

# SENATE BILL No. 81

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-30-1-1; IC 31-30-1-12.

**Synopsis:** Children in need of services; custody. Allows a court with child custody jurisdiction to modify a child custody order in a dissolution of marriage proceeding that relates to a child who is under juvenile court jurisdiction as the result of a child in need of services proceeding. Provides that whenever a court with child custody jurisdiction modifies child custody under these circumstances, the custody modification takes effect only if the juvenile court: (1) enters an order approving the custody modification; or (2) terminates the child in need of services proceeding. (Current law provides that child custody may not be modified while the child is under the juvenile court jurisdiction as the result of a child in need of services proceeding.)

**Effective:** July 1, 1998.

---

---

Jackman

---

---

January 6, 1998, read first time and referred to Committee on Judiciary.

---

---



Introduced

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.

## SENATE BILL No. 81

---

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 31-30-1-1, AS ADDED BY P.L.1-1997, SECTION  
2 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 1998]: Sec. 1. A juvenile court has exclusive original jurisdiction,  
4 except as provided in sections 9, ~~and~~ 10, **and** 12 of this chapter, in the  
5 following:
- 6 (1) Proceedings in which a child, including a child of divorced  
7 parents, is alleged to be a delinquent child under IC 31-37.
  - 8 (2) Proceedings in which a child, including a child of divorced  
9 parents, is alleged to be a child in need of services under  
10 IC 31-34.
  - 11 (3) Proceedings concerning the paternity of a child under  
12 IC 31-14.
  - 13 (4) Proceedings under the interstate compact on juveniles under  
14 IC 31-37-23.
  - 15 (5) Proceedings governing the participation of a parent, guardian,  
16 or custodian in a program of care, treatment, or rehabilitation for  
17 a child under IC 31-34-16 or IC 31-37-15.

1998

IN 81—LS 6528/DI 76+



- 1 (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and  
 2 IC 31-37-6 governing the detention of a child before a petition has  
 3 been filed.  
 4 (7) Proceedings to issue a protective order under IC 31-32-13.  
 5 (8) Proceedings in which a child less than sixteen (16) years of  
 6 age is alleged to have committed an act that would be a  
 7 misdemeanor traffic offense if committed by an adult.  
 8 (9) Proceedings in which a child is alleged to have committed an  
 9 act that would be an offense under IC 9-30-5 if committed by an  
 10 adult.  
 11 (10) Other proceedings specified by law.
- 12 SECTION 2. IC 31-30-1-12 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 14 1, 1998]: **Sec. 12. A court having jurisdiction under IC 31-17-2 of  
 15 a child custody proceeding in a marriage dissolution has  
 16 concurrent original jurisdiction with the juvenile court for the  
 17 purpose of modifying custody of a child who is under the  
 18 jurisdiction of the juvenile court because the child is the subject of  
 19 a child in need of services proceeding. However, whenever the  
 20 court having child custody jurisdiction under IC 31-17-2 in a  
 21 marriage dissolution modifies child custody as provided by this  
 22 section, the modification is effective only when the juvenile court:**  
 23 (1) enters an order approving the child custody modification;  
 24 or  
 25 (2) terminates the child in need of services proceeding.

