



January 29, 1999

SENATE BILL No. 2

DIGEST OF SB0002 (Updated January 27, 1999 1:16 pm - DI 51)

Citations Affected: IC 31-30.

Synopsis: Custody modification and CHINS or delinquency proceedings. 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 custody may not be modified while the child is under the juvenile court jurisdiction)
(Continued next page)

Effective: July 1, 1999.

Jackman, Kenley

January 6, 1999, read first time and referred to Committee on Judiciary.
January 28, 1999, reported favorably — Do Pass.

SB 2—LS 6063/DI 98+



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as the result of a child in need of services proceeding or a juvenile delinquency proceeding.)

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SB 2—LS 6063/DI 98+



January 29, 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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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 **and 12** 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

SB 2—LS 6063/DI 98+



- 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; or
- 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.

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

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

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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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