



March 2, 1999

HOUSE BILL No. 1822

DIGEST OF HB1822 (Updated February 26, 1999 1:08 pm - DI 76)

Citations Affected: IC 31-19.

Synopsis: Adoption funding and background checks. Requires a petitioner for adoption to indicate as part of the adoption petition whether the petitioner has been convicted of a felony or a misdemeanor relating to the health and safety of children. Requires a licensed child placing agency or county office of family and children to conduct a criminal history background check on each petitioner for adoption. Provides that if the petitioner for adoption is charged with a felony or a misdemeanor relating to the health and safety of children during the pendency of the adoption, the petitioner must notify the court. Provides that a conviction of a felony or a misdemeanor related to the health and safety of a child may be grounds for the court to deny the petition for
(Continued next page)

Effective: July 1, 1999.

Klinker, Linder, Scholer, Dvorak

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 1, 1999, reported — Do Pass.

HB 1822—LS 8048/DI 76+



C
O
P
Y

Digest Continued

adoption. Prohibits the court from granting an adoption if the petitioner for adoption has been convicted of certain specified felonies. Specifies that money appropriated to the program for adoption of hard to place children does not revert to the state general fund at the end of the state fiscal year.

C
o
p
y



March 2, 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.

C
O
P
Y

HOUSE BILL No. 1822

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 31-19-2-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. A petition for
3 adoption must specify the following:
4 (1) The:
5 (A) name if known;
6 (B) sex, race, and age if known, or if unknown, the
7 approximate age; and
8 (C) place of birth;
9 of the child sought to be adopted.
10 (2) The new name to be given the child if a change of name is
11 desired.
12 (3) Whether or not the child possesses real or personal property
13 and, if so, the value and full description of the property.
14 (4) The:
15 (A) name, age, and place of residence of a petitioner for

HB 1822—LS 8048/DI 76+



1 adoption; and
 2 (B) if married, place and date of their marriage.
 3 (5) The name and place of residence, if known to the petitioner
 4 for adoption, of:
 5 (A) the parent or parents of the child;
 6 (B) if the child is an orphan:
 7 (i) the guardian; or
 8 (ii) the nearest kin of the child if the child does not have a
 9 guardian;
 10 (C) the court or agency of which the child is a ward if the child
 11 is a ward; or
 12 (D) the agency sponsoring the adoption if there is a sponsor.
 13 (6) The time, if any, during which the child lived in the home of
 14 the petitioner for adoption.
 15 **(7) Whether the petitioner for adoption has been convicted of:**
 16 **(A) a felony; or**
 17 **(B) a misdemeanor relating to the health and safety of**
 18 **children;**
 19 **and, if so, the date and description of the conviction.**
 20 ~~(7)~~ **(8) Additional information consistent with the purpose and**
 21 **provisions of this article that is considered relevant to the**
 22 **proceedings, including whether:**
 23 **(A) a petitioner for adoption is seeking aid; and**
 24 **(B) the willingness of the petitioner for adoption to proceed**
 25 **with the adoption is conditioned on obtaining aid.**
 26 SECTION 2. IC 31-19-2-7.5 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 1999]: **Sec. 7.5. Every petitioner for adoption shall submit the**
 29 **necessary information, forms, or consents for:**
 30 **(1) a licensed child placing agency; or**
 31 **(2) the county office of family and children;**
 32 **that conducts the inspection and investigation required for**
 33 **adoption of a child under IC 31-19-8-1 to conduct a criminal**
 34 **history check of the petitioner as part of its investigation.**
 35 SECTION 3. IC 31-19-2-7.6 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 1999]: **Sec. 7.6. If a petitioner for adoption is charged with:**
 38 **(1) a felony; or**
 39 **(2) a misdemeanor relating to the health and safety of**
 40 **children;**
 41 **during the pendency of the adoption, the petitioner shall notify the**
 42 **court of the criminal charge in writing.**

COPY



1 SECTION 4. IC 31-19-8-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The agency's
 3 report must, to the extent possible, include the following:

- 4 (1) The former environment and antecedents of the child.
 5 (2) The fitness of the child for adoption.
 6 (3) Whether the child is classified as hard to place:
 7 (A) because of the child's ethnic background, race, color,
 8 language, physical, mental, or medical disability, or age; or
 9 (B) because the child is a member of a sibling group that
 10 should be placed in the same home.
 11 (4) The suitability of the proposed home for the child.

12 (b) The report may not contain any of the following:

- 13 (1) Information concerning the financial condition of the parents.
 14 (2) A recommendation that a request for a subsidy be denied in
 15 whole or in part due to the financial condition of the parents

16 (c) **The criminal history information required under**
 17 **IC 31-19-2-7.5 must accompany the report.**

18 SECTION 5. IC 31-19-11-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Whenever the
 20 court has heard the evidence and finds that:

- 21 (1) the adoption requested is in the best interest of the child;
 22 (2) the petitioner or petitioners for adoption are of sufficient
 23 ability to rear the child and furnish suitable support and
 24 education;
 25 (3) the report of the investigation and recommendation under
 26 IC 31-19-8-5 has been filed;
 27 (4) the attorney or agency arranging an adoption has filed with the
 28 court an affidavit prepared by the state department of health under
 29 IC 31-19-5-16 indicating whether a man is entitled to notice of the
 30 adoption because the man has registered with the putative father
 31 registry in accordance with IC 31-19-5;
 32 (5) proper notice arising under subdivision (4), if notice is
 33 necessary, of the adoption has been given;
 34 (6) the attorney or agency has filed with the court an affidavit
 35 prepared by the state department of health under:
 36 (A) IC 31-19-6 indicating whether a record of a paternity
 37 determination; or
 38 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 39 executed under IC 16-37-2-2.1;
 40 has been filed in relation to the child; **and**
 41 (7) proper consent, if consent is necessary, to the adoption has
 42 been given; **and**



C
O
P
Y

1 **(8) the petitioner for adoption is not prohibited from adopting**
 2 **the child as the result of an inappropriate criminal history**
 3 **described in subsection (c);**

4 the court shall grant the petition for adoption and enter an adoption
 5 decree.

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

9 **(c) A conviction of a felony or a misdemeanor related to the**
 10 **health and safety of a child by a petitioner for adoption is a**
 11 **permissible basis for the court to deny the petition for adoption. In**
 12 **addition, the court may not grant an adoption if a petitioner for**
 13 **adoption has been convicted of any of the felonies described as**
 14 **follows:**

- 15 **(1) Murder (IC 35-42-1-1).**
- 16 **(2) Causing suicide (IC 35-42-1-2).**
- 17 **(3) Assisting suicide (IC 35-42-1-2.5).**
- 18 **(4) Voluntary manslaughter (IC 35-42-1-3).**
- 19 **(5) Reckless homicide (IC 35-42-1-5).**
- 20 **(6) Battery as a felony (IC 35-42-2-1).**
- 21 **(7) Aggravated battery (IC 35-42-2-1.5).**
- 22 **(8) Kidnapping (IC 35-42-3-2).**
- 23 **(9) Criminal confinement (IC 35-42-3-3).**
- 24 **(10) A felony sex offense under IC 35-42-4.**
- 25 **(11) Carjacking (IC 35-42-5-2).**
- 26 **(12) Arson (IC 35-43-1-1).**
- 27 **(13) Incest (IC 35-46-1-3).**
- 28 **(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and**
 29 **IC 35-46-1-4(a)(2)).**
- 30 **(15) Child selling (IC 35-46-1-4(b)).**
- 31 **(16) A felony involving a weapon under IC 35-47.**
- 32 **(17) A felony relating to controlled substances under**
 33 **IC 35-48-4.**
- 34 **(18) An offense relating to material or a performance that is**
 35 **harmful to minors or obscene under IC 35-49-3.**
- 36 **(19) A felony that is substantially equivalent to a felony listed**
 37 **in subdivisions (1) through (18) for which the conviction was**
 38 **entered in another state.**

39 **However, the court is not prohibited from granting an adoption**
 40 **based upon a felony conviction under subdivision (6), (11), (12),**
 41 **(16), or (17), or its equivalent under subdivision (19), if the offense**
 42 **was not committed within the immediately preceding five (5) year**



C
O
P
Y

1 **period.**
2 SECTION 6. IC 31-19-27-4 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 1999]: **Sec. 4. Money appropriated to the program does not**
5 **revert to the state general fund at the end of the state fiscal year.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1822, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

C
o
p
y

