

HOUSE BILL No. 1278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-17-5.

Synopsis: Grandparent visitation. Amends statutes regarding: (1) standing to seek grandparent visitation; and (2) survival of judicially granted grandparent visitation rights; to specify that standing to seek visitation survives adoption of the grandchild. Provides that a paternal grandparent of a child does not have standing to seek grandparent visitation if the child's father has not established paternity in relation to the child. (Under current law, such a grandparent has standing to seek grandparent visitation, but may not be awarded grandparent visitation.) Removes a requirement that a petition to seek grandparent visitation must be filed before the adoption of the child. Provides conditions under which standing to seek grandparent visitation survives: (1) establishment of the paternity of the child; and (2) the adoption of the child by certain family members. Provides that grandparent visitation awarded before adoption of the child by certain family members does not survive the adoption if neither of the child's parents has parental rights at the time of the adoption.

Effective: July 1, 2020.

Bauer, Torr

January 14, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1278

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 31-17-5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A child's
3 grandparent may seek visitation ~~rights~~ **if with the child:**

4 (1) **if either of the child's parent parents** is deceased;
5 (2) **if** the marriage of the child's parents has been dissolved in
6 Indiana; or

7 (3) subject to subsection (b), **if** the child was born out of wedlock.

8 (b) ~~A court may not grant visitation rights to~~ A paternal grandparent
9 of a child who is born out of wedlock ~~under subsection (a)(3)~~ **may not**
10 **seek visitation** if the child's father has not established paternity in
11 relation to the child **under IC 31-14-2-1.**

12 SECTION 2. IC 31-17-5-3, AS AMENDED BY P.L.16-2017,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2020]: Sec. 3. ~~(a)~~ A proceeding for grandparent's visitation
15 must be commenced by the filing of a petition entitled, "In Re the
16 visitation of _____". The petition must:

17 (1) be filed by a grandparent entitled to ~~receive~~ **seek** visitation



- 1 rights under this chapter;
 2 (2) be verified; and
 3 (3) set forth the following:
 4 (A) The names and relationship of:
 5 (i) the petitioning grandparent or grandparents;
 6 (ii) each child with whom visitation is sought; and
 7 (iii) the custodial parent or guardian of each child.
 8 (B) The present address of each person named in clause (A).
 9 (C) The date of birth of each child with whom visitation is
 10 sought.
 11 (D) The status under section 1 of this chapter upon which the
 12 grandparent seeks visitation.
 13 (E) The relief sought.
 14 ~~(b) A petition described in subsection (a) must be filed prior to the~~
 15 ~~date a decree of adoption is entered.~~
 16 SECTION 3. IC 31-17-5-8 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section
 18 applies to a child born out of wedlock.
 19 **(b) Except as provided under subsection (c):**
 20 **(1) standing to seek visitation rights provided for in under**
 21 **section 1 or 10 of this chapter; and**
 22 **(2) visitation rights granted under this chapter;**
 23 ~~survive the establishment of paternity of a child by a court proceeding~~
 24 ~~other than an adoption proceeding; under IC 31-14-2-1.~~
 25 **(c) If paternity is established under IC 31-14-2-1(1) in an action**
 26 **that is also an adoption proceeding, survival of standing to seek**
 27 **visitation and survival of visitation rights granted under this**
 28 **chapter are determined under section 9 of this chapter.**
 29 SECTION 4. IC 31-17-5-9 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. **Standing to seek**
 31 ~~visitation rights provided for in under~~ section 1 or 10 of this chapter
 32 **and visitation rights granted under this chapter** survive the adoption
 33 of the child by: ~~any of the following:~~
 34 (1) a stepparent; **or**
 35 (2) a person who is biologically related to the child as:
 36 (A) a grandparent;
 37 (B) a sibling;
 38 (C) an aunt;
 39 (D) an uncle;
 40 (E) a niece; or
 41 (F) a nephew;
 42 **unless neither of the child's parents has parental rights at the time**



1 **of the adoption.**

