

# HOUSE BILL No. 1030

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2-48.5; IC 31-9-2-77; IC 31-17-5.

**Synopsis:** Grandparent visitation. Expands grandparent visitation rights to allow a grandparent to petition a court for visitation rights with a grandchild regardless of the marital status of the child's parents or whether the child's parents are living. (Current law provides that a grandparent may only petition for grandparent visitation rights with a child if: (1) the child's parent is deceased; (2) the marriage of the child's parents has been dissolved; or (3) the child was born out of wedlock.) Retains the statutory provision that prohibits a parental grandparent from seeking grandparent visitation rights with a child who is born out of wedlock if the child's father has not established paternity of the child.

**Effective:** Upon passage.

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## Duncan, Robertson

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January 6, 1998, read first time and referred to Committee on Families, Children, and Human Affairs.

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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.

## HOUSE BILL No. 1030

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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 31-9-2-48.5, AS ADDED IS ADDED TO THE  
2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 48.5. "Grandparent", for**  
4 **purposes of IC 31-17-5, includes:**

5 (1) **the adoptive parent of the child's parent;**  
6 (2) **the parent of the child's adoptive parent; and**  
7 (3) **the parent of the child's parent.**

8 SECTION 2. IC 31-17-5-1, AS ADDED BY P.L.1-1997, SECTION  
9 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
10 PASSAGE]: Sec. 1. (a) **Except as provided in subsection (b),** a child's  
11 grandparent may ~~seek petition a court for~~ visitation rights **with the**  
12 **child. if**

13 (1) ~~the child's parent is deceased;~~  
14 (2) ~~the marriage of the child's parents has been dissolved in~~  
15 ~~Indiana; or~~  
16 (3) ~~subject to subsection (b), the child was born out of wedlock.~~  
17 (b) A court may not grant visitation rights to a paternal grandparent



1 of a child who is born out of wedlock ~~under subsection (a)(3)~~ if the  
2 child's father has not established paternity in relation to the child.

3 SECTION 3. IC 31-17-5-3, AS ADDED BY P.L.1-1997,  
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 3. A proceeding for grandparent's visitation  
6 must be commenced by the filing of a petition entitled, "In Re the  
7 visitation of \_\_\_\_\_". The petition must:

8 (1) be filed by a grandparent entitled to receive visitation rights  
9 under this chapter;

10 (2) be verified; and

11 (3) set forth the following:

12 (A) The names and relationship of:

13 (i) the petitioning grandparent or grandparents;

14 (ii) each child with whom visitation is sought; and

15 (iii) the custodial parent or guardian of each child.

16 (B) The present address of each person named in clause

17 (A).

18 (C) The date of birth of each child with whom visitation is  
19 sought.

20 ~~(D) The status under section 1 of this chapter upon which  
21 the grandparent seeks visitation.~~

22 ~~(E)~~ (D) The relief sought.

23 SECTION 4. IC 31-17-5-4, AS ADDED BY P.L.1-1997,  
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 4. A grandparent seeking visitation rights  
26 shall file a petition requesting reasonable visitation rights:

27 (1) in a circuit or superior court of the county in which the child  
28 resides; ~~in a case described in section 1(a)(1), 1(a)(3), or 10 of  
29 this chapter;~~ or

30 (2) in the court having jurisdiction over the dissolution of the  
31 parents' marriage, ~~in a case described in section 1(a)(2) of this  
32 chapter. if the marriage of the child's parents has been  
33 dissolved in Indiana.~~

34 SECTION 5. IC 31-17-5-10, AS ADDED BY P.L.1-1997,  
35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 10. If the marriage of the child's parents has  
37 been dissolved in another state, the child's ~~maternal or paternal~~  
38 grandparent may seek visitation rights if:

39 (1) the custody decree entered in the action for dissolution of  
40 marriage does not bind the grandparent under IC 31-17-3-12;  
41 and

42 (2) an Indiana court would have jurisdiction under IC 31-17-3-3



1           or IC 31-17-3-14 to grant visitation rights to the grandparent in  
2           a modification decree.

3           SECTION 6. IC 31-9-2-77 IS REPEALED [EFFECTIVE UPON  
4           PASSAGE].

5           SECTION 7. **An emergency is declared for this act.**

