
SENATE BILL No. 48

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-17-5.

Synopsis: Grandparent visitation. Provides that a child's grandparent may seek visitation rights when a parent or guardian of the child unreasonably refuses or restricts visitation. Eliminates current conditions under which a grandparent may seek visitation rights. Specifies the court in which a grandparent seeking visitation rights may file a petition.

Effective: July 1, 2008.

Waterman

January 8, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 48



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 31-17-5-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A child's
 3 grandparent may seek visitation rights if
 4 (1) ~~the child's parent is deceased;~~
 5 (2) ~~the marriage of the child's parents has been dissolved in~~
 6 ~~Indiana; or~~
 7 (3) ~~subject to subsection (b), the child was born out of wedlock;~~
 8 **a parent or guardian of the child unreasonably:**
 9 (1) **refuses to allow; or**
 10 (2) **restricts;**
 11 **visitation by the grandparent.**
 12 (b) A court may not grant visitation rights to a paternal grandparent
 13 of a child who is born out of wedlock ~~under subsection (a)(3)~~ if the
 14 child's father has not established paternity in relation to the child.
 15 SECTION 2. IC 31-17-5-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. A proceeding for
 17 grandparent's visitation must be commenced by the filing of a petition



- 1 entitled, "In Re the visitation of _____". The petition must:
- 2 (1) be filed by a grandparent entitled to receive visitation rights
- 3 under this chapter;
- 4 (2) be verified; and
- 5 (3) set forth the following:
- 6 (A) The names and relationship of:
- 7 (i) the petitioning grandparent or grandparents;
- 8 (ii) each child with whom visitation is sought; and
- 9 (iii) the ~~custodial~~ parent or guardian of each child.
- 10 (B) The present address of each person named in clause (A).
- 11 (C) The date of birth of each child with whom visitation is
- 12 sought.
- 13 (D) The status under section 1 of this chapter upon which the
- 14 grandparent seeks visitation.
- 15 (E) The relief sought.

16 SECTION 3. IC 31-17-5-4, AS AMENDED BY P.L.50-2006,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2008]: Sec. 4. A grandparent seeking visitation rights shall
 19 file a petition requesting reasonable visitation rights:

- 20 (1) **except as provided in subdivision (2),** in a circuit, superior,
 21 or probate court of the county in which the child resides in a case
 22 described in ~~section 1(a)(1); 1(a)(3);~~ **section (1)(a)** or 10 of this
 23 chapter; or
- 24 (2) in the court having jurisdiction over the dissolution of the
 25 parents' marriage ~~in a case described in section 1(a)(2) of this~~
 26 **chapter: if the marriage of the child's parents has been**
 27 **dissolved in Indiana.**

28 SECTION 4. IC 31-17-5-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. Whenever a petition
 30 is filed, a copy of the petition, together with a copy of a summons, shall
 31 be served upon the ~~custodial and noncustodial~~ parent or guardian of
 32 each child with whom visitation is sought in the same manner as
 33 service of summons in civil actions generally.

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