

IC 31-19-16

Chapter 16. Postadoption Visitation Privileges

IC 31-19-16-1

Postadoption contact privileges granted to birth parent

Sec. 1. At the time an adoption decree is entered, the court entering the adoption decree may grant postadoption contact privileges under section 2 of this chapter to a birth parent who has:

- (1) consented to the adoption; or
- (2) voluntarily terminated the parent-child relationship.

As added by P.L.1-1997, SEC.11. As amended by P.L.196-1997, SEC.4.

IC 31-19-16-2

Procedure

Sec. 2. A court may grant postadoption contact privileges if:

- (1) the court determines that the best interests of the child would be served by granting postadoption contact privileges;
- (2) the child is at least two (2) years of age and the court finds that there is a significant emotional attachment between the child and the birth parent;
- (3) each adoptive parent consents to the granting of postadoption contact privileges;
- (4) the adoptive parents and the birth parents:
 - (A) execute a postadoption contact agreement; and
 - (B) file the agreement with the court;
- (5) the licensed child placing agency sponsoring the adoption and the child's court appointed special advocate or guardian ad litem appointed under IC 31-32-3 recommends to the court the postadoption contact agreement, or if there is no licensed child placing agency sponsoring the adoption, the county office of family and children or other agency that prepared an adoption report under IC 31-19-8-5 is informed of the contents of the postadoption contact agreement and comments on the agreement in the agency's report to the court;
- (6) consent to postadoption contact is obtained from the child if the child is at least twelve (12) years of age; and
- (7) the postadoption contact agreement is approved by the court.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.5.

IC 31-19-16-3

Postadoption contact agreement

Sec. 3. A postadoption contact agreement filed under section 2(4) of this chapter must contain the following provisions:

- (1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the postadoption contact agreement.
- (2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the postadoption privileges set forth in the agreement.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.6.

IC 31-19-16-4

Modification or enforcement of agreement

Sec. 4. A birth parent or an adoptive parent may file a petition with the court entering the adoption decree for the following purposes:

- (1) To modify the postadoption contact agreement.
- (2) To compel a birth parent or an adoptive parent to comply with the postadoption contact agreement.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.7.

IC 31-19-16-5

Monetary damages

Sec. 5. The court may not award monetary damages as a result of the filing of a petition under section 4 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-16-6

Voiding or modifying agreement

Sec. 6. (a) The court may void or modify a postadoption contact agreement approved under this chapter at any time before or after the adoption if the court determines after a hearing that the best interest of the child requires the voiding or modifying of the agreement.

(b) Before the court:

- (1) voids or modifies an agreement; or
- (2) hears a motion to compel compliance with an agreement approved under this chapter;

the court may appoint a guardian ad litem or court appointed special advocate under IC 31-32-3 to represent and protect the best interests of the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.8.

IC 31-19-16-7

Guardian ad litem or court appointed special advocate

Sec. 7. The provisions of IC 31-32-3 concerning the:

- (1) representation;
- (2) duties;
- (3) liabilities; and
- (4) appointment;

of a guardian ad litem or court appointed special advocate apply to proceedings under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-16-8

Revocation of adoption decree barred as sanction for noncompliance with agreement

Sec. 8. A court may not revoke an adoption decree because a birth parent or an adoptive parent fails to comply with a postadoption contact agreement approved by a court under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.9.

IC 31-19-16-9

Privileges without court approval

Sec. 9. Postadoption contact privileges are permissible without court approval in an adoption of a child who is less than two (2) years of age upon the agreement of the adoptive parents and a birth parent. However, postadoption contact privileges under this section may not include visitation. A postadoption contact agreement under this section:

(1) is not enforceable; and

(2) does not affect the finality of the adoption.

As added by P.L.196-1997, SEC.10. Amended by P.L.2-1998, SEC.76.