

Adopted      Rejected

## COMMITTEE REPORT

**YES:            10**  
**NO:             0**

**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:*

- 1            Delete everything after the enacting clause and insert the following:
- 2            SECTION 1. IC 31-35-2-4, AS AMENDED BY P.L.131-2009,
- 3            SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4            JULY 1, 2010]: Sec. 4. (a) A petition to terminate the parent-child
- 5            relationship involving a delinquent child or a child in need of services
- 6            may be signed and filed with the juvenile or probate court by any of the
- 7            following:
- 8            (1) The attorney for the department.
- 9            (2) The child's court appointed special advocate.
- 10           (3) The child's guardian ad litem.
- 11           (b) The petition must:
- 12           (1) be entitled "In the Matter of the Termination of the
- 13           Parent-Child Relationship of \_\_\_\_\_, a child, and
- 14           \_\_\_\_\_, the child's parent (or parents)"; and

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- (2) allege that:
    - (A) one (1) of the following exists:
      - (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;
      - (ii) a court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made; or
      - (iii) the child has been removed from the parent and has been under the supervision of a county office of family and children or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;
    - (B) one (1) of the following exists:**
      - (i) there is a reasonable probability that ~~(i)~~ 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**
      - (ii) there is a reasonable probability that** the continuation of the parent-child relationship poses a threat to the well-being of the child; **or**
      - (iii) the child has, on two (2) separate occasions, been adjudicated a child in need of services;**
    - (C) termination is in the best interests of the child; and
    - (D) there is a satisfactory plan for the care and treatment of the child.
  - (3) Indicate whether at least one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(3) of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.
- SECTION 2. IC 31-35-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. The verified petition filed under section 4 of this chapter must:
- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of \_\_\_\_\_, a child, and

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

(Reference is to HB 1085 as introduced.)

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

\_\_\_\_\_  
Representative Pierce