



February 10, 2012

**ENGROSSED  
HOUSE BILL No. 1065**

DIGEST OF HB 1065 (Updated February 8, 2012 11:14 am - DI 106)

**Citations Affected:** IC 31-14; IC 31-17.

**Synopsis:** Military custody and parenting time matters. Requires a court, upon motion by a parent who has received military temporary duty, deployment, or mobilization orders: (1) to hold an expedited hearing to determine or modify custody or parenting time; and (2) to allow, with reasonable notice, a parent to present testimony and evidence by certain electronic means in a custody or parenting time proceeding; if the military duties of a parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing concerning custody or parenting time. Allows a court, upon motion by a parent who has received military deployment orders, to delegate the parent's parenting time, or a part of the parent's parenting time, during the time that the parent is deployed to a person who has a close and substantial relationship with the parent's child, if the court determines delegating the time is in the best interests of the child. Provides that an order delegating parenting time automatically terminates after the parent returns from deployment. Allows the court to terminate an order delegating parenting time if the court determines that the delegated parenting time is no longer in the best interests of the child.

**Effective:** July 1, 2012.

**Borders, Noe, Yarde**

(SENATE SPONSORS — WATERMAN, TOMES, ECKERTY, BRAY,  
BRODEN, GLICK, STEELE, RANDOLPH, LANANE)

January 9, 2012, read first time and referred to Committee on Family, Children and Human Affairs.

January 11, 2012, reported — Do Pass.

January 13, 2012, read second time.

January 25, 2012, ordered engrossed; engrossed.

January 26, 2012, read third time, passed. Yeas 97, nays 0.

**SENATE ACTION**

February 1, 2012, read first time and referred to Committee on Judiciary.

February 9, 2012, amended, reported favorably — Do Pass.

**EH 1065—LS 6669/DI 110+**



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February 10, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1065

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 31-14-13-6.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: **Sec. 6.1. (a) Upon the motion of a**  
4 **parent who has received military deployment orders, the court**  
5 **may delegate the parent's parenting time, or a part of the parent's**  
6 **parenting time, during the time the parent is deployed to a person**  
7 **who has a close and substantial relationship with the parent's child**  
8 **if the court finds that delegating the parent's parenting time is in**  
9 **the best interests of the child.**  
10 (b) If a court delegates parenting time under subsection (a), the  
11 order delegating parenting time automatically terminates after the  
12 parent returns from deployment.  
13 (c) A court may terminate an order delegating parenting time  
14 if the court determines that the delegated parenting time is no  
15 longer in the best interests of the child.  
16 SECTION 2. IC 31-14-13-6.2 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

**EH 1065—LS 6669/DI 110+**



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1 [EFFECTIVE JULY 1, 2012]: **Sec. 6.2. (a) Upon a motion of a parent**  
 2 **who has received military temporary duty, deployment, or**  
 3 **mobilization orders, the court shall hold an expedited hearing to**  
 4 **determine or modify the custody of a child or parenting time with**  
 5 **a child if the military duties of the parent have a material effect on**  
 6 **the parent's ability to appear in person at a regularly scheduled**  
 7 **hearing concerning custody or parenting time.**

8 **(b) Upon a motion of a parent who has received military**  
 9 **temporary duty, deployment, or mobilization orders, the court**  
 10 **shall, with reasonable notice, allow the parent to present testimony**  
 11 **and evidence by:**

- 12 **(1) telephone;**  
 13 **(2) video teleconference;**  
 14 **(3) Internet; or**  
 15 **(4) other electronic means approved by the court;**

16 **in a custody or parenting time proceeding if the military duties of**  
 17 **the parent have a material effect on the parent's ability to appear**  
 18 **in person at a regularly scheduled hearing concerning custody or**  
 19 **parenting time.**

20 SECTION 3. IC 31-17-2-21.1 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2012]: **Sec. 21.1. (a) Upon a motion of a**  
 23 **parent who has received military deployment orders, the court**  
 24 **may delegate the parent's parenting time, or a part of the parent's**  
 25 **parenting time, during the time the parent is deployed to a person**  
 26 **who has a close and substantial relationship with the parent's child**  
 27 **if the court finds that delegating the parent's parenting time is in**  
 28 **the best interests of the child.**

29 **(b) If a court delegates parenting time under subsection (a), the**  
 30 **order delegating parenting time automatically terminates after the**  
 31 **parent returns from deployment.**

32 **(c) A court may terminate an order delegating parenting time**  
 33 **if the court determines that the delegated parenting time is no**  
 34 **longer in the best interests of the child.**

35 SECTION 4. IC 31-17-2-21.2 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2012]: **Sec. 21.2. (a) Upon a motion of a**  
 38 **parent who has received military temporary duty, deployment, or**  
 39 **mobilization orders, the court shall hold an expedited hearing to**  
 40 **determine or modify the custody of a child or parenting time with**  
 41 **a child if the military duties of the parent have a material effect on**  
 42 **the parent's ability to appear in person at a regularly scheduled**

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1 hearing concerning custody or parenting time.  
2 (b) Upon a motion of a parent who has received military  
3 temporary duty, deployment, or mobilization orders, the court  
4 shall, with reasonable notice, allow the parent to present testimony  
5 and evidence by:  
6 (1) telephone;  
7 (2) video teleconference;  
8 (3) Internet; or  
9 (4) other electronic means approved by the court;  
10 in a custody or parenting time proceeding if the military duties of  
11 the parent have a material effect on the parent's ability to appear  
12 in person at a regularly scheduled hearing concerning custody or  
13 parenting time.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

NOE, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1065, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete ", for good cause shown,".

Page 2, line 10, delete "and good cause shown," and insert ",".

Page 2, line 39, delete ", for good cause shown,".

Page 3, line 4, delete "and good cause shown," and insert ",".

and when so amended that said bill do pass.

(Reference is to HB 1065 as printed January 11, 2012.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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