

# HOUSE BILL No. 1149

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-19-10-4.6; IC 31-19-10-5; IC 31-19-14-5.

**Synopsis:** Adoption challenges by indigent inmates. Provides that whenever an indigent person confined by the department of correction contests an adoption or challenges an adoption decree through use of pauper counsel or a legal services provider, a court shall conduct an emergency hearing to review the basis for the person's legal action. Requires a court to dismiss the person's action if the court finds that the action is frivolous or vexatious. Makes a conforming amendment.

**Effective:** July 1, 1998.

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**Cook**

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January 8, 1998, read first time and referred to Committee on Judiciary.

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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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# HOUSE BILL No. 1149



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

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

1 SECTION 1. IC 31-19-10-4.6 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1998]: **Sec. 4.6. (a) This section applies**  
4 **whenever an indigent person who is:**  
5 **(1) confined by the department of correction; and**  
6 **(2) represented by pauper counsel or a legal services provider**  
7 **that provides legal representation to indigent persons;**  
8 **files a motion to contest an adoption or challenges an adoption**  
9 **decree.**  
10 **(b) The court shall conduct an emergency hearing to review the**  
11 **basis of the person's:**  
12 **(1) motion to contest the adoption; or**  
13 **(2) challenge to the adoption decree;**  
14 **to determine whether the person's motion or challenge is frivolous**  
15 **or vexatious.**  
16 **(c) If, upon review, the court finds that the person's motion or**  
17 **challenge is frivolous or vexatious, the court shall dismiss the**



1 **person's action.**

2 SECTION 2. IC 31-19-10-5, AS ADDED BY P.L.1-1997,  
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 1998]: Sec. 5. **Except as provided in section 4.6 of this**  
5 **chapter**, whenever a motion to contest an adoption is filed, the court  
6 shall, before entering a decree under IC 31-19-11, set the matter for a  
7 hearing to contest the adoption.

8 SECTION 3. IC 31-19-14-5 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 1998]: **Sec. 5. Whenever an indigent person who is:**

11 (1) **confined by the department of correction; and**  
12 (2) **represented by pauper counsel or a legal services provider**  
13 **that provides legal representation to indigent persons;**  
14 **appeals the dismissal of a motion to contest an adoption or appeals**  
15 **a decree of adoption, the reviewing court shall proceed in the**  
16 **manner required under IC 31-19-10-4.6.**

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