
HOUSE BILL No. 1252

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-15.

Synopsis: Prerequisites for filing for dissolution of marriage. Provides that a parent of a minor child may not commence a proceeding for dissolution of marriage against the other parent of the child before the earlier of: (1) 120 days after a parent files with a court a notice of intent to dissolve a marriage if both parents of a child complete, not earlier than three years before commencing a proceeding for dissolution of marriage, a divorce education program approved by the department of child services; or (2) 300 days after a parent files with a court a notice of intent to dissolve a marriage if one or both parents of the child do not complete a divorce education program. Provides exceptions to these requirements. Allows a parent to file for provisional orders after a parent has filed a notice of intent to dissolve a marriage. Requires the department of child services to approve divorce education programs that meet certain requirements. Provides that each parent is responsible for the individual parent's cost in attending and completing a divorce education program.

Effective: July 1, 2012.

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

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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.

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HOUSE BILL No. 1252



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 31-9-2-38.5, AS AMENDED BY P.L.138-2007,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 38.5. "Department", for purposes of **IC 31-15-1.5**,
4 IC 31-19, and IC 31-25 through IC 31-40, has the meaning set forth in
5 IC 31-25-2-1.

6 SECTION 2. IC 31-9-2-80.6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2012]: **Sec. 80.6. "Minor", for purposes of IC 31-15-1.5, means**
9 **a person who is less than eighteen (18) years of age.**

10 SECTION 3. IC 31-9-2-89, AS AMENDED BY P.L.191-2011,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]: Sec. 89. (a) "Person", for purposes of **IC 31-15-1.5**,
13 IC 31-19-19, IC 31-19-22, IC 31-19-25, and the juvenile law, means:

- 14 (1) a human being;
- 15 (2) a corporation;
- 16 (3) a limited liability company;
- 17 (4) a partnership;



1 (5) an unincorporated association; or

2 (6) a governmental entity.

3 (b) "Person", for purposes of section 44.5 of this chapter, means an
4 adult or a minor.

5 (c) "Person", for purposes of IC 31-27, means an individual who is
6 at least twenty-one (21) years of age, a corporation, a partnership, a
7 voluntary association, or other entity.

8 (d) "Person", for purposes of the Uniform Child Custody
9 Jurisdiction Act under IC 31-21, has the meaning set forth in
10 IC 31-21-2-13.

11 SECTION 4. IC 31-15-1.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2012]:

14 **Chapter 1.5. Prerequisites for Filing for Dissolution Of**
15 **Marriage**

16 **Sec. 1. (a) This chapter applies after December 31, 2013.**

17 **(b) This chapter applies to a parent of a minor child who intends**
18 **to dissolve the parent's marriage to the other parent of the child.**

19 **Sec. 2. (a) This chapter does not apply if the petitioner states in**
20 **the verified petition for dissolution of marriage and proves by a**
21 **preponderance of the evidence one (1) or more of the following:**

22 **(1) That a court issued, after notice and a hearing, an order**
23 **for protection against the respondent to prevent domestic or**
24 **family violence.**

25 **(2) That the respondent was convicted of a crime against the**
26 **petitioner or the minor child.**

27 **(3) That the respondent was convicted of:**

28 **(A) a felony;**

29 **(B) a domestic violence offense;**

30 **(C) a sex offense; or**

31 **(D) an offense against children.**

32 **(4) That the respondent:**

33 **(A) suffers from drug or alcohol abuse; and**

34 **(B) refuses to undergo drug or alcohol abuse treatment.**

35 **(5) That the respondent has abandoned the petitioner and the**
36 **marriage for a continuous period of eighteen (18) months**
37 **immediately prior to the filing of the petition for dissolution**
38 **of marriage.**

39 **(b) A court may waive the requirements under section 3 of this**
40 **chapter if the court determines that requiring a parent of a minor**
41 **child to meet the requirements might:**

42 **(1) endanger the child's physical health and well-being; or**

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(2) significantly impair the child's emotional development.
Sec. 3. (a) A parent may not commence a proceeding for dissolution of marriage before the earlier of one (1) of the following:

(1) One hundred twenty (120) days after a parent files with a court a notice of intent to dissolve a marriage if both parents of the child complete, not earlier than three (3) years before commencing a proceeding for dissolution of marriage, a divorce education program approved by the department under section 5 of this chapter.

(2) Three hundred (300) days after a parent files with a court a notice of intent to dissolve a marriage if one (1) or both of the parents do not complete a divorce education program described in subdivision (1).

(b) A parent must file an intent to dissolve a marriage under this section in the court in which the party intends to file an action for dissolution of marriage.

(c) The parents of a minor child may attend and complete a divorce education program separately under subsection (a)(1).

Sec. 4. (a) A divorce education program under section 3 of this chapter must:

(1) be taught by an individual trained and certified by the person who developed the divorce education program;

(2) be approved by the department under section 5 of this chapter; and

(3) consist of four (4) hours of divorce education that includes information on the following:

(A) The effects of divorce on:

(i) a minor child; and

(ii) parties of the divorce.

(B) The benefits of reconciling and restoring marriages where divorce is unnecessary.

(C) Building relationship skills.

(D) Available relationship education and online classes that help parents who are considering reconciling.

(E) Domestic and family violence, alcohol and drug abuse, and mental health issues, including contact and location information for receiving help for these issues.

(b) The divorce education program under section 3 of this chapter may include other information relevant to divorce education.

(c) The person who provides the divorce education program

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1 shall provide a certificate to a parent after the parent completes
2 the divorce education program.

3 **Sec. 5. The department shall approve a divorce education
4 program that meets:**

- 5 (1) the requirements of section 4 of this chapter; and
- 6 (2) any other requirements established by the department.

7 **Sec. 6. If:**

- 8 (1) a petition for dissolution of marriage has been filed; and
- 9 (2) the petitioner has failed to meet the requirements under
10 this chapter;

11 the court shall dismiss the petition for dissolution of marriage.

12 **Sec. 7. Each parent is responsible for the individual parent's
13 cost in attending and completing a divorce education program
14 under this chapter.**

15 **Sec. 8. After a parent files an intent to dissolve a marriage under
16 section 3 of this chapter, the parent may file a motion for a
17 provisional order as provided under IC 31-15-4-1.**

18 SECTION 5. IC 31-15-2-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A petition for
20 dissolution of marriage must:

- 21 (1) be verified; and
- 22 (2) set forth the following:
 - 23 (A) The residence of each party and the length of residence in
24 the state and county.
 - 25 (B) The date of the marriage.
 - 26 (C) The date on which the parties separated.
 - 27 (D) The name, age, and address of:
 - 28 (i) any living child less than twenty-one (21) years of age;
29 and
 - 30 (ii) any incapacitated child;
 - 31 of the marriage and whether the wife is pregnant.
 - 32 (E) The grounds for dissolution of the marriage.
 - 33 (F) The relief sought.
 - 34 (G) **For petitions filed after December 31, 2013, the
35 petitioner:**
 - 36 (i) **has met the requirements under IC 31-15-1.5;**
 - 37 (ii) **is not required to meet the requirements under
38 IC 31-15-1.5 and state which exception applies under
39 IC 31-15-1.5-2(a); or**
 - 40 (iii) **believes that requiring the petitioner to meet the
41 requirements under IC 31-15-1.5 might endanger the
42 child's physical health and well-being or significantly**

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1 **impair the child's emotional development.**

2 SECTION 6. IC 31-15-4-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) In an action for
4 dissolution of marriage under IC 31-15-2, ~~or~~ legal separation under
5 IC 31-15-3, **or, after December 31, 2013, after a notice of intent to**
6 **dissolve a marriage has been filed under IC 31-15-1.5-3**, either party
7 may file a motion for any of the following:

- 8 (1) Temporary maintenance.
9 (2) Temporary support or custody of a child of the marriage
10 entitled to support.
11 (3) Possession of property.
12 (4) Counseling.
13 (5) A protective order under IC 34-26-5.

14 (b) If a party desires a protective order under subsection (a)(5), the
15 party must file a petition under IC 34-26-5 in the court in which the
16 case is pending **or, if there is no case pending, in the court in which**
17 **the party intends to file an action for dissolution of marriage** and
18 the court may not require the moving party to give security. If the
19 petitioner requests an ex parte protective order, the court shall
20 immediately:

- 21 (1) review the request; and
22 (2) if required, set a hearing;
23 under IC 34-26-5. The procedure and law for a proceeding under this
24 subsection are controlled by IC 34-26-5.

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