



January 29, 2010

HOUSE BILL No. 1085

DIGEST OF HB 1085 (Updated January 27, 2010 6:03 pm - DI 69)

Citations Affected: IC 31-35.

Synopsis: Termination of parent-child relationship; child in need of services. Provides that a petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may include an allegation that the child has, on two separate occasions, been adjudicated a child in need of services. (Current law provides that the petition may only include an allegation that there is a reasonable probability that: (1) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or (2) the continuation of the parent-child relationship poses a threat to the well-being of the child.)

Effective: July 1, 2010.

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January 5, 2010, read first time and referred to Committee on Courts and Criminal Code.
January 28, 2010, amended, reported — Do Pass.

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HB 1085—LS 6695/DI 110+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1085

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 31-35-2-4, AS AMENDED BY P.L.131-2009,
2 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 4. (a) A petition to terminate the parent-child
4 relationship involving a delinquent child or a child in need of services
5 may be signed and filed with the juvenile or probate court by any of the
6 following:
7 (1) The attorney for the department.
8 (2) The child's court appointed special advocate.
9 (3) The child's guardian ad litem.
10 (b) The petition must:
11 (1) be entitled "In the Matter of the Termination of the
12 Parent-Child Relationship of _____, a child, and
13 _____, the child's parent (or parents)"; and
14 (2) allege that:
15 (A) one (1) of the following exists:
16 (i) the child has been removed from the parent for at least
17 six (6) months under a dispositional decree;

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- 1 (ii) a court has entered a finding under IC 31-34-21-5.6 that
- 2 reasonable efforts for family preservation or reunification
- 3 are not required, including a description of the court's
- 4 finding, the date of the finding, and the manner in which the
- 5 finding was made; or
- 6 (iii) the child has been removed from the parent and has
- 7 been under the supervision of a county office of family and
- 8 children or probation department for at least fifteen (15)
- 9 months of the most recent twenty-two (22) months,
- 10 beginning with the date the child is removed from the home
- 11 as a result of the child being alleged to be a child in need of
- 12 services or a delinquent child;
- 13 **(B) one (1) of the following exists:**
- 14 **(i) there is a reasonable probability that (†) the conditions**
- 15 **that resulted in the child's removal or the reasons for**
- 16 **placement outside the home of the parents will not be**
- 17 **remedied; or**
- 18 **(ii) there is a reasonable probability that the continuation**
- 19 **of the parent-child relationship poses a threat to the**
- 20 **well-being of the child; or**
- 21 **(iii) the child has, on two (2) separate occasions, been**
- 22 **adjudicated a child in need of services;**
- 23 **(C) termination is in the best interests of the child; and**
- 24 **(D) there is a satisfactory plan for the care and treatment of the**
- 25 **child.**
- 26 (3) Indicate whether at least one (1) of the factors listed in section
- 27 4.5(d)(1) through 4.5(d)(3) of this chapter applies and specify
- 28 each factor that would apply as the basis for filing a motion to
- 29 dismiss the petition.

30 SECTION 2. IC 31-35-3-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. The verified petition
 32 filed under section 4 of this chapter must:

- 33 (1) be entitled "In the Matter of the Termination of the
- 34 Parent-Child Relationship of _____, a child, and
- 35 _____, the parent (or parents)"; and
- 36 (2) allege that:
 - 37 (A) the victim of an offense listed in section 4(1) of this
 - 38 chapter is:
 - 39 (i) the subject of the petition;
 - 40 (ii) the biological or adoptive sibling of the subject of the
 - 41 petition; or
 - 42 (iii) the child of a spouse of the individual whose

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1 parent-child relationship is sought to be terminated under
 2 this article;
 3 (B) the individual whose parent-child relationship is sought to
 4 be terminated under this article was convicted;
 5 (C) the child has been removed:
 6 (i) from the parent under a dispositional decree; and
 7 (ii) from the parent's custody for at least six (6) months
 8 under a court order;
 9 (D) **one (1) of the following exists:**
 10 (i) there is a reasonable probability that ~~(i)~~ the conditions
 11 that resulted in the child's removal or the reasons for
 12 placement outside the parent's home will not be remedied;
 13 **or**
 14 (ii) **there is a reasonable probability that** continuation of
 15 the parent-child relationship poses a threat to the well-being
 16 of the child; **or**
 17 (iii) **the child has, on two (2) separate occasions, been**
 18 **adjudicated a child in need of services;**
 19 (E) termination is in the best interests of the child; and
 20 (F) there is a satisfactory plan for the care and treatment of the
 21 child.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1085, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1085 as introduced.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

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