



Reprinted  
February 26, 2013

---

---

## SENATE BILL No. 202

---

DIGEST OF SB 202 (Updated February 25, 2013 2:59 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, a party to the proceeding shall inform the court if: (1) a party has been determined to be a perpetrator in a substantiated assessment 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**

---

---

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.

---

---

C  
o  
p  
y

SB 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.

## 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 an individual who is less than eighteen (18) years**  
5 **of age, any person who:**  
6 (1) **is a party to the guardianship proceeding; and**  
7 (2) **has knowledge that:**  
8 (A) **a party to the guardianship proceeding has been**  
9 **determined to be a perpetrator of a substantiated**  
10 **assessment of 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 inform the court in writing that a party to the guardianship**

SB 202—LS 6413/DI 107+



C  
O  
P  
Y

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

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

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

- 15 (1) is a party to the custody proceeding; and
- 16 (2) has knowledge that:
  - 17 (A) a party to the custody proceeding has been determined
  - 18 to be a perpetrator of a substantiated assessment of child
  - 19 abuse or neglect;
  - 20 (B) the child named in the petition has been the subject of
  - 21 a substantiated report of child abuse or neglect;
  - 22 (C) the child named in the petition has been determined to
  - 23 be a child in need of services under IC 31-34; or
  - 24 (D) the child named in the petition has been involved in an
  - 25 informal adjustment under IC 31-34-8;

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

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

C  
o  
p  
y



- 1           determined to be a perpetrator of a substantiated
- 2           assessment of 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 court requests 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 assessment of child**
  - 27           **abuse 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 regarding the department of**  
 40 **child services assessment for case of the person filing the petition**  
 41 **or the child. The department shall provide a response under seal to**  
 42 **the court's request for information not later than ten (10) days**

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**after the court requests the information.**

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**

**(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.**

C  
o  
p  
y



## 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**".

SB 202—LS 6413/DI 107+



C  
O  
P  
Y

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

C  
o  
p  
y



"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.

C  
O  
P  
Y



## 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**

C  
O  
P  
Y



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)**".



C  
O  
P  
Y

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**

C  
O  
P  
Y



**(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

C  
o  
p  
y

