

Adopted Rejected

# COMMITTEE REPORT

YES: 9  
NO: 0

**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:*

- 1 Page 1, line 4, delete "IC 31-32-2.5" and insert "**IC 31-34-21**".
- 2 Page 1, line 6, after "(1)" insert "**the most recent**".
- 3 Page 1, delete lines 9 through 17, begin a new paragraph and insert:
- 4 "SECTION 2. IC 31-34-21-4 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) At least five (5)
- 6 days before the periodic case review, including a case review that is a
- 7 permanency hearing under section 7 of this chapter, the county office
- 8 of family and children shall send notice of the review to each of the
- 9 following:
- 10 (1) The child's parent, guardian, or custodian.
- 11 (2) The child's foster parent.
- 12 (3) A prospective adoptive parent named in a petition for adoption
- 13 of the child filed under IC 31-19-2 if:
- 14 (A) each consent to adoption of the child that is required under

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

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

1 written consent to adoption under IC 31-19-9-2, has been filed  
2 under IC 31-35 and is pending.

3 (4) Any other person who:

4 (A) the county office of family and children has knowledge is  
5 currently providing care for the child; and

6 (B) is not required to be licensed under IC 12-17.2 or  
7 IC 12-17.4 to provide care for the child.

8 (5) Any other suitable relative or person who the county office of  
9 family and children knows has had a significant or caretaking  
10 relationship to the child.

11 (6) Any other party to the child in need of services proceeding.

12 (d) The court shall provide to a person described in subsection (c)  
13 an opportunity to be heard and make recommendations to the court at  
14 the hearing. **The right to be heard and to make recommendations**  
15 **under this subdivision includes the right of the person described in**  
16 **subsection (c) to submit a written statement to the court that, if**  
17 **served upon all parties to the child in need of services proceeding**  
18 **and the persons described in subsection (c), may be made a part of**  
19 **the court record.**

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

24 (f) A person described in subsection (c)(2) through (c)(5) does not  
25 become a party to a proceeding under this chapter as the result of the  
26 person's right to notice and the opportunity to be heard under this  
27 section."

28 Delete page 2.

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1168 as introduced.)

**and when so amended that said bill do pass.**

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Representative Summers