this chapter to the**
 8 **office of the prosecuting attorney having jurisdiction in the county**
 9 **where the local child protection service is located.**

10 ~~(b)~~ (c) If the investigation substantiates a finding of child abuse or
 11 neglect as determined by the local child protection service, a report
 12 shall be sent to the coordinator of the community child protection team
 13 under IC 31-33-3.

14 SECTION 5. IC 31-34-21-2, AS ADDED BY P.L.1-1997,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 1998]: Sec. 2. (a) In accordance with federal law, the case of
 17 each child in need of services under the supervision of the county
 18 office of family and children must be reviewed ~~at least once every six~~
 19 ~~(6) months, or more often, if ordered by the court.~~ **periodically as**
 20 **prescribed by this section.**

21 (b) The first ~~of these~~ periodic case ~~reviews~~ **review** must occur:

- 22 (1) at least ~~six (6)~~ **three (3)** months after the date of the child's
 23 removal from the child's parent, guardian, or custodian; or
 24 (2) at least ~~six (6)~~ **three (3)** months after the date of the
 25 dispositional decree;

26 whichever comes first.

27 (c) **The second periodic case review must occur:**

- 28 **(1) at least six (6) months after the date of the child's removal**
 29 **from the child's parent, guardian, or custodian; or**
 30 **(2) at least six (6) months after the date of the dispositional**
 31 **decree;**

32 **whichever occurs first.**

33 **(d) Each subsequent periodic case review must occur at least**
 34 **once every six (6) months, or more often if ordered by the court.**

35 ~~(c)~~ **(e) Each periodic case review may** ~~must~~ be conducted
 36 either by

- 37 ~~(1)~~ **(1) an administrative panel appointed by the director of the**
 38 **county office of family and children; or**
 39 ~~(2)~~ **(2) the juvenile court in a formal court hearing.**

40 **(d) If a panel is appointed under subsection (c); at least one (1) of**
 41 **the members must be free from responsibility for the case management**
 42 **or the delivery of services to the child or the child's parent, guardian;**



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- 1 ~~or custodian.~~
- 2 SECTION 6. IC 31-34-21-5, AS ADDED BY P.L.1-1997,
- 3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 1998]: Sec. 5. (a) The ~~panel~~ or court shall determine:
- 5 (1) whether the child's case plan, services, and placement meet
- 6 the special needs and best interests of the child;
- 7 (2) whether the county office of family and children has made
- 8 reasonable efforts to provide family services; and
- 9 (3) a projected date for the child's return home, the child's
- 10 adoption placement, the child's emancipation, or the appointment
- 11 of a legal guardian for the child.
- 12 (b) The determination of the ~~panel~~ **court** under subsection (a)
- 13 must be based on findings written after consideration of the following:
- 14 (1) Whether the county office of family and children, the child,
- 15 or the child's parent, guardian, or custodian has complied with
- 16 the child's case plan.
- 17 (2) ~~What family services have been provided and offered to the~~
- 18 ~~child or the child's parent, guardian, or custodian. **Written**~~
- 19 ~~documentation containing descriptions of:~~
- 20 (A) ~~the family services that have been offered or~~
- 21 ~~provided to the child or the child's parent, guardian, or~~
- 22 ~~custodian;~~
- 23 (B) ~~the dates during which the family services were~~
- 24 ~~offered or provided; and~~
- 25 (C) ~~the outcome arising from offering or providing the~~
- 26 ~~family services.~~
- 27 (3) The extent of the efforts made by the county office of family
- 28 and children to offer and provide family services.
- 29 (4) The extent to which the parent, guardian, or custodian has
- 30 enhanced the ability to fulfill parental obligations.
- 31 (5) The extent to which the parent, guardian, or custodian has
- 32 visited the child, including the reasons for infrequent visitation.
- 33 (6) The extent to which the parent, guardian, or custodian has
- 34 cooperated with the county office of family and children or
- 35 probation department.
- 36 (7) The child's recovery from any injuries suffered before
- 37 removal.
- 38 (8) Whether any additional services are required for the child or
- 39 the child's parent, guardian, or custodian and, if so, the nature of
- 40 those services.
- 41 (9) The extent to which the child has been rehabilitated.
- 42 (10) If the child is placed out-of-home, whether the child is in

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- 1 the least restrictive, most family-like setting, and whether the
 2 child is placed close to the home of the child's parent, guardian,
 3 or custodian.
- 4 (11) The extent to which the causes for the child's out-of-home
 5 placement or supervision have been alleviated.
- 6 (12) Whether current placement or supervision by the county
 7 office of family and children should be continued.
- 8 (13) The extent to which the child's parent, guardian, or
 9 custodian has participated or has been given the opportunity to
 10 participate in case planning, periodic case reviews, dispositional
 11 reviews, placement of the child, and visitation.
- 12 SECTION 7. IC 31-34-21-7, AS ADDED BY P.L.1-1997,
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 1998]: Sec. 7. (a) The court shall hold a formal hearing **with**
 15 **respect to the child's periodic case review to consider the issues**
 16 **described in section 5 of this chapter:**
- 17 (1) every twelve (12) months after:
 18 (A) the date of the original dispositional decree; or
 19 (B) a child in need of services was removed from the child's
 20 parent, guardian, or custodian;
 21 whichever comes first; or
 22 (2) more often if ordered by the juvenile court.
- 23 (b) The court shall:
 24 (1) make the determination and findings required by section 5 of
 25 this chapter;
 26 (2) consider the question of continued jurisdiction and whether
 27 the dispositional decree should be modified;
 28 (3) determine whether the child should:
 29 (A) return home;
 30 (B) continue in foster care;
 31 (C) be placed for adoption; or
 32 (D) be placed under another permanent plan; and
 33 (4) examine procedural safeguards used by the county office of
 34 family and children to protect parental rights.
- 35 (c) The state must show that jurisdiction should continue by
 36 proving that the objectives of the dispositional decree have not been
 37 accomplished, and that a continuation of the decree with or without any
 38 modifications has a probability of success. If the state does not sustain
 39 its burden for continued jurisdiction, the court may:
 40 (1) authorize a petition for termination of the parent-child
 41 relationship; or
 42 (2) discharge the child or the child's parent, guardian, or

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1 custodian.

2 SECTION 8. IC 31-35-2-4, AS ADDED BY P.L.1-1997,
3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 4. (a) A verified petition to terminate the
5 parent-child relationship involving a delinquent child or a child in need
6 of services may be signed and filed with the juvenile or probate court
7 by any of the following:

- 8 (1) The attorney for the county office of family and children.
9 (2) The prosecuting attorney.
10 (3) The child's court appointed special advocate.
11 (4) The child's guardian ad litem.

12 (b) The petition must:

- 13 (1) be entitled "In the Matter of the Termination of the
14 Parent-Child Relationship of _____, a child, and
15 _____, the child's parent (or parents)"; and
16 (2) allege that:

17 (A) **one of the following exists:**

- 18 (1) the child has been removed from the parent for at
19 least six (6) months under a dispositional decree; **or**
20 (2) **the child has been removed from the parent and**
21 **has been under the supervision of a county office of**
22 **family and children for at least fifteen (15) months**
23 **of the most recent twenty-two (22) months.**

24 (B) there is a reasonable probability that:

- 25 (i) the conditions that resulted in the child's removal or
26 the reasons for placement outside the home of the
27 parents will not be remedied; or
28 (ii) the continuation of the parent-child relationship
29 poses a threat to the well-being of the child;

30 (C) termination is in the best interests of the child; and

31 (D) there is a satisfactory plan for the care and treatment of
32 the child.

33 SECTION 9. IC 31-35-2-4.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 1998]: **Sec. 4.5 This section applies if a child**
36 **in need of services:**

- 37 (1) **has been removed from a parent and has been under the**
38 **supervision of the county office of family and children for at**
39 **least fifteen (15) months of the most recent twenty-two (22)**
40 **months, excluding any period not exceeding sixty (60) days**
41 **before the court has entered a finding or judgment under**
42 **IC 31-34 that the child is a child in need of services; and**

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- 1 **(2) has been placed in:**
 2 **(A) a foster family home, child caring institution, or**
 3 **group home licensed under IC 12-17.4; or**
 4 **(B) the home of a person related to the child (as defined**
 5 **in IC 12-7-2-162.5).**
 6 **(b) A person described in section 4(a) of this chapter shall:**
 7 **(1) file a petition to terminate the parent-child**
 8 **relationship under section 4 of this chapter; and**
 9 **(2) request that the petition be set for a hearing.**
 10 SECTION 10. IC 31-35-2-6, AS ADDED BY P.L.1-1997,
 11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 1998]: Sec. 6. The person filing the petition may request the
 13 court to set the petition for a hearing. **Whenever a hearing on the**
 14 **petition is requested under this section, the court shall conduct the**
 15 **hearing not more than ninety (90) days after a petition is filed**
 16 **under this chapter.**
 17 SECTION 11. IC 31-35-3-7, AS ADDED BY P.L.1-1997,
 18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 1998]: Sec. 7. The person filing the petition may request that
 20 the court set the petition for a hearing. **Whenever a hearing on the**
 21 **petition is requested under this section, the court shall conduct the**
 22 **hearing not more than ninety (90) days after a petition is filed**
 23 **under this chapter.**
 24 SECTION 12. IC 31-35-6-1, AS ADDED BY P.L.1-1997,
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 1998]: Sec. 1. **(a) If the juvenile or probate court terminates**
 27 **the parent-child relationship, the court may:**
 28 **(1) refer the matter to the court having probate jurisdiction for**
 29 **adoption proceedings; or**
 30 **(2) order any dispositional alternative specified by IC 31-34-20-1**
 31 **or IC 31-37-19-1.**
 32 **(b) If the juvenile court refers the matter to the court having**
 33 **probate jurisdiction under subsection (a)(1), the juvenile court**
 34 **shall review the child's case once every six (6) months until a**
 35 **petition for adoption is filed.**
 36 SECTION 13. IC 33-2.1-7-3.1, AS AMENDED BY P.L.1-1997,
 37 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 1998]: Sec. 3.1. **(a) The division of state court**
 39 **administration shall establish and administer an office of guardian ad**
 40 **litem and court appointed special advocate services. The division shall**
 41 **use money it receives from the state general fund to administer the**
 42 **office. If funds for guardian ad litem and court appointed special**

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1 advocate programs are appropriated by the general assembly, the
 2 division shall provide matching funds to counties that are required to
 3 implement and administer, in courts with juvenile jurisdiction, a
 4 guardian ad litem and court appointed special advocate program for
 5 children who are alleged to be victims of child abuse or neglect under
 6 IC 31-33. ~~However, the division may not use more than seventy-five~~
 7 ~~thousand dollars (\$75,000) per state fiscal year for administration of~~
 8 ~~the program.~~ Matching funds must be distributed in accordance with
 9 the provisions of section 3.2 of this chapter. A county may use these
 10 matching funds to supplement amounts that are collected as fees under
 11 IC 31-40-3-1 and used for the operation of guardian ad litem and court
 12 appointed special advocate programs. The division may use its
 13 administrative fund to provide training services and communication
 14 services for local officials and local guardian ad litem and court
 15 appointed special advocate programs. The county fiscal body shall
 16 appropriate adequate funds for the county to be eligible for matching
 17 funds under this section.

18 (b) Matching funds provided to a county under this provision shall
 19 be used for guardian ad litem and court appointed special advocate
 20 programs and may be deposited in the county's guardian ad litem or
 21 court appointed special advocate fund described in IC 31-40-3.

22 (c) Any matching funds appropriated to the division of state court
 23 administration that are not used before July 1 of each fiscal year do not
 24 revert but shall be redistributed under this section on July 1. The
 25 division shall redistribute the funds among counties providing guardian
 26 ad litem and court appointed special advocate programs that are
 27 entitled to receive matching funds.

28 (d) Money appropriated to the division of state court
 29 administration does not revert at the end of a state fiscal year to the
 30 state general fund.

31 SECTION 14. IC 33-19-5-4, AS AMENDED BY P.L.1-1997,
 32 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) For each civil action except:

- 34 (1) proceedings to enforce a statute defining an infraction under
 35 IC 34-4-32-4;
 36 (2) proceedings to enforce an ordinance under IC 34-4-32-4;
 37 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
 38 (4) proceedings in paternity under IC 31-14;
 39 (5) proceedings in small claims court under IC 33-11.6; ~~and~~
 40 (6) proceedings in actions under section 6 of this chapter; ~~and~~
 41 **(7) proceedings in adoption actions in which the subject of**
 42 **the adoption is a child less than eighteen (18) years of age**



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who is:

(A) adjudicated a child in need of services; and

**(B) a ward of the county office of family and children;
at the time of the filing of the petition for adoption.**

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100), except as provided in subsection (b).

(b) For each proceeding for the issuance of a protective order under IC 34-4-5.1:

(1) the clerk shall initially collect thirty-five dollars (\$35) of the civil costs fee from the party that filed the action or the court may waive the initial thirty-five dollars (\$35) of the civil costs fee for the party that filed the action; and

(2) upon disposition of the protective order petition under IC 34-4-5.1, the court may order that:

(A) the remainder of the civil costs fee, in the amount of sixty-five dollars (\$65), be assessed against the respondent in the action as provided in IC 34-4-5.1-2(d) or against the party that filed the action; and

(B) the initial thirty-five dollar (\$35) civil costs fee be reimbursed by the respondent in the action to the party that filed the action or assessed against the respondent in the action as provided in IC 34-4-5.1-2(d).

(c) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A support and maintenance fee.

SECTION 15. IC 31-40-3-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. An adoption incentive payment that is paid to Indiana under the federal adoption and safe families act (42 U.S.C. 473A(d)) must be used for services to facilitate the adoption of children who are in need of services.

SECTION 16. IC 31-34-21-6 IS REPEALED [EFFECTIVE JULY 1, 1998].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1337, 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.

VILLALPANDO, Chair

Committee Vote: yeas 11, nays 2.

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