



Reprinted
March 30, 1999

ENGROSSED SENATE BILL No. 2

DIGEST OF SB 2 (Updated March 29, 1999 2:44 pm - DI 69)

Citations Affected: IC 31-30; IC 31-32; IC 31-35.

Synopsis: Custody modification, termination of parent-child relationship, and juvenile courts. 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 or a non-offense based juvenile delinquency 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 or juvenile delinquency proceeding. (Current law provides that child
(Continued next page)

Effective: July 1, 1999.

Jackman, Kenley

(HOUSE SPONSORS — KLINKER, BUDAK, VILLALPANDO, KRUZAN,
DUNCAN)

January 6, 1999, read first time and referred to Committee on Judiciary.
January 28, 1999, reported favorably — Do Pass.
February 1, 1999, read second time, ordered engrossed. Engrossed.
February 2, 1999, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Judiciary.
March 25, 1999, amended, reported — Do Pass.
March 29, 1999, read second time, amended, ordered engrossed.

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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 or a juvenile delinquency proceeding.) Adds a paternity case to the types of cases over which a dissolution court has concurrent jurisdiction for purposes of modifying custody of a child. Provides that, for purposes of modifying custody of a child, a juvenile court with jurisdiction over a paternity case has concurrent jurisdiction with another juvenile court that has jurisdiction over a child in need of services proceeding or juvenile delinquency proceeding involving the same child. Provides that an order of the paternity court modifying custody takes effect only if the other juvenile court: (1) enters an order approving the custody modification; or (2) terminates the child in need of services proceeding or juvenile delinquency proceeding. Provides that a petition to terminate the parent-child relationship must indicate whether certain factors apply that would require a party to file a motion to dismiss the termination petition. Removes the provision in the law that requires a party in a termination proceeding to file a motion to dismiss the petition to terminate the parent-child relationship if the child is being cared for by a custodian who is a parent, stepparent, grandparent, or by certain other responsible adults or relatives who are caring for the child as a guardian. Requires a person or entity who files a motion to dismiss a petition to terminate the parent-child relationship to send notice to certain persons. Provides that a juvenile court may not issue an order to enjoin or to modify the actions of a school corporation taken under the law concerning suspensions, expulsions, and student discipline.

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Reprinted
March 30, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 2

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 31-30-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A juvenile court has
3 exclusive original jurisdiction, except as provided in sections 9, ~~and 10,~~
4 **12, and 13** of this chapter, in the following:
- 5 (1) Proceedings in which a child, including a child of divorced
6 parents, is alleged to be a delinquent child under IC 31-37.
 - 7 (2) Proceedings in which a child, including a child of divorced
8 parents, is alleged to be a child in need of services under
9 IC 31-34.
 - 10 (3) Proceedings concerning the paternity of a child under
11 IC 31-14.
 - 12 (4) Proceedings under the interstate compact on juveniles under
13 IC 31-37-23.
 - 14 (5) Proceedings governing the participation of a parent, guardian,
15 or custodian in a program of care, treatment, or rehabilitation for

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1 a child under IC 31-34-16 or IC 31-37-15.

2 (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and
3 IC 31-37-6 governing the detention of a child before a petition has
4 been filed.

5 (7) Proceedings to issue a protective order under IC 31-32-13.

6 (8) Proceedings in which a child less than sixteen (16) years of
7 age is alleged to have committed an act that would be a
8 misdemeanor traffic offense if committed by an adult.

9 (9) Proceedings in which a child is alleged to have committed an
10 act that would be an offense under IC 9-30-5 if committed by an
11 adult.

12 (10) Other proceedings specified by law.

13 SECTION 2. IC 31-30-1-12 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 1999]: **Sec. 12. (a) Subject to subsection (b), a court having
16 jurisdiction under IC 31-17-2 of a child custody proceeding in a
17 marriage dissolution has concurrent original jurisdiction with the
18 juvenile court for the purpose of modifying custody of a child who
19 is under the jurisdiction of the juvenile court because:**

20 (1) the child is the subject of a child in need of services
21 proceeding;

22 (2) the child is the subject of a juvenile delinquency
23 proceeding that does not involve an act described under
24 IC 31-37-1-2; or

25 (3) the child is the subject of a paternity proceeding.

26 (b) Whenever the court having child custody jurisdiction under
27 IC 31-17-2 in a marriage dissolution modifies child custody as
28 provided by this section, the modification is effective only when the
29 juvenile court:

30 (1) enters an order approving the child custody modification;
31 or

32 (2) terminates the child in need of services proceeding, the
33 juvenile delinquency proceeding, or the paternity proceeding.

34 SECTION 3. IC 31-30-1-13 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 1999]: **Sec. 13. (a) Subject to subsection (b), a court having
37 jurisdiction under IC 31-14 of a child custody proceeding in a
38 paternity proceeding has concurrent original jurisdiction with
39 another juvenile court for the purpose of modifying custody of a
40 child who is under the jurisdiction of the other juvenile court
41 because:**

42 (1) the child is the subject of a child in need of services

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proceeding; or
(2) the child is the subject of a juvenile delinquency proceeding that does not involve an act described under IC 31-37-1-2.

(b) Whenever the court having child custody jurisdiction under IC 31-14 in a paternity proceeding modifies child custody as provided by this section, the modification is effective only when the juvenile court with jurisdiction over the child in need of services proceeding or juvenile delinquency proceeding:

- (1) enters an order approving the child custody modification;**
- or**
- (2) terminates the child in need of services proceeding or the juvenile delinquency proceeding.**

SECTION 4. IC 31-32-13-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5 The juvenile court may not issue an order to enjoin or to modify the actions of a school corporation taken under IC 20-8.1-5.1.

SECTION 5. IC 31-35-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:

- (1) The attorney for the county office of family and children.**
- (2) The prosecuting attorney.**
- (3) The child's court appointed special advocate.**
- (4) The child's guardian ad litem.**

(b) The petition must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)"; and**

(2) allege that:

(A) one (1) of the following exists:

- (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;**
- (ii) a court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made; or**
- (iii) after July 1, 1999, the child has been removed from the parent and has been under the supervision of a county office**

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- 1 of family and children for at least fifteen (15) months of the
 2 most recent twenty-two (22) months;
- 3 (B) there is a reasonable probability that:
- 4 (i) the conditions that resulted in the child's removal or the
 5 reasons for placement outside the home of the parents will
 6 not be remedied; or
- 7 (ii) the continuation of the parent-child relationship poses a
 8 threat to the well-being of the child;
- 9 (C) termination is in the best interests of the child; and
- 10 (D) there is a satisfactory plan for the care and treatment of the
 11 child.
- 12 (3) Indicate whether at least one (1) of the factors listed in section
 13 4.5(d)(1) through ~~4.5(d)(4)~~ **4.5(d)(3) of this chapter** applies ~~that~~
 14 ~~would require the court to dismiss the petition to terminate the~~
 15 ~~parent-child relationship under this chapter~~ and specify each
 16 factor that would apply as the basis for ~~the dismissal of the~~
 17 ~~petition: filing a motion to dismiss the petition.~~
- 18 SECTION 6. IC 31-35-2-4.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) This section
 20 applies if:
- 21 (1) a court has made a finding under IC 31-34-21-5.6 that
 22 reasonable efforts for family preservation or reunification with
 23 respect to a child in need of services are not required; or
- 24 (2) a child in need of services:
- 25 (A) has been placed in:
- 26 (i) a foster family home, child caring institution, or group
 27 home licensed under IC 12-17.4; or
- 28 (ii) the home of a person related to the child (as defined in
 29 IC 12-7-2-162.5);
- 30 as directed by a court in a child in need of services proceeding
 31 under IC 31-34; and
- 32 (B) has been removed from a parent and has been under the
 33 supervision of a county office of family and children for not
 34 less than fifteen (15) months of the most recent twenty-two
 35 (22) months, excluding any period not exceeding sixty (60)
 36 days before the court has entered a finding and judgment
 37 under IC 31-34 that the child is a child in need of services.
- 38 (b) A person described in section 4(a) of this chapter shall:
- 39 (1) file a petition to terminate the parent-child relationship
 40 under section 4 of this chapter; and
- 41 (2) request that the petition be set for hearing.
- 42 (c) If a petition under subsection (b) is filed by the child's court

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1 appointed special advocate or guardian ad litem, the prosecuting
 2 attorney or the county office of family and children are entitled to be
 3 joined as a party to the petition upon application to the court.

4 (d) A party shall file a motion to dismiss the petition to terminate
 5 the parent-child relationship if any of the following circumstances
 6 apply:

7 ~~(1) That the child is being cared for by a custodian who is a~~
 8 ~~parent, stepparent, grandparent, or responsible adult who is the~~
 9 ~~child's sibling, aunt, or uncle or a relative who is caring for the~~
 10 ~~child as guardian.~~

11 ~~(2)~~ That the current case plan prepared by or under the
 12 supervision of the county office of family and children under
 13 IC 31-34-15 has documented a compelling reason, based on facts
 14 and circumstances stated in the petition or motion, for concluding
 15 that filing, or proceeding to a final determination of, a petition to
 16 terminate the parent-child relationship is not in the best interests
 17 of the child. **A compelling reason may include the fact that the**
 18 **child is being cared for by a custodian who is a parent,**
 19 **stepparent, grandparent, or responsible adult who is the**
 20 **child's sibling, aunt, uncle, or a relative who is caring for the**
 21 **child as a guardian.**

22 ~~(3)~~ (2) That:

23 (A) IC 31-34-21-5.6 is not applicable to the child;

24 (B) the county office of family and children has not provided
 25 family services to the child, parent, or family of the child in
 26 accordance with a currently effective case plan prepared under
 27 IC 31-34-15 or a permanency plan or dispositional decree
 28 approved under IC 31-34, for the purpose of permitting and
 29 facilitating safe return of the child to the child's home; and

30 (C) the period for completion of the program of family
 31 services, as specified in the current case plan, permanency
 32 plan, or decree, has not expired.

33 ~~(4)~~ (3) That:

34 (A) IC 31-34-21-5.6 is not applicable to the child;

35 (B) the county office of family and children has not provided
 36 family services to the child, parent, or family of the child, in
 37 accordance with applicable provisions of a currently effective
 38 case plan prepared under IC 31-34-15, or a permanency plan
 39 or dispositional decree approved under IC 31-34; and

40 (C) the services that the county office of family and children
 41 has not provided are substantial and material in relation to
 42 implementation of a plan to permit safe return of the child to

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1 the child's home.
 2 The motion to dismiss shall specify which of the allegations described
 3 in subdivisions (1) through ~~(4)~~ (3) apply to the motion. If the court
 4 finds that any of the allegations described in subdivisions (1) through
 5 ~~(4)~~ (3) are true, as established by a preponderance of the evidence, the
 6 court shall dismiss the petition to terminate the parent-child
 7 relationship.

8 SECTION 7. IC 31-35-2-6.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.5. (a) This section
 10 applies to hearings under this chapter relating to a child in need of
 11 services.

12 (b) At least five (5) days before a hearing on a petition or motion
 13 under this chapter:

- 14 (1) the person or entity who filed the petition to terminate the
 15 parent-child relationship under section 4 of this chapter; or
 16 (2) the person or entity who filed a motion to dismiss the petition
 17 to terminate the parent-child relationship under section 4.5(d) of
 18 this chapter; ~~requesting that the court not terminate the~~
 19 ~~parent-child relationship is filed under section 4.5(d) of this~~
 20 ~~chapter, and a petition to terminate the parent-child relationship~~
 21 ~~has not been filed;~~

22 shall send notice of the review to the persons listed in subsection (c).

23 (c) The following persons shall receive notice of a hearing on a
 24 petition or motion filed under this chapter:

- 25 (1) The child's parent, guardian, or custodian.
 26 (2) The child's foster parent.
 27 (3) A prospective adoptive parent named in a petition for adoption
 28 of the child filed under IC 31-19-2 if:
 29 (A) each consent to adoption of the child that is required under
 30 IC 31-19-9-1 has been executed in the form and manner
 31 required by IC 31-19-9 and filed with the county office of
 32 family and children;
 33 (B) the court having jurisdiction in the adoption case has
 34 determined under an applicable provision of IC 31-19-9 that
 35 consent to adoption is not required from a parent, guardian, or
 36 custodian; or
 37 (C) a petition to terminate the parent-child relationship
 38 between the child and any parent who has not executed a
 39 written consent to adoption under IC 31-19-9-2, has been filed
 40 under IC 31-35 and is pending.

- 41 (4) Any other person who:
 42 (A) the county office of family and children has knowledge is

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1 currently providing care for the child; and
2 (B) is not required to be licensed under IC 12-17.2 or
3 IC 12-17.4 to provide care for the child.
4 (5) Any other suitable relative or person who the county office of
5 family and children knows has had a significant or caretaking
6 relationship to the child.
7 (6) Any other party to the child in need of services proceeding.
8 (d) The court shall provide to a person described in subsection (c)
9 an opportunity to be heard and make recommendations to the court at
10 the hearing.
11 (e) A person described in subsection (c)(2) through (c)(5) does not
12 become a party to a proceeding under this chapter as the result of the
13 person's right to notice and the opportunity to be heard under this
14 section.

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SENATE MOTION

Mr. President: I move that Senator Kenley be added as coauthor of Senate Bill 2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 2 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "and 12" and insert "**12, and 13**".

Page 2, line 21, delete "or".

Page 2, line 24, delete "." and insert "; **or**

(3) the child is the subject of a paternity proceeding."

Page 2, line 31, delete "or" and insert ",".

Page 2, line 32, before "." insert ", **or the paternity proceeding**".

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 3. IC 31-30-1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 13. (a) Subject to subsection (b), a court having jurisdiction under IC 31-14 of a child custody proceeding in a paternity proceeding has concurrent original jurisdiction with another juvenile court for the purpose of modifying custody of a child who is under the jurisdiction of the other juvenile court because:**

(1) the child is the subject of a child in need of services proceeding; or

(2) the child is the subject of a juvenile delinquency proceeding that does not involve an act described under IC 31-37-1-2.

(b) Whenever the court having child custody jurisdiction under IC 31-14 in a paternity proceeding modifies child custody as provided by this section, the modification is effective only when the juvenile court with jurisdiction over the child in need of services proceeding or juvenile delinquency proceeding:

(1) enters an order approving the child custody modification; or

(2) terminates the child in need of services proceeding or the juvenile delinquency proceeding.

SECTION 4. IC 31-35-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:**

(1) The attorney for the county office of family and children.

(2) The prosecuting attorney.

(3) The child's court appointed special advocate.



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- (4) The child's guardian ad litem.
- (b) The petition must:
 - (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)"; and
 - (2) allege that:
 - (A) one (1) of the following exists:
 - (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;
 - (ii) a court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made; or
 - (iii) after July 1, 1999, the child has been removed from the parent and has been under the supervision of a county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months;
 - (B) there is a reasonable probability that:
 - (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
 - (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;
 - (C) termination is in the best interests of the child; and
 - (D) there is a satisfactory plan for the care and treatment of the child.
 - (3) Indicate whether at least one (1) of the factors listed in section 4.5(d)(1) through ~~4.5(d)(4)~~ **4.5(d)(3) of this chapter** applies that ~~would require the court to dismiss the petition to terminate the parent-child relationship under this chapter~~ and specify each factor that would apply as the basis for ~~the dismissal of the petition~~: **filing a motion to dismiss the petition.**

SECTION 5. IC 31-35-2-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) This section applies if:

- (1) a court has made a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification with respect to a child in need of services are not required; or
- (2) a child in need of services:
 - (A) has been placed in:
 - (i) a foster family home, child caring institution, or group

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home licensed under IC 12-17.4; or

(ii) the home of a person related to the child (as defined in IC 12-7-2-162.5);

as directed by a court in a child in need of services proceeding under IC 31-34; and

(B) has been removed from a parent and has been under the supervision of a county office of family and children for not less than fifteen (15) months of the most recent twenty-two (22) months, excluding any period not exceeding sixty (60) days before the court has entered a finding and judgment under IC 31-34 that the child is a child in need of services.

(b) A person described in section 4(a) of this chapter shall:

(1) file a petition to terminate the parent-child relationship under section 4 of this chapter; and

(2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the prosecuting attorney or the county office of family and children are entitled to be joined as a party to the petition upon application to the court.

(d) A party shall file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

~~(1) That the child is being cared for by a custodian who is a parent, stepparent, grandparent, or responsible adult who is the child's sibling, aunt, or uncle or a relative who is caring for the child as guardian.~~

~~(2) That the current case plan prepared by or under the supervision of the county office of family and children under IC 31-34-15 has documented a compelling reason, based on facts and circumstances stated in the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. **A compelling reason may include the fact that the child is being cared for by a custodian who is a parent, stepparent, grandparent, or responsible adult who is the child's sibling, aunt, uncle, or a relative who is caring for the child as a guardian.**~~

~~(3) (2) That:~~

~~(A) IC 31-34-21-5.6 is not applicable to the child;~~

~~(B) the county office of family and children has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under~~

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IC 31-34-15 or a permanency plan or dispositional decree approved under IC 31-34, for the purpose of permitting and facilitating safe return of the child to the child's home; and
 (C) the period for completion of the program of family services, as specified in the current case plan, permanency plan, or decree, has not expired.

~~(4)~~ (3) That:

- (A) IC 31-34-21-5.6 is not applicable to the child;
- (B) the county office of family and children has not provided family services to the child, parent, or family of the child, in accordance with applicable provisions of a currently effective case plan prepared under IC 31-34-15, or a permanency plan or dispositional decree approved under IC 31-34; and
- (C) the services that the county office of family and children has not provided are substantial and material in relation to implementation of a plan to permit safe return of the child to the child's home.

The motion to dismiss shall specify which of the allegations described in subdivisions (1) through ~~(4)~~ (3) apply to the motion. If the court finds that any of the allegations described in subdivisions (1) through ~~(4)~~ (3) are true, as established by a preponderance of the evidence, the court shall dismiss the petition to terminate the parent-child relationship.

SECTION 6. IC 31-35-2-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.5. (a) This section applies to hearings under this chapter relating to a child in need of services.

(b) At least five (5) days before a hearing on a petition or motion under this chapter:

- (1) the person or entity who filed the petition to terminate the parent-child relationship under section 4 of this chapter; or
- (2) the person or entity who filed a motion to dismiss the petition to terminate the parent-child relationship under section 4.5(d) of this chapter; ~~requesting that the court not terminate the parent-child relationship is filed under section 4.5(d) of this chapter; and a petition to terminate the parent-child relationship has not been filed;~~

shall send notice of the review to the persons listed in subsection (c).

(c) The following persons shall receive notice of a hearing on a petition or motion filed under this chapter:

- (1) The child's parent, guardian, or custodian.
- (2) The child's foster parent.



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(3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;

(B) the court having jurisdiction in the adoption case has determined under an applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2, has been filed under IC 31-35 and is pending.

(4) Any other person who:

(A) the county office of family and children has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.

(5) Any other suitable relative or person who the county office of family and children knows has had a significant or caretaking relationship to the child.

(6) Any other party to the child in need of services proceeding.

(d) The court shall provide to a person described in subsection (c) an opportunity to be heard and make recommendations to the court at the hearing.

(e) A person described in subsection (c)(2) through (c)(5) does not become a party to a proceeding under this chapter as the result of the person's right to notice and the opportunity to be heard under this section."

and when so amended that said bill do pass.

(Reference is to SB 2 as printed January 29, 1999.)

VILLALPANDO, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 2 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 31-32-13-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5 The juvenile court may not issue an order to enjoin or to modify the actions of a school corporation taken under IC 20-8.1-5.1.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 2 as printed March 26, 1999.)

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