
HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-19; IC 33-19-5-4; IC 33-19-7.

Synopsis: Stepparent adoptions. Provides that a home study is not required in the discretion of the court before an adoption is granted if: (1) the person who seeks to adopt a child is the child's stepparent and the child is at least eight years of age; or (2) the person who seeks to adopt the child has been married for at least five years to the child's parent. Reduces court costs from \$100 to \$50 in stepparent adoption proceedings.

Effective: July 1, 1998.

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January 13, 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.

HOUSE BILL No. 1324

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 31-19-2-12, AS ADDED BY P.L.1-1997, SECTION
2 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 12. As soon as a petition for adoption is found to be in proper
4 form, the clerk of the court shall forward one (1) copy of the petition for
5 adoption to:

- 6 (1) the division of family and children;
7 (2) a licensed child placing agency as described in IC 31-19-7-1,
8 with preference to be given to the agency, if any, sponsoring the
9 adoption, as shown by the petition for adoption; and
10 (3) the county office of family and children whenever a subsidy is
11 requested in a petition for adoption sponsored by a licensed child
12 placing agency.

13 **However, the clerk is not required to forward a copy of the petition**
14 **under subdivisions (1) through (3) if the person who seeks to adopt**
15 **the child is the child's stepparent and the court has waived the**
16 **period of supervision under IC 31-19-8-1.1.**

17 SECTION 2. IC 31-19-8-1, AS ADDED BY P.L.1-1997, SECTION



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1 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2 1998]: Sec. 1. **Except as provided in section 1.1 of this chapter**, an
3 adoption may be granted in Indiana only after:

- 4 (1) the court has heard the evidence; and
5 (2) a period of supervision, as described in section 2 of this chapter,
6 by a licensed child placing agency or county office of family and
7 children approved for that purpose by the division of family and
8 children.

9 SECTION 3. IC 31-19-8-1.1 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1998]: **Sec. 1.1. A court may determine that the period of**
12 **supervision under section 1 of this chapter is not required if the**
13 **person who seeks to adopt the child:**

- 14 (1) **is the child's stepparent and the child is at least eight (8)**
15 **years of age; or**
16 (2) **is the child's stepparent and has been married for at least**
17 **five (5) years to the child's parent.**

18 SECTION 4. IC 31-19-8-5, AS ADDED BY P.L.1-1997, SECTION
19 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
20 1998]: Sec. 5. (a) **This subsection does not apply if the person who**
21 **seeks to adopt the child is the child's stepparent and the court has**
22 **waived the period of supervision under section 1.1 of this chapter.**
23 Not more than sixty (60) days from the date of reference of a petition for
24 adoption to each appropriate agency, each agency shall submit to the court
25 a written report of and the agency's investigation recommendation as to
26 the advisability of the adoption.

- 27 (b) The agency's report and recommendation:
28 (1) shall be filed with the adoption proceedings; and
29 (2) become a part of the proceedings.

30 SECTION 5. IC 31-19-11-1, AS ADDED BY P.L.257-1997(ss),
31 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 1998]: Sec. 1. (a) Whenever the court has heard the evidence
33 and finds that:

- 34 (1) the adoption requested is in the best interest of the child;
35 (2) the petitioner or petitioners for adoption are of sufficient ability
36 to rear the child and furnish suitable support and education;
37 (3) **subject to the exception made when a person who seeks to**
38 **adopt the child is the child's stepparent and the court has**
39 **waived the period of supervision under IC 31-19-8-1.1, the**
40 **report of the investigation and recommendation under IC 31-19-8-5**
41 **that addresses the suitability of the petitioner or petitioners for**
42 **adoption has been filed;**



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1 (4) the attorney or agency arranging an adoption has filed with the
 2 court an affidavit prepared by the state department of health under
 3 IC 31-19-5-16 indicating whether a man is entitled to notice of the
 4 adoption because the man has registered with the putative father
 5 registry in accordance with IC 31-19-5;

6 (5) proper notice arising under subdivision (4), if notice is
 7 necessary, of the adoption has been given;

8 (6) the attorney or agency has filed with the court an affidavit
 9 prepared by the state department of health under:

10 (A) IC 31-19-6 indicating whether a record of a paternity
 11 determination; or

12 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 13 executed under IC 16-37-2-2.1;

14 has been filed in relation to the child; and

15 (7) proper consent, if consent is necessary, to the adoption has been
 16 given;

17 the court shall grant the petition for adoption and enter an adoption
 18 decree.

19 (b) A court may not grant an adoption unless the department's affidavit
 20 under IC 31-19-5-16 is filed with the court as provided under subsection
 21 (a)(4).

22 SECTION 6. IC 33-19-5-4, AS AMENDED BY P.L.1-1997,
 23 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) For each civil action except:

25 (1) proceedings to enforce a statute defining an infraction under
 26 IC 34-4-32-4;

27 (2) proceedings to enforce an ordinance under IC 34-4-32-4;

28 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;

29 (4) proceedings in paternity under IC 31-14;

30 (5) proceedings in small claims court under IC 33-11.6; and

31 (6) proceedings in actions under section 6 of this chapter; and

32 **(7) proceedings in adoption actions described in subsection (d);**

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

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

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

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

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

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

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

12 (1) A document fee.

13 (2) A support and maintenance fee.

14 **(d) For proceedings in adoption actions under IC 31-19 in which**
 15 **the person filing the adoption action is the stepparent of the child**
 16 **who is the subject of the adoption action, the clerk shall collect a civil**
 17 **costs fee of fifty dollars (\$50).**

18 SECTION 7. IC 33-19-7-1, AS AMENDED BY P.L.209-1996,
 19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 1998]: Sec. 1. (a) The clerk of a circuit court shall semiannually
 21 distribute to the auditor of state as the state share for deposit in the state
 22 general fund seventy percent (70%) of the amount of fees collected under
 23 the following:

24 (1) IC 33-19-5-1(a) (criminal costs fees).

25 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

26 (3) IC 33-19-5-3(a) (juvenile costs fees).

27 (4) IC 33-19-5-4(a) (civil costs fees).

28 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**

29 ~~(5) (6) IC 33-19-5-5(a) (small claims costs fees).~~

30 ~~(6) (7) IC 33-19-5-6(a) (probate costs fees).~~

31 ~~(7) (8) IC 33-19-6-16.2 (deferred prosecution fees).~~

32 (b) The clerk of a circuit court shall semiannually distribute to the
 33 auditor of state for deposit in the state user fee fund established under
 34 IC 33-19-9-2 the following:

35 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 36 interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

37 (2) Twenty-five percent (25%) of the alcohol and drug
 38 countermeasures fees collected under IC 33-19-5-1(b)(6),
 39 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

40 (3) Fifty percent (50%) of the child abuse prevention fees collected
 41 under IC 33-19-5-1(b)(7).

42 (4) One hundred percent (100%) of the domestic violence prevention

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1 and treatment fees collected under IC 33-19-5-1(b)(8).

2 (5) One hundred percent (100%) of the highway work zone fees
3 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

4 (6) One hundred percent (100%) of the safe schools fee collected
5 under IC 33-19-6-16.3.

6 (c) The clerk of a circuit court shall monthly distribute to the county
7 auditor the following:

8 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
9 interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

10 (2) Seventy-five percent (75%) of the alcohol and drug
11 countermeasures fees collected under IC 33-19-5-1(b)(6),
12 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

13 The county auditor shall deposit fees distributed by a clerk under this
14 subsection into the county drug free community fund established under
15 IC 5-2-11.

16 (d) The clerk of a circuit court shall monthly distribute to the county
17 auditor fifty percent (50%) of the child abuse prevention fees collected
18 under ~~IC 33-19-5-1(b)(8)~~; **IC 33-19-5-1(b)(7)**. The county auditor shall
19 deposit fees distributed by a clerk under this subsection into the county
20 child advocacy fund established under IC 12-17-17.

21 SECTION 8. IC 33-19-7-2, AS AMENDED BY P.L.209-1996,
22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 1998]: Sec. 2. The clerk of a circuit court shall forward the
24 county share of fees collected to the county auditor in accordance with
25 IC 33-19-1-3(a). The auditor shall retain as the county share twenty-seven
26 percent (27%) of the amount of fees collected under the following:

27 (1) IC 33-19-5-1(a) (criminal costs fees).

28 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

29 (3) IC 33-19-5-3(a) (juvenile costs fees).

30 (4) IC 33-19-5-4(a) (civil costs fees).

31 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**

32 ~~(5) (6)~~ IC 33-19-5-5(a) (small claims costs fees).

33 ~~(6) (7)~~ IC 33-19-5-6(a) (probate costs fees).

34 ~~(7) (8)~~ IC 33-19-6-16.2 (deferred prosecution fees).

35 SECTION 9. IC 33-19-7-3, AS AMENDED BY P.L.209-1996,
36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 1998]: Sec. 3. (a) The qualified municipality share to be
38 distributed to each city and town maintaining a law enforcement agency
39 that prosecutes at least fifty percent (50%) of its ordinance violations in
40 a circuit, superior, county, or municipal court located in the county is three
41 percent (3%) of the amount of fees collected under the following:

42 (1) IC 33-19-5-1(a) (criminal costs fees).



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- 1 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 2 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 3 (4) IC 33-19-5-4(a) (civil costs fees).
- 4 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**
- 5 ~~(5) (6) IC 33-19-5-5(a) (small claims costs fees).~~
- 6 ~~(6) (7) IC 33-19-5-6(a) (probate costs fees).~~
- 7 ~~(7) (8) IC 33-19-6-16.2 (deferred prosecution fees).~~
- 8 (b) The county auditor shall determine the amount to be distributed to
- 9 each city and town qualified under subsection (a) as follows:
- 10 STEP ONE: Determine the population of the qualified city or town.
- 11 STEP TWO: Add the populations of all qualified cities and towns
- 12 determined under STEP ONE.
- 13 STEP THREE: Divide the population of each qualified city and
- 14 town by the sum determined under STEP TWO.
- 15 STEP FOUR: Multiply the result determined under STEP THREE
- 16 for each qualified city and town by the amount of the qualified
- 17 municipality share.
- 18 (c) The county auditor shall semiannually distribute to each city and
- 19 town described in subsection (a) the amount computed for that city or
- 20 town under STEP FOUR of subsection (b).

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