



February 22, 2013

SENATE BILL No. 202

DIGEST OF SB 202 (Updated February 20, 2013 1:07 pm - DI 106)

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, the person shall state in a verified petition whether, to the best of the person's knowledge, the person has been determined to be a perpetrator in a substantiated assessment of child abuse or neglect, whether the child has been determined to be a victim of a substantiated assessment of child abuse and neglect, whether the child has been determined to be a child in need of services, or whether the child 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

January 7, 2013, read first time and referred to Committee on Judiciary.
February 21, 2013, amended, reported favorably — Do Pass.

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SB 202—LS 6413/DI 107+



February 22, 2013

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:

- 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 in a verified petition whether, to the best of the
6 person's knowledge:**
7 **(1) the person filing the petition has been determined to be the
8 perpetrator of a substantiated assessment of child abuse or
9 neglect;**
10 **(2) the child named in the petition has been a victim of a
11 substantiated assessment of child abuse or neglect;**
12 **(3) the child under the guardianship has been determined to
13 be a child in need of services under IC 31-34; and**
14 **(4) the child has been involved in an informal adjustment
15 under IC 31-34-8.**
16 **(b) If a person has been determined to be a perpetrator as
17 described in subsection (a)(1), the petition must set forth when the**

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assessment occurred.

(c) If the person under the guardianship has been the subject of a child in need of services case as described in subsection (a)(3), 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 assessment or case of the department of child services involving the person filing the petition or the person under the guardianship. 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.

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, to the best of the person's knowledge:

- (1) the person filing the petition has been 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;
- (3) the child has been determined to be a child in need of services under IC 31-34; and
- (4) the child has been involved in an informal adjustment under IC 31-34-8.

(b) If a person has been determined to be the perpetrator of a substantiated assessment as described in subsection (a)(1), the petition must set forth when the assessment occurred.

(c) If the child has been determined to be a child in need of services as described in subsection (a)(3), 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;

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(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 assessment or case of the department of child services involving 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.

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, to the best of the person's knowledge:**

(1) the person filing the petition has been 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;

(3) the child has been determined to be a child in need of services under IC 31-34; and

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

(b) If a person has been determined to be the perpetrator of a substantiated assessment as described in subsection (a)(1), the petition must set forth when the assessment occurred.

(c) If the child has been determined to be a child in need of services as described in subsection (a)(3), 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 involving the person filing the petition or the child. The department shall provide a response under seal to the court's

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1 request for information not later than ten (10) days after the court
2 requests the information.

3 SECTION 4. IC 31-17-2-26 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2013]: Sec. 26. (a) A person who files a petition to establish or
6 modify custody of a child must set forth in a verified petition
7 whether, to the best of the person's knowledge:

8 (1) the person filing the petition has been determined to be the
9 perpetrator of a substantiated assessment of child abuse or
10 neglect;

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

13 (3) the child has been determined to be a child in need of
14 services under IC 31-34; and

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

17 (b) If a person has been determined to be the perpetrator of a
18 substantiated assessment as described in subsection (a)(1), the
19 petition must set forth when the assessment occurred.

20 (c) If the child has been determined to be a child in need of
21 services as described in subsection (a)(3), the petition must set
22 forth:

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

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

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

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

30 (d) A court reviewing a petition to modify custody of a child
31 may request information regarding the department of child
32 services case or the child in need of services case of the person
33 filing the petition or the child. The department shall provide a
34 response under seal to the court's request for information not later
35 than ten (10) days after the court requests the 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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