



January 27, 2000

HOUSE BILL No. 1168

DIGEST OF HB 1168 (Updated January 26, 2000 1:14 PM - DI 98)

Citations Affected: IC 31-9; IC 31-34; IC 31-35.

Synopsis: Long term foster parents. Defines "long term foster parent" as a person who has been a child's foster parent for at least the most recent 12 consecutive months or 15 of the most recent 22 months. Provides that the right to be heard and to make recommendations in a child in need of services (CHINS) proceeding or a termination of the parent-child relationship proceeding includes the right to submit a written statement to the court that may be made a part of the court record. Provides that failure of the county office of family and children to provide notice of a hearing to specified persons requires continuance of a hearing or rehearing of a matter from which the person was excluded. Allows a long term foster parent, except for a long term foster parent who has been the subject of a substantiated report of child abuse or neglect or convicted of certain felonies, to petition a court to request intervention as a party in a CHINS proceeding. Allows a court to grant a long term foster parent's petition to intervene if the court determines that intervention is in the child's best interests.

Effective: July 1, 2000.

Duncan, Kruzan, Budak, Klinker

January 10, 2000, read first time and referred to Committee on Human Affairs.
January 26, 2000, amended, reported — Do Pass.

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HB 1168—LS 7000/DI 98+



January 27, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1168

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 31-9-2-76.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 76.5. "Long term foster parent", for purposes of**
4 **IC 31-34-21, means a person who has been a child's foster parent**
5 **for at least:**
6 (1) **the most recent twelve (12) consecutive months; or**
7 (2) **fifteen (15) months of the most recent twenty-two (22)**
8 **months.**
9 SECTION 2. IC 31-34-21-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) At least five (5)
11 days before the periodic case review, including a case review that is a
12 permanency hearing under section 7 of this chapter, the county office
13 of family and children shall send notice of the review to each of the
14 following:
15 (1) The child's parent, guardian, or custodian.

HB 1168—LS 7000/DI 98+



- 1 (2) The child's foster parent.
- 2 (3) A prospective adoptive parent named in a petition for adoption
3 of the child filed under IC 31-19-2 if:
- 4 (A) each consent to adoption of the child that is required under
5 IC 31-19-9-1 has been executed in the form and manner
6 required by IC 31-19-9 and filed with the county office of
7 family and children;
- 8 (B) the court having jurisdiction in the adoption case has
9 determined under any applicable provision of IC 31-19-9 that
10 consent to adoption is not required from a parent, guardian, or
11 custodian; or
- 12 (C) a petition to terminate the parent-child relationship
13 between the child and any parent who has not executed a
14 written consent to adoption under IC 31-19-9-2 has been filed
15 under IC 31-35 and is pending.
- 16 (4) Any other person who:
- 17 (A) the county office of family and children has knowledge is
18 currently providing care for the child; and
- 19 (B) is not required to be licensed under IC 12-17.2 or
20 IC 12-17.4 to provide care for the child.
- 21 (5) Any other suitable relative or person who the county office
22 knows has had a significant or caretaking relationship to the child.
- 23 (b) The court shall provide to a person described in subsection (a)
24 an opportunity to be heard and to make any recommendations to the
25 court in a periodic case review, including a permanency hearing under
26 section 7 of this chapter. **The right to be heard and to make**
27 **recommendations under this subdivision includes the right of the**
28 **person described in subsection (a) to submit a written statement to**
29 **the court that, if served upon all parties to the child in need of**
30 **services proceeding and the persons described in subsection (a),**
31 **may be made a part of the court record.**
- 32 (c) This section does not exempt the county office of family and
33 children from sending a notice of the review to each party to the child
34 in need of services proceeding.
- 35 (d) **Failure of the county office of family and children to provide**
36 **notice to a person described in subsection (a) requires continuance**
37 **of a hearing or rehearing of a matter from which the person**
38 **described in subsection (a) was excluded.**
- 39 SECTION 3. IC 31-34-21-4.5 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Except as provided in**
42 **subsection (b), a long term foster parent may petition the court to**

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1 **request intervention as a party to a proceeding described in this**
 2 **chapter.**

3 **(b) A long term foster parent who has been:**

4 **(1) the subject of a substantiated report of child abuse or**
 5 **neglect; or**

6 **(2) convicted of a felony listed in IC 12-17.4-4-11;**

7 **may not petition the court to intervene under this section.**

8 **(c) A court may grant a petition filed under this section if the**
 9 **court determines that intervention of the petitioner is in the best**
 10 **interests of the child.**

11 SECTION 4. IC 31-35-2-6.5, AS AMENDED BY P.L.200-1999,
 12 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2000]: Sec. 6.5. (a) This section applies to hearings under this
 14 chapter relating to a child in need of services.

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

17 (1) the person or entity who filed the petition to terminate the
 18 parent-child relationship under section 4 of this chapter; or

19 (2) the person or entity who filed a motion to dismiss the petition
 20 to terminate the parent-child relationship under section 4.5(d) of
 21 this chapter;

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. **The right to be heard and to make recommendations**
 11 **under this subdivision includes the right of the person described in**
 12 **subsection (c) to submit a written statement to the court that, if**
 13 **served upon all parties to the child in need of services proceeding**
 14 **and the persons described in subsection (c), may be made a part of**
 15 **the court record.**
 16 (e) **Failure of the county office of family and children to provide**
 17 **notice to a person described in subsection (c) requires continuance**
 18 **of a hearing or rehearing of a matter from which the person**
 19 **described in subsection (c) was excluded.**
 20 (f) A person described in subsection (c)(2) through (c)(5) does not
 21 become a party to a proceeding under this chapter as the result of the
 22 person's right to notice and the opportunity to be heard under this
 23 section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1168, 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 "IC 31-32-2.5" and insert "**IC 31-34-21**".

Page 1, line 6, after "(1)" insert "**the most recent**".

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 31-34-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) At least five (5) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

- (1) The child's parent, guardian, or custodian.
- (2) The child's foster parent.
- (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 any 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 knows has had a significant or caretaking relationship to the child.

(b) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. **The right to be heard and to make recommendations under this subdivision includes the right of the**

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person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (a), may be made a part of the court record.

(c) This section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(d) Failure of the county office of family and children to provide notice to a person described in subsection (a) requires continuance of a hearing or rehearing of a matter from which the person described in subsection (a) was excluded.

SECTION 3. IC 31-34-21-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Except as provided in subsection (b), a long term foster parent may petition the court to request intervention as a party to a proceeding described in this chapter.**

(b) A long term foster parent who has been:

- (1) the subject of a substantiated report of child abuse or neglect; or**
- (2) convicted of a felony listed in IC 12-17.4-4-11;**

may not petition the court to intervene under this section.

(c) A court may grant a petition filed under this section if the court determines that intervention of the petitioner is in the best interests of the child.

SECTION 4. IC 31-35-2-6.5, AS AMENDED BY P.L.200-1999, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **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;**

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.**
- (3) A prospective adoptive parent named in a petition for adoption**



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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. **The right to be heard and to make recommendations under this subdivision includes the right of the person described in subsection (c) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (c), may be made a part of the court record.**

(e) Failure of the county office of family and children to provide notice to a person described in subsection (c) requires continuance of a hearing or rehearing of a matter from which the person described in subsection (c) was excluded.

(f) 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."

Delete page 2.

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1168 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 0.

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