
SENATE BILL No. 383

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-0.8; IC 31-17.5.

Synopsis: Parental rights for parents on active duty. Prohibits a court from modifying, amending, or issuing an order that modifies custody, parenting time, or child support of a parent on active duty if the motion for modification is filed during the time the parent is on active duty. Allows a court to enter a temporary order modifying the custody, parenting time, or child support of a parent on active duty if the court determines that modification would be in the best interests of the child. Requires the court to reinstate an order that was in effect at the time a parent was called to active duty upon the parent's return.

Effective: July 1, 2009.

Arnold

January 8, 2009, read first time and referred to Committee on Judiciary.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 383



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 31-9-2-0.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 0.8. "Active duty", for purposes of IC 31-17.5, means**
4 **full-time service on active duty orders in:**

- 5 (1) **the armed forces of the United States (as defined in**
- 6 **IC 5-9-4-3);**
- 7 (2) **the National Guard (as defined in IC 5-9-4-4); or**
- 8 (3) **a reserve component of the:**
- 9 (A) **armed forces of the United States (as defined in**
- 10 **IC 5-9-4-3); or**
- 11 (B) **National Guard (as defined in IC 5-9-4-4).**

12 SECTION 2. IC 31-17.5 IS ADDED TO THE INDIANA CODE AS
13 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
14 2009]:

15 **ARTICLE 17.5. RESTRICTIONS ON MODIFICATION AND**
16 **ISSUANCE OF ORDERS**

17 **Chapter 1. Modification or Issuance of Orders Concerning**



1 **Parent on Active Duty**

2 **Sec. 1. Except as provided in section 2 of this chapter, if a**
3 **motion for modification of custody, parenting time, or child**
4 **support is filed during the time that a parent is on active duty, the**
5 **court may not:**

6 **(1) modify or amend a previous order; or**

7 **(2) issue a new order;**

8 **that modifies custody, parenting time, or child support of the**
9 **parent on active duty.**

10 **Sec. 2. (a) Subject to subsection (b), the court may enter a**
11 **temporary order to modify custody, parenting time, or child**
12 **support of a parent while the parent is on active duty if the court**
13 **determines that entering an order is in the best interests of the**
14 **child.**

15 **(b) If a court enters a temporary order under subsection (a),**
16 **upon the return of the parent from active duty, the court shall**
17 **reinstate the custody, parenting time, or child support order that**
18 **was in effect at the time the parent was called to active duty.**

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