

HOUSE BILL No. 1013

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-19-8; IC 31-19-11-1; IC 33-19-5-4; IC 33-19-7.

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. Reduces court costs from \$100 to \$55 in stepparent adoption proceedings.

Effective: July 1, 1999.

Grubb, Welch

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

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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**



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).

5 SECTION 5. IC 33-19-5-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) For each civil
7 action except:

- 8 (1) proceedings to enforce a statute defining an infraction under
9 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
10 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
11 IC 34-4-32-4 before its repeal);
12 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
13 (4) proceedings in paternity under IC 31-14;
14 (5) proceedings in small claims court under IC 33-11.6; ~~and~~
15 (6) proceedings in actions under section 6 of this chapter; **and**
16 (7) **proceedings in adoption actions described in subsection**
17 **(d);**

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

20 (b) For each proceeding for the issuance of a protective order under
21 IC 34-26-2:

- 22 (1) the clerk shall initially collect thirty-five dollars (\$35) of the
23 civil costs fee from the party that filed the action or the court may
24 waive the initial thirty-five dollars (\$35) of the civil costs fee for
25 the party that filed the action; and
26 (2) upon disposition of the protective order petition under
27 IC 34-26-2, the court may order that:
28 (A) the remainder of the civil costs fee, in the amount of
29 sixty-five dollars (\$65), be assessed against the respondent in
30 the action as provided in IC 34-26-2-4 or against the party that
31 filed the action; and
32 (B) the initial thirty-five dollar (\$35) civil costs fee be
33 reimbursed by the respondent in the action to the party that
34 filed the action or assessed against the respondent in the action
35 as provided in IC 34-26-2-4.

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

- 39 (1) A document fee.
40 (2) A support and maintenance fee.

41 **(d) For proceedings in adoption actions under IC 31-19 in which**
42 **the person filing the adoption action is the stepparent of the child**



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1 **who is the subject of the adoption action, the clerk shall collect a civil**
 2 **costs fee of fifty-five dollars (\$55).**

3 SECTION 6. IC 33-19-7-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999] : Sec. 1. (a) The clerk of a
 5 circuit court shall semiannually distribute to the auditor of state as the
 6 state share for deposit in the state general fund seventy percent (70%) of
 7 the amount of fees collected under the following:

- 8 (1) IC 33-19-5-1(a) (criminal costs fees).
 9 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 10 (3) IC 33-19-5-3(a) (juvenile costs fees).
 11 (4) IC 33-19-5-4(a) (civil costs fees).
 12 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**
 13 ~~(5) (6) IC 33-19-5-5(a) (small claims costs fees).~~
 14 ~~(6) (7) IC 33-19-5-6(a) (probate costs fees).~~
 15 ~~(7) (8) IC 33-19-6-16.2 (deferred prosecution fees).~~

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

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 20 interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
 21 (2) Twenty-five percent (25%) of the alcohol and drug
 22 countermeasures fees collected under IC 33-19-5-1(b)(6),
 23 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 24 (3) Fifty percent (50%) of the child abuse prevention fees collected
 25 under IC 33-19-5-1(b)(7).
 26 (4) One hundred percent (100%) of the domestic violence prevention
 27 and treatment fees collected under IC 33-19-5-1(b)(8).
 28 (5) One hundred percent (100%) of the highway work zone fees
 29 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 30 (6) One hundred percent (100%) of the safe schools fee collected
 31 under IC 33-19-6-16.3.

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

- 34 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 35 interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
 36 (2) Seventy-five percent (75%) of the alcohol and drug
 37 countermeasures fees collected under IC 33-19-5-1(b)(6),
 38 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

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

42 (d) The clerk of a circuit court shall monthly distribute to the county

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1 auditor fifty percent (50%) of the child abuse prevention fees collected
 2 under ~~IC 33-19-5-1(b)(8)~~; **IC 33-19-5-1(b)(7)**. The county auditor shall
 3 deposit fees distributed by a clerk under this subsection into the county
 4 child advocacy fund established under IC 12-17-17.

5 SECTION 7. IC 33-19-7-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The clerk of a circuit
 7 court shall forward the county share of fees collected to the county
 8 auditor in accordance with IC 33-19-1-3(a). The auditor shall retain as the
 9 county share twenty-seven percent (27%) of the amount of fees collected
 10 under the following:

- 11 (1) IC 33-19-5-1(a) (criminal costs fees).
- 12 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 13 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 14 (4) IC 33-19-5-4(a) (civil costs fees).
- 15 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**
- 16 ~~(5) (6)~~ IC 33-19-5-5(a) (small claims costs fees).
- 17 ~~(6) (7)~~ IC 33-19-5-6(a) (probate costs fees).
- 18 ~~(7) (8)~~ IC 33-19-6-16.2 (deferred prosecution fees).

19 SECTION 8. IC 33-19-7-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The qualified
 21 municipality share to be distributed to each city and town maintaining a
 22 law enforcement agency that prosecutes at least fifty percent (50%) of its
 23 ordinance violations in a circuit, superior, county, or municipal court
 24 located in the county is three percent (3%) of the amount of fees
 25 collected under the following:

- 26 (1) IC 33-19-5-1(a) (criminal costs fees).
- 27 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 28 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 29 (4) IC 33-19-5-4(a) (civil costs fees).
- 30 **(5) IC 33-19-5-4(d) (stepparent adoption civil costs fees).**
- 31 ~~(5) (6)~~ IC 33-19-5-5(a) (small claims costs fees).
- 32 ~~(6) (7)~~ IC 33-19-5-6(a) (probate costs fees).
- 33 ~~(7) (8)~~ IC 33-19-6-16.2 (deferred prosecution fees).

34 (b) The county auditor shall determine the amount to be distributed to
 35 each city and town qualified under subsection (a) as follows:

36 STEP ONE: Determine the population of the qualified city or town.
 37 STEP TWO: Add the populations of all qualified cities and towns
 38 determined under STEP ONE.

39 STEP THREE: Divide the population of each qualified city and
 40 town by the sum determined under STEP TWO.

41 STEP FOUR: Multiply the result determined under STEP THREE
 42 for each qualified city and town by the amount of the qualified

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1 municipality share.
2 (c) The county auditor shall semiannually distribute to each city and
3 town described in subsection (a) the amount computed for that city or
4 town under STEP FOUR of subsection (b).

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