

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 190, 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:

- 1 Page 1, line 3, delete "IC 31-35-3.5," and insert "**IC 31-13-4**,".
- 2 Page 1, delete lines 7 through 17, begin a new paragraph and insert:
- 3 "SECTION 2. IC 31-13-4 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2012]:
- 6 **Chapter 4. Child Conceived as a Result of an Act of Rape**
- 7 **Sec. 1. (a) This section does not apply if the biological parents of**
- 8 **a child were married at the time the child was conceived.**
- 9 **(b) If:**
- 10 **(1) an individual who:**
- 11 **(A) is the biological parent of a child; or**
- 12 **(B) alleges to be the biological parent of a child;**
- 13 **seeks custody, parenting time, or contact with the child; and**
- 14 **(2) the court finds by clear and convincing evidence that:**
- 15 **(A) the child was conceived as the result of an act of rape;**
- 16 **and**
- 17 **(B) the individual described under subdivision (1) was the**
- 18 **perpetrator of the act of rape;**
- 19 **the court shall deny the individual custody, parenting time, and**
- 20 **contact with the child.**
- 21 **(c) If a court denies an individual custody, parenting time, and**

1 **contact with a child under this section, a court may not require the**
2 **individual to pay child support for the child.**
3 **Sec. 2. (a) The court may order a party to pay to the prevailing**
4 **party a reasonable amount for:**
5 **(1) the cost of maintaining an action under this chapter; and**
6 **(2) attorney's fees, including amounts for legal services**
7 **provided and costs incurred, before the commencement of the**
8 **proceedings or after entry of judgment.**
9 **(b) The court may order the amount under subsection (a) to be**
10 **paid directly to the attorney of the prevailing party, who may**
11 **enforce the order in the attorney's name."**
12 Delete pages 2 through 3.
 (Reference is to SB 190 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Bray, Chairperson