# SENATE BILL No. 202

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-3-2-7; IC 31-14; IC 31-17-2-26.

**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, the person shall state in a verified petition whether the person has been the subject of a department of child services (DCS) investigation, whether the child has been the subject of a DCS investigation, or if the child has been determined to be a child in need of services. (The introduced version of this bill was prepared by the department of child services interim study committee.)

**Effective:** July 1, 2013.

**Bray, Broden**

January 7, 2013, read first time and referred to Committee on Judiciary.

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Introduced

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.

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# 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:*

SECTION 1. IC 29-3-2-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) A person who files a petition to establish or modify a guardianship of a person less than eighteen (18) years of age must set forth a verified petition whether:**

**(1) the person filing the petition or the person under the guardianship has been investigated by the department of child services; and**

**(2) the person under the guardianship has been determined to be a child in need of services under IC 31-34.**

**(b) If a person has been the subject of an investigation as described in subsection (a)(1), the petition must set forth:**

**(1) when the investigation occurred; and**

**(2) the results of the investigation.**

**(c) If the person under the guardianship has been determined to be a child in need of services as described in subsection (a)(2), the petition must set forth:**

**(1) the date of the child in need of services determination;**
**(2) the court that determined the child in need of services determination;**
**(3) under which statute the court determined the child to be a child in need of services; and**
**(4) whether the person is a child in need of services at the time of the filing of the petition.**

**(d) A court reviewing a petition to modify a guardianship may request information regarding the department of child services case or the child in need of services case of the person filing the petition or the person under the guardianship. The department shall answer the court's request for information not later than ten (10) days after the court requests the information.**

SECTION 2. IC 31-14-13-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 12. (a) A person who files a petition to establish or modify the custody of a child or parenting time with a child must set forth in a verified petition whether:**

**(1) the person filing the petition or the child has been investigated by the department of child services; and**
**(2) the child has been determined to be a child in need of services under IC 31-34.**

**(b) If a person has been the subject of an investigation as described in subsection (a)(1), the petition must set forth:**

**(1) when the investigation occurred; and**
**(2) the results of the investigation.**

**(c) If the child has been determined to be a child in need of services as described in subsection (a)(2), the petition must set forth:**

**(1) the date of the child in need of services determination;**
**(2) the court that determined the child in need of services determination;**
**(3) under which statute the court determined the child to be a child in need of services; and**
**(4) whether the person is a child in need of services at the time of the filing of the petition.**

**(d) A court reviewing a petition to modify the custody of a child or parenting time with a child may request information regarding the department of child services case or the child in need of services case of the person filing the petition or the child. The department shall answer the court's request for information not later than ten (10) days after the court requests the information.**

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SECTION 3. IC 31-14-14-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) A person who files a petition to establish or modify parenting time must set forth in a verified petition whether:**

**(1) the person filing the petition or the child has been investigated by the department of child services; and**

**(2) the child has been determined to be a child in need of services under IC 31-34.**

**(b) If a person has been the subject of an investigation as described in subsection (a)(1), the petition must set forth:**

**(1) when the investigation occurred; and**

**(2) the results of the investigation.**

**(c) If the child has been determined to be a child in need of services as described in subsection (a)(2), the petition must set forth:**

**(1) the date of the child in need of services determination;**

**(2) the court that determined the child in need of services determination;**

**(3) under which statute the court determined the child to be a child in need of services; and**

**(4) whether the person is a child in need of services at the time of the filing of the petition.**

**(d) A court reviewing a petition to modify parenting time may request information regarding the department of child services case or the child in need of services case of the person filing the petition or the child. The department shall answer the court's request for information not later than ten (10) days after the court requests the information.**

SECTION 4. IC 31-17-2-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 26. (a) A person who files a petition to establish or modify custody of a child must set forth in a verified petition whether:**

**(1) the person filing the petition or the child has been investigated by the department of child services; and**

**(2) the child has been determined to be a child in need of services under IC 31-34.**

**(b) If a person has been the subject of an investigation as described in subsection (a)(1), the petition must set forth:**

**(1) when the investigation occurred; and**

**(2) the results of the investigation.**

**(c) If the child has been determined to be a child in need of**

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**services as described in subsection (a)(2), the petition must set forth:**

**(1) the date of the child in need of services determination;**

**(2) the court that determined the child in need of services determination;**

**(3) under which statute the court determined the child to be a child in need of services; and**

**(4) whether the person is a child in need of services at the time of the filing of the petition.**

**(d) A court reviewing a petition to modify custody of a child may request information regarding the department of child services case or the child in need of services case of the person filing the petition or the child. The department shall answer the court's request for information not later than ten (10) days after the court requests the information.**

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