
HOUSE BILL No. 1041

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.

Kubacki, Mahan, Riecken

January 7, 2013, read first time and referred to Committee on Family, Children and Human Affairs.

C
o
p
y



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.

C
o
p
y

HOUSE BILL No. 1041



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) A person who files a petition to establish or
4 modify a guardianship of a person less than eighteen (18) years of
5 age must set forth a verified petition whether:**
6 (1) the person filing the petition or the person under the
7 guardianship has been investigated by the department of child
8 services; and
9 (2) the person under the guardianship has been determined to
10 be a child in need of services under IC 31-34.
11 (b) If a person has been the subject of an investigation as
12 described in subsection (a)(1), the petition must set forth:
13 (1) when the investigation occurred; and
14 (2) the results of the investigation.
15 (c) If the person under the guardianship has been determined to
16 be a child in need of services as described in subsection (a)(2), the
17 petition must set forth:



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

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

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

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

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

- 25 (1) when the investigation occurred; and
 26 (2) the results of the investigation.

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

- 30 (1) the date of the child in need of services determination;
 31 (2) the court that determined the child in need of services
 32 determination;
 33 (3) under which statute the court determined the child to be
 34 a child in need of services; and
 35 (4) whether the person is a child in need of services at the time
 36 of the filing of the petition.

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

C
O
P
Y



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

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

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

- 11 (1) when the investigation occurred; and
 12 (2) the results of the investigation.

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

- 16 (1) the date of the child in need of services determination;
 17 (2) the court that determined the child in need of services
 18 determination;
 19 (3) under which statute the court determined the child to be
 20 a child in need of services; and
 21 (4) whether the person is a child in need of services at the time
 22 of the filing of the petition.

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

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

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

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

- 40 (1) when the investigation occurred; and
 41 (2) the results of the investigation.

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

C
O
P
Y



1 services as described in subsection (a)(2), the petition must set
2 forth:
3 (1) the date of the child in need of services determination;
4 (2) the court that determined the child in need of services
5 determination;
6 (3) under which statute the court determined the child to be
7 a child in need of services; and
8 (4) whether the person is a child in need of services at the time
9 of the filing of the petition.
10 (d) A court reviewing a petition to modify custody of a child
11 may request information regarding the department of child
12 services case or the child in need of services case of the person
13 filing the petition or the child. The department shall answer the
14 court's request for information not later than ten (10) days after
15 the court requests the information.

C
o
p
y

