

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 199 be amended to read as follows:

- 1           Page 3, between lines 14 and 15, begin a new paragraph and insert:  
2           "SECTION 8. IC 31-19-11-1, AS AMENDED BY P.L.140-2006,  
3           SECTION 17, AS AMENDED BY P.L.173-2006, SECTION 17, AND  
4           AS AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED  
5           AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
6           2007]: Sec. 1. (a) Whenever the court has heard the evidence and finds  
7           that:  
8           (1) the adoption requested is in the best interest of the child;  
9           (2) the petitioner or petitioners for adoption are of sufficient  
10           ability to rear the child and furnish suitable support and  
11           education;  
12           (3) the report of the investigation and recommendation under  
13           IC 31-19-8-5 has been filed;  
14           (4) the attorney or agency arranging an adoption has filed with the  
15           court an affidavit prepared by the state department of health under  
16           IC 31-19-5-16 indicating whether a man is entitled to notice of the  
17           adoption because the man has registered with the putative father  
18           registry in accordance with IC 31-19-5;  
19           (5) proper notice arising under subdivision (4), if notice is  
20           necessary, of the adoption has been given;  
21           (6) the attorney or agency has filed with the court an affidavit  
22           prepared by the state department of health under:  
23           (A) IC 31-19-6 indicating whether a record of a paternity  
24           determination; or  
25           (B) IC 16-37-2-2(g) indicating whether a paternity affidavit  
26           executed under IC 16-37-2-2.1;  
27           has been filed in relation to the child;  
28           (7) proper consent, if consent is necessary, to the adoption has  
29           been given;  
30           (8) the petitioner for adoption is not prohibited from adopting the  
31           child as the result of an inappropriate criminal history described

1 in subsection (c) or (d); and  
 2 (9) the person, licensed child placing agency, or county office of  
 3 family and children that has placed the child for adoption has  
 4 provided the documents and other information required under  
 5 IC 31-19-17 to the prospective adoptive parents;  
 6 the court shall grant the petition for adoption and enter an adoption  
 7 decree.

8 (b) A court may not grant an adoption unless the ~~department's state~~  
 9 *department of health's* affidavit under IC 31-19-5-16 is filed with the  
 10 court as provided under subsection (a)(4).

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

- 16 (1) Murder (IC 35-42-1-1).
- 17 (2) Causing suicide (IC 35-42-1-2).
- 18 (3) Assisting suicide (IC 35-42-1-2.5).
- 19 (4) Voluntary manslaughter (IC 35-42-1-3).
- 20 (5) Reckless homicide (IC 35-42-1-5).
- 21 (6) Battery as a felony (IC 35-42-2-1).
- 22 (7) Aggravated battery (IC 35-42-2-1.5).
- 23 (8) Kidnapping (IC 35-42-3-2).
- 24 (9) Criminal confinement (IC 35-42-3-3).
- 25 (10) A felony sex offense under IC 35-42-4.
- 26 (11) Carjacking (IC 35-42-5-2).
- 27 (12) Arson (IC 35-43-1-1).
- 28 (13) Incest (IC 35-46-1-3).
- 29 (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and  
 30 IC 35-46-1-4(a)(2)).
- 31 (15) Child selling (IC 35-46-1-4(d)).
- 32 (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- 33 (17) A felony relating to controlled substances under 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 in  
 37 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 based  
 40 upon a felony conviction under subdivision (6), (11), (12), (16), or  
 41 (17), or its equivalent under subdivision (19), if the offense was not  
 42 committed within the immediately preceding five (5) year period.

43 (d) A court may not grant an adoption if the petitioner is ~~an~~ a sex  
 44 offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5).

45 **(e) A court may not grant an adoption if the petitioner is a**  
 46 **homosexual."**

47 Renumber all SECTIONS consecutively.

(Reference is to SB 199 as printed February 20, 2007.)

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Senator DROZDA