



January 26, 1999

HOUSE BILL No. 1013

DIGEST OF HB 1013 (Updated January 21, 1999 4:06 pm - DI 76)

Citations Affected: IC 31-19.

Synopsis: Stepparent adoptions. Provides that a court may determine that a home study is not required 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.

Effective: July 1, 1999.

Grubb, Welch

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.
January 25, 1999, amended, reported — Do Pass.

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HB 1013—LS 6064/DI 76+



January 26, 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.

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HOUSE BILL No. 1013

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 31-19-8-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **Except as provided**
3 **in section 1.1 of this chapter**, an adoption may be granted in Indiana
4 only after:

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

10 SECTION 2. IC 31-19-8-1.1 IS ADDED TO THE INDIANA CODE
11 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 1999]: **Sec. 1.1. A court may determine that the period of**
13 **supervision under section 1 of this chapter is not required if the**
14 **person who seeks to adopt the child:**

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

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1 **five (5) years to the child's parent.**

2 SECTION 3. IC 31-19-8-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) **This subsection**
4 **does not apply if the person who seeks to adopt the child is the**
5 **child's stepparent and the court has waived the period of**
6 **supervision under section 1.1 of this chapter.** Not more than sixty (60)
7 days from the date of reference of a petition for adoption to each
8 appropriate agency, each agency shall submit to the court a written report
9 of and the agency's investigation recommendation as to the advisability
10 of the adoption.

11 (b) The agency's report and recommendation:

12 (1) shall be filed with the adoption proceedings; and

13 (2) become a part of the proceedings.

14 SECTION 4. IC 31-19-11-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Whenever the
16 court has heard the evidence and finds that:

17 (1) the adoption requested is in the best interest of the child;

18 (2) the petitioner or petitioners for adoption are of sufficient ability
19 to rear the child and furnish suitable support and education;

20 (3) **subject to the exception made when a person who seeks to**
21 **adopt the child is the child's stepparent and the court waives**
22 **the period of supervision under IC 31-19-8-1.1**, the report of the
23 investigation and recommendation under IC 31-19-8-5 **that**
24 **addresses the suitability of the petitioner or petitioners for**
25 **adoption** has been filed;

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

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

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

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

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

39 has been filed in relation to the child; and

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

42 the court shall grant the petition for adoption and enter an adoption

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1013, 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 3, delete lines 5 through 42.

Delete pages 4 through 6.

and when so amended that said bill do pass.

(Reference is to HB 1013 as introduced.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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