



Reprinted
March 20, 2013

ENGROSSED SENATE BILL No. 202

DIGEST OF SB 202 (Updated March 19, 2013 1:59 pm - DI 107)

Citations Affected: IC 29-3; IC 31-14; IC 31-17.

Synopsis: Petitions to modify custody and visitation. Provides that if a person files a petition to establish or modify a guardianship, visitation, or child custody, a party to the proceeding shall inform the court if: (1) a party has been determined to be a perpetrator in a substantiated report of child abuse or neglect; or (2) the child named in the petition has been the subject of a substantiated report of child abuse and neglect, has been determined to be a child in need of services, or has been involved in an informal adjustment. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Effective: July 1, 2013.

Bray, Broden

(HOUSE SPONSORS — KUBACKI, FORESTAL, RIECKEN)

January 7, 2013, read first time and referred to Committee on Judiciary.
February 21, 2013, amended, reported favorably — Do Pass.
February 25, 2013, read second time, amended, ordered engrossed.
February 26, 2013, engrossed, read third time, passed. Yeas 50, nays 0. Pursuant to Senate Rule 35(c), technical correction, engrossed.

HOUSE ACTION

March 4, 2013, read first time and referred to Committee on Family, Children and Human Affairs.

March 14, 2013, amended, reported — Do Pass.
March 19, 2013, read second time, amended, ordered engrossed.

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ES 202—LS 6413/DI 107+



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 202

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 29-3-2-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 7. (a) If a person files a petition to establish or modify**
4 **guardianship of a minor, any person who:**
5 **(1) is a party to the guardianship proceeding; and**
6 **(2) has knowledge that:**
7 **(A) a party to the guardianship proceeding has been**
8 **determined to be a perpetrator of a substantiated report of**
9 **child abuse or neglect;**
10 **(B) the child named in the petition has been the subject of**
11 **a substantiated report of child abuse or neglect;**
12 **(C) the child named in the petition has been determined to**
13 **be a child in need of services under IC 31-34; or**
14 **(D) the child named in the petition has been involved in an**
15 **informal adjustment under IC 31-34-8;**
16 **shall submit to the court in writing under seal that a party to the**
17 **guardianship proceeding is a person described in subdivision (2)(A)**

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1 or the child named in the petition is a child described in subdivision
2 (2)(B), (2)(C), or (2)(D).

3 (b) A court reviewing a petition to establish or modify a
4 guardianship may request information from the department of
5 child services regarding a petition or proceeding described in
6 subsection (a)(2). The department shall provide a response under
7 seal to the court's request for information not later than ten (10)
8 days after the department receives the court's request for the
9 information.

10 SECTION 2. IC 31-14-13-12 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) If a person files a petition
13 to establish or modify custody of a child, any person who:

14 (1) is a party to the custody proceeding; and

15 (2) has knowledge that:

16 (A) a party to the custody proceeding has been determined
17 to be a perpetrator of a substantiated report of child abuse
18 or neglect;

19 (B) the child named in the petition has been the subject of
20 a substantiated report of child abuse or neglect;

21 (C) the child named in the petition has been determined to
22 be a child in need of services under IC 31-34; or

23 (D) the child named in the petition has been involved in an
24 informal adjustment under IC 31-34-8;

25 shall submit to the court in writing under seal that a party to the
26 custody proceeding is a person described in subdivision (2)(A) or
27 the child named in the petition is a child described in subdivision
28 (2)(B), (2)(C), or (2)(D).

29 (b) A court reviewing a petition to establish or modify the
30 custody of a child may request information from the department
31 of child services regarding a petition or proceeding described in
32 subsection (a)(2). The department shall provide a response under
33 seal to the court's request for information not later than ten (10)
34 days after the department receives the court's request for the
35 information.

36 SECTION 3. IC 31-14-14-6 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2013]: Sec. 6. (a) If a person files a petition to establish or modify
39 parenting time with a child, any person who:

40 (1) is a party to the parenting time proceeding; and

41 (2) has knowledge that:

42 (A) a party to the parenting time proceeding has been

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- 1 determined to be a perpetrator of a substantiated report of
- 2 child abuse or neglect;
- 3 (B) the child named in the petition has been the subject of
- 4 a substantiated report of child abuse or neglect;
- 5 (C) the child named in the petition has been determined to
- 6 be a child in need of services under IC 31-34; or
- 7 (D) the child named in the petition has been involved in an
- 8 informal adjustment under IC 31-34-8;

9 shall submit to the court in writing under seal that a party to the
 10 parenting time proceeding is a person described in subdivision
 11 (2)(A) or the child named in the petition is a child described in
 12 subdivision (2)(B), (2)(C), or (2)(D).

13 (b) A court reviewing a petition to establish or modify parenting
 14 time may request information regarding the department of child
 15 services assessment or case of the person filing the petition or the
 16 child. The department shall provide a response under seal to the
 17 court's request for information not later than ten (10) days after
 18 the department receives the court's request for the information.

19 SECTION 4. IC 31-17-2-26 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2013]: Sec. 26. (a) If a person files a petition to establish or
 22 modify custody of a child, any person who:

- 23 (1) is a party to the custody proceeding; and
- 24 (2) has knowledge that:
 - 25 (A) a party to the custody proceeding has been determined
 - 26 to be a perpetrator of a substantiated report of child abuse
 - 27 or neglect;
 - 28 (B) the child named in the petition has been the subject of
 - 29 a substantiated report of child abuse or neglect;
 - 30 (C) the child named in the petition has been determined to
 - 31 be a child in need of services under IC 31-34; or
 - 32 (D) the child named in the petition has been involved in an
 - 33 informal adjustment under IC 31-34-8;

34 shall submit to the court in writing under seal that a party to the
 35 custody proceeding is a person described in subdivision (2)(A) or
 36 the child named in the petition is a child described in subdivision
 37 (2)(B), (2)(C), or (2)(D).

38 (b) A court reviewing a petition to establish or modify custody
 39 of a child may request information from the department of child
 40 services regarding a petition or proceeding described in subsection
 41 (a)(2). The department shall provide a response under seal to the
 42 court's request for information not later than ten (10) days after

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1 **the department receives the court's request for the information.**
 2 SECTION 5. IC 31-17-4-11 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2013]: **Sec. 11. (a) If a person files a petition to establish or**
 5 **modify parenting time with a child, any person who:**
 6 **(1) is a party to the parenting time proceeding; and**
 7 **(2) has knowledge that:**
 8 **(A) a party to the parenting time proceeding has been**
 9 **determined to be a perpetrator of a substantiated report of**
 10 **child abuse or neglect;**
 11 **(B) the child named in the petition has been the subject of**
 12 **a substantiated report of child abuse or neglect;**
 13 **(C) the child named in the petition has been determined to**
 14 **be a child in need of services under IC 31-34; or**
 15 **(D) the child named in the petition has been involved in an**
 16 **informal adjustment under IC 31-34-8;**
 17 **shall submit to the court in writing under seal that a party to the**
 18 **parenting time proceeding is a person described in subdivision**
 19 **(2)(A) or the child named in the petition is a child described in**
 20 **subdivision (2)(B), (2)(C), or (2)(D).**
 21 **(b) A court reviewing a petition to establish or modify parenting**
 22 **time of a child may request information from the department of**
 23 **child services regarding a petition or proceeding described in**
 24 **subsection (a)(2). The department shall provide a response under**
 25 **seal to the court's request for information not later than ten (10)**
 26 **days after the department receives the court's request for the**
 27 **information.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 202, 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 1, line 5, after "forth" insert "**in**".

Page 1, line 5, after "whether" insert "**, to the best of the person's knowledge**".

Page 1, line 6 delete "or the person under the".

Page 1, line 7, delete "guardianship".

Page 1, line 7, delete "investigated by the department of child" and insert "**determined to be the perpetrator of a substantiated assessment of child abuse or neglect;**".

Page 1, delete line 8.

Page 1, line 9, after "(2)" insert "**the child named in the petition has been a victim of a substantiated assessment of child abuse or neglect;**

(3)".

Page 1, line 9, delete "person" and insert "**child**".

Page 1, line 10, delete "IC 31-34." and insert "**IC 31-34; and**

(4) the child has been involved in an informal adjustment under IC 31-34-8.".

Page 1, line 11, delete "the subject of an investigation" and insert "**determined to be a perpetrator**".

Page 1, line 12, delete "forth:" and insert "**forth**".

Page 1, line 13, delete "(1)".

Page 1, line 13, delete "investigation occurred; and" and insert "**assessment occurred**".

Page 1, run in lines 12 through 13.

Page 1, delete line 14.

Page 1, line 15, delete "determined to" and insert "**the subject of**".

Page 1, line 16, delete "be".

Page 1, line 16, after "services" insert "**case**".

Page 1, line 16, delete "(a)(2)," and insert "**(a)(3),**".

Page 2, line 9, after "the" insert "**assessment or case of the**".

Page 2, line 10, delete "case or the child in need of services case of" and insert "**involving**".

Page 2, line 12, delete "answer" and insert "**provide a response under seal to**".

Page 2, line 18, after "whether" insert "**, to the best of the person's knowledge**".

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Page 2, line 19, delete "or the child".

Page 2, line 20, delete "investigated by the department of child services; and" and insert "**determined to be the perpetrator of a substantiated assessment of child abuse or neglect;**

(2) the child named in the petition has been a victim of a substantiated assessment of child abuse or neglect;".

Page 2, line 21, delete "(2)" and insert "(3)".

Page 2, line 22, delete "IC 31-34." and insert "**IC 31-34; and**

(4) the child has been involved in an informal adjustment under IC 31-34-8.".

Page 2, line 23, delete "the subject of an investigation" and insert "**determined to be the perpetrator of a substantiated assessment**".

Page 2, line 24, delete "forth:" and insert "**forth**".

Page 2, line 25, delete "(1)".

Page 2, line 25, delete "investigation occurred; and" and insert "**assessment occurred**".

Page 2, run in lines 24 through 25.

Page 2, delete line 26.

Page 2, line 28, delete "(a)(2)," and insert "**(a)(3)**".

Page 2, line 39, delete "the department" and insert "**the assessment or case of the department**".

Page 2, line 39, delete "case or the child in need of".

Page 2, line 40, delete "services case of" and insert "**involving**".

Page 2, line 41, delete "answer" and insert "**provide a response under seal to**".

Page 3, line 4, after "whether" insert ", **to the best of the person's knowledge**".

Page 3, line 5, delete "or the child".

Page 3, line 6, delete "investigated by the department of child services; and" and insert "**determined to be the perpetrator of a substantiated assessment of child abuse or neglect;**

(2) the child named in the petition has been a victim of a substantiated assessment of child abuse or neglect;".

Page 3, line 7, delete "(2)" and insert "(3)".

Page 3, line 8, delete "IC 31-34." and insert "**IC 31-34; and**

(4) the child has been involved in an informal adjustment under IC 31-34-8.".

Page 3, line 9, delete "the subject of an investigation" and insert "**determined to be the perpetrator of a substantiated assessment**".

Page 3, line 10, delete "forth:" and insert "**forth**".

Page 3, line 11, delete "(1)".

Page 3, line 11, delete "investigation occurred; and" and insert

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"assessment occurred."

Page 3, run in lines 10 through 11.

Page 3, delete line 12.

Page 3, line 14, delete "(a)(2)," and insert "**(a)(3)**".

Page 3, line 25, delete "or the child in need of services case of" and insert "**involving**".

Page 3, line 26, delete "answer" and insert "**provide a response under seal to**".

Page 3, line 33, after "whether" insert ", **to the best of the person's knowledge**".

Page 3, line 34, delete "or the child".

Page 3, line 34, after "been" insert "**determined to be the perpetrator of a substantiated assessment of child abuse or neglect;**

(2) the child named in the petition has been a victim of a substantiated assessment of child abuse or neglect;".

Page 3, delete line 35.

Page 3, line 36, delete "(2)" and insert "**(3)**".

Page 3, line 37, delete "IC 31-34." and insert "**IC 31-34; and**

(4) the child has been involved in an informal adjustment under IC 31-34-8.".

Page 3, line 38, delete "the subject of an investigation" and insert "**determined to be the perpetrator of a substantiated assessment**".

Page 3, line 39, delete "forth:" and insert "**forth**".

Page 3, line 40, delete "(1)".

Page 3, line 40, delete "investigation occurred; and" and insert "**assessment occurred**".

Page 3, run in lines 39 through 40.

Page 3, delete line 41.

Page 4, line 1, delete "(a)(2)," and insert "**(a)(3)**".

Page 4, line 13, delete "answer" and insert "**provide a response under seal to**".

and when so amended that said bill do pass.

(Reference is to SB 202 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 202 be amended to read as follows:

Page 1, line 3, delete "A" and insert "**If a**".

Page 1, line 3, after "person" delete "who".

Page 1, line 4, after "modify" delete "a".

Page 1, line 4, delete "a person" and insert "**an individual who is**".

Page 1, delete line 5 and insert "**age, any person who:**".

Page 1, delete lines 6 through 17, begin a new line block indented and insert:

"(1) is a party to the guardianship proceeding; and

(2) has knowledge that:

(A) a party to the guardianship proceeding has been determined to be a perpetrator of a substantiated assessment of child abuse or neglect;

(B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;

(C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or

(D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8;

shall inform the court in writing that a party to the guardianship proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D)."

Page 2, delete lines 1 through 11.

Page 2, line 12, delete "(d)" and insert "**(b)**".

Page 2, line 12, before "modify" insert "**establish or**".

Page 2, line 13, before "assessment" insert "**department of child services**".

Page 2, line 14, delete "department of child services involving the".

Page 2, line 21, delete "A" and insert "**If a**".

Page 2, line 21, after "person" delete "who".

Page 2, line 22, delete "child or parenting" and insert "**child, any person who:**".

Page 2, delete lines 23 through 42, begin a new line block indented and insert:

"(1) is a party to the custody proceeding; and

(2) has knowledge that:

(A) a party to the custody proceeding has been determined to be a perpetrator of a substantiated assessment of child

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abuse or neglect;

(B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;

(C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or

(D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8;

shall submit to the court in writing under seal that a party to the custody proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D)."

Page 3, delete lines 1 through 4.

Page 3, line 5, delete "(d)" and insert "**(b)**".

Page 3, line 5, before "modify" insert "**establish or**".

Page 3, line 6, delete "or parenting time with a child".

Page 3, line 7, before "assessment" insert "**department of child services**".

Page 3, line 7, after "case of the" delete "department of child services involving".

Page 3, line 8, before "person" delete "the".

Page 3, line 14, delete "A" and insert "**If a**".

Page 3, line 14, after "person" delete "who".

Page 3, line 15, delete "time must set forth in a verified petition whether," and insert "**time, any person who:**".

Page 3, delete lines 16 through 38, begin a new line block indented and insert:

"(1) is a party to the parenting time proceeding; and

(2) has knowledge that:

(A) a party to the parenting time proceeding has been determined to be a perpetrator of a substantiated assessment of child abuse or neglect;

(B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;

(C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or

(D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8;

shall submit to the court in writing under seal that a party to the parenting time proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D)."

Page 3, line 39, delete "(d)" and insert "**(b)**".

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Page 3, line 39, before "modify" insert "**establish or**".

Page 3, line 40, after "services" insert "**assessment or**".

Page 3, line 41, delete "involving" and insert "**of**".

Page 4, line 5, delete "A" and insert "**If a**".

Page 4, line 5, delete "who".

Page 4, line 6, delete "child must set forth in a verified petition" and insert "**child, any person who:**".

Page 4, delete lines 7 through 29, begin a new line block indented and insert:

"(1) is a party to the custody proceeding; and

(2) has knowledge that:

(A) a party to the custody proceeding has been determined to be a perpetrator of a substantiated assessment of child abuse or neglect;

(B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;

(C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or

(D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8;

shall submit to the court in writing under seal that a party to the custody proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D)."

Page 4, line 30, delete "(d)" and insert "**(b)**".

Page 4, line 30, before "modify" insert "**establish or**".

Page 4, line 32, before "case or" insert "**assessment for**".

Page 4, line 32, delete "or the child in need of services case".

Page 4, after line 35, begin a new paragraph and insert:

"SECTION 5. IC 31-17-4-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) If a person files a petition to establish or modify parenting time, any person who:**

(1) is a party to the parenting time proceeding; and

(2) has knowledge that:

(A) a party to the parenting time proceeding has been determined to be a perpetrator of a substantiated assessment of child abuse or neglect;

(B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;

(C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or

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(D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8; shall submit to the court in writing under seal that a party to the parenting time proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D).

(b) A court reviewing a petition to establish or modify parenting time of a child may request information regarding the department of child services assessment or case of the person filing the petition or the child. The department shall provide a response under seal to the court's request for information not later than ten (10) days after the court requests the information."

(Reference is to SB 202 as printed February 22, 2013.)

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 202.

Page 3, line 40, delete "for" and insert "**or**".

(Reference is to ESB 202 as reprinted February 26, 2013.)

LONG, Chairperson

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 202, 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 4, delete "an individual who is less than eighteen (18) years" and insert "**a minor**".

Page 1, line 5, delete "of age,".

Page 1, line 10, delete "assessment" and insert "**report**".



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Page 1, line 17, delete "inform" and insert "**submit to**".

Page 1, line 17, after "writing" insert "**under seal**".

Page 2, line 5, delete "regarding" and insert "**from**".

Page 2, line 6, delete "assessment or case of the person filing the petition" and insert "**regarding a petition or proceeding described in subsection (a)(2)**".

Page 2, line 7, delete "or the person under the guardianship".

Page 2, line 14, delete "the".

Page 2, line 18, delete "assessment" and insert "**report**".

Page 2, line 31, delete "regarding" and insert "**from**".

Page 2, line 32, delete "assessment or case of the person filing" and insert "**regarding a petition or proceeding described in subsection (a)(2)**".

Page 2, line 33, delete "the petition or the child".

Page 2, line 39, delete "," and insert "**with a child,**".

Page 3, line 2, delete "assessment" and insert "**report**".

Page 3, line 26, delete "assessment" and insert "**report**".

Page 3, line 39, delete "regarding" and insert "**from**".

Page 3, line 40, delete "assessment or case of the person filing the petition or" and insert "**regarding a petition or proceeding described in subsection (a)(2)**".

Page 3, line 41, delete "the child".

Page 4, line 5, delete "," and insert "**with a child,**".

Page 4, line 10, delete "assessment" and insert "**report**".

Page 4, line 22, delete "regarding" and insert "**from**".

Page 4, line 23, delete "assessment or case of the person filing the petition" and insert "**regarding a petition or proceeding described in subsection (a)(2)**".

Page 4, line 24, delete "or the child".

and when so amended that said bill do pass.

(Reference is to SB 202 as reprinted February 26, 2013, Technical Correction.)

KUBACKI, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 2, line 8, delete "court requests" and insert "**department receives the court's request for**".

Page 2, line 33, delete "court requests" and insert "**department receives the court's request for**".

Page 3, line 16, delete "court requests" and insert "**department receives the court's request for**".

Page 3, line 41, delete "court requests" and insert "**department receives the court's request for**".

Page 4, line 24, delete "court requests" and insert "**department receives the court's request for**".

(Reference is to ESB 202 as printed March 15, 2013.)

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