Adopted	Rejected

COMMITTEE REPORT

YES: 9
NO: 3

MR. SPEAKER:

Your Committee on **Judiciary**, to which was referred Senate Bill 190, 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:

Page 1, line 3, delete "IC 31-13-4," and insert "**IC 31-35-3.5,**".

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 31-17-6-1, AS AMENDED BY P.L.133-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, IC 31-17-7, ~~or~~ IC 31-28-5, **or IC 31-35-3.5,** may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.

SECTION 3. IC 31-35-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 3.5. Termination of Parent-Child Relationship of an Individual Who Committed an Act of Rape

Sec. 1. Proceedings under this chapter are governed by the procedures prescribed by:

(1) IC 31-32-1, IC 31-32-4 through IC 31-32-10, and

IC 31-32-12 through IC 31-32-15;

(2) IC 31-34; and

(3) IC 31-37;

but are distinct from proceedings under IC 31-34 and IC 31-37.

Sec. 2. The probate court has concurrent original jurisdiction with the juvenile court in proceedings on a petition to terminate the parent-child relationship under this chapter.

Sec. 3. If a child was conceived as a result of an act of rape, the parent who is the victim of the act of rape may file a petition with the juvenile or probate court to terminate the child's parent-child relationship with the alleged perpetrator of the act of rape.

Sec. 4. A verified petition filed under section 3 of this chapter must:

(1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the parent"; and

(2) allege:

(A) that the alleged perpetrator committed an act of rape against the parent who has filed the petition to terminate the parent-child relationship;

(B) that the child was conceived as a result of the act of rape described under clause (A); and

(C) that termination of the parent-child relationship of the alleged perpetrator with the child is in the best interests of the child.

Sec. 5. A showing by clear and convincing evidence that:

(1) the alleged perpetrator committed an act of rape against a parent described in section 4(2)(A) of this chapter; and

(2) the child was conceived as a result of the act of rape;

is prima facie evidence that there is a reasonable probability that continuation of the parent-child relationship with the alleged perpetrator is not in the best interests of the child.

Sec. 6. (a) The court shall terminate the parent-child relationship if the court finds:

(1) by clear and convincing evidence, that the allegations in a petition described in section 4(2)(A) and 4(2)(B) of this chapter are true; and

(2) that termination of the parent-child relationship is in the

best interests of the child.

(b) If the court does not find:

(1) by clear and convincing evidence, that the allegations in a petition described in section 4(2)(A) and 4(2)(B) of this chapter are true; and

(2) that termination of the parent-child relationship is in the best interests of the child;

the court shall dismiss the petition.

Sec. 7. The court may appoint:

(1) a guardian ad litem;

(2) a court appointed special advocate; or

(3) both a guardian ad litem and a court appointed special advocate;

for a child in a proceeding under this chapter as provided under IC 31-17-6-1.

SECTION 4. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the child custody and support advisory committee established by IC 33-24-11-1.**

(b) The legislative council shall assign the committee the task of reviewing and studying IC 31-35-3.5.

(c) The committee shall issue a report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the assigned topic, not later than November 1, 2012.

(d) This SECTION expires December 31, 2012.".

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 190 as printed January 27, 2012.)

and when so amended that said bill do pass.

_____

Representative Foley