

# SENATE BILL No. 295

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-34-21-4; IC 31-34-21-7.

**Synopsis:** CHINS proceedings. Creates a rebuttable presumption that a court retains jurisdiction over a child who is a child in need of services (CHINS) for not longer than 12 months. Provides that if the state does not sustain its burden for continued jurisdiction at the end of the 12 month period, the court shall: (1) authorize the filing of a petition for termination of the parent-child relationship; or (2) discharge the child and the child's parent, guardian, or custodian. Confers the right to notice and the opportunity to be heard at each of a child's periodic case reviews in a CHINS proceeding upon the child's foster parent.

**Effective:** July 1, 1998.

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Miller

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January 7, 1998, read first time and referred to Committee on Judiciary.

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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.

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## SENATE BILL No. 295

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 31-34-21-4, AS ADDED BY P.L.1-1997,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 4. **(a)** At least five (5) days before ~~the each~~ case  
4 review, the county office of family and children shall send notice of the  
5 review to:

6 (1) the parent, guardian, or custodian of the child; **and**  
7 (2) **the child's foster parent.** ~~The county office of family and~~  
8 ~~children may send notice of the review to any foster parent of the~~  
9 ~~child.~~

10 (b) **The panel or court shall provide the child's foster parent**  
11 **with an opportunity to be heard at each of the child's periodic case**  
12 **reviews.**

13 (c) **Notwithstanding the right to notice and the opportunity to**  
14 **be heard under this section, the child's foster parent does not**  
15 **become a party to the child in need of services proceeding under**  
16 **this chapter.**

17 SECTION 2. IC 31-34-21-7, AS ADDED BY P.L.1-1997,

1998

IN 295—LS 7096/DI 76+



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 1998]: Sec. 7. (a) The court shall hold a formal hearing:

3 (1) every twelve (12) months after:

4 (A) the date of the original dispositional decree; or

5 (B) a child in need of services was removed from the child's  
6 parent, guardian, or custodian;

7 whichever comes first; or

8 (2) more often if ordered by the juvenile court.

9 **There is a rebuttable presumption that the court retains**  
10 **jurisdiction over a child in need of services for not longer than**  
11 **twelve (12) months after the date of the original dispositional**  
12 **decree or twelve (12) months after the child in need of services was**  
13 **removed from the child's parent, guardian, or custodian,**  
14 **whichever occurs first.**

15 (b) The court shall:

16 (1) make the determination and findings required by section 5 of  
17 this chapter;

18 (2) consider the question of continued jurisdiction and whether  
19 the dispositional decree should be modified;

20 (3) determine whether the child should:

21 (A) return home;

22 (B) continue in foster care;

23 (C) be placed for adoption; or

24 (D) be placed under another permanent plan; and

25 (4) examine procedural safeguards used by the county office of  
26 family and children to protect parental rights.

27 (c) **To rebut the presumption**, the state must show that  
28 jurisdiction should continue by proving that the objectives of the  
29 dispositional decree have not been accomplished, ~~and~~ that a  
30 continuation of the decree with or without any modifications ~~has a~~  
31 ~~probability of success:~~ **is necessary, and that it is in the child's best**  
32 **interests for the state to maintain its jurisdiction over the child.** If  
33 the state does not sustain its burden for continued jurisdiction, the  
34 court: ~~may:~~

35 (1) **shall:**

36 (A) authorize **the county office of family and children to**  
37 **file** a petition for termination of the parent-child  
38 relationship; or

39 (B) **initiate on its own motion a proceeding for**  
40 **termination of the parent-child relationship; or**

41 (2) **shall** discharge the child ~~or~~ **and** the child's parent, guardian,  
42 or custodian.

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