



Reprinted
January 31, 2020

HOUSE BILL No. 1278

DIGEST OF HB 1278 (Updated January 30, 2020 3:54 pm - DI 119)

Citations Affected: IC 31-17; IC 31-19.

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 petition for grandparent visitation must be filed not later than six months after the date a decree of adoption of the child is entered. 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.) 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.

Effective: July 1, 2020.

Bauer, Torr, Macer

January 14, 2020, read first time and referred to Committee on Judiciary.
January 28, 2020, amended, reported — Do Pass.
January 30, 2020, read second time, amended, ordered engrossed.

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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

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- 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 not**
 15 **later than six (6) months after** the date a decree of adoption of **the**
 16 **child** is entered.
 17 SECTION 3. IC 31-17-5-8 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section
 19 applies to a child born out of wedlock.
 20 (b) **Except as provided under subsection (c):**
 21 **(1) standing to seek** visitation **rights provided for in under**
 22 **section 1 or 10 of this chapter; and**
 23 **(2) visitation rights granted under this chapter;**
 24 survive the establishment of paternity of a child by a court proceeding
 25 **other than an adoption proceeding under IC 31-14-2-1.**
 26 **(c) If paternity is established under IC 31-14-2-1(1) in an action**
 27 **that is also an adoption proceeding, survival of standing to seek**
 28 **visitation and survival of visitation rights granted under this**
 29 **chapter are determined under section 9 of this chapter.**
 30 SECTION 4. IC 31-17-5-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. **Standing to seek**
 32 **visitation rights provided for in under** section 1 or 10 of this chapter
 33 **and visitation rights granted under this chapter** survive the adoption
 34 of the child by: **any of the following:**
 35 (1) a stepparent; **or**
 36 (2) a person who is biologically related to the child as:
 37 (A) a grandparent;
 38 (B) a sibling;
 39 (C) an aunt;
 40 (D) an uncle;
 41 (E) a niece; or
 42 (F) a nephew.



1 SECTION 5. IC 31-19-4.5-1, AS AMENDED BY P.L.190-2017,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. This chapter:

4 (1) shall not be construed to affect notice of an adoption provided
5 to a putative father under IC 31-19-4;

6 (2) applies to a father who has abandoned, failed to support, or
7 failed to communicate with a child; and

8 (3) except for section 3 of this chapter, applies to a grandparent
9 who:

10 (A) is the grandparent of a child sought to be adopted; and

11 (B) has

12 (i) an existing right to petition for visitation under
13 IC 31-17-5. ~~and~~

14 (ii) a right to visitation that will not be terminated after the
15 adoption under IC 31-17-5-9;

16 at a time prior to the date of the filing of the petition for
17 adoption.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 41, delete "nephew;" and insert "nephew."

Page 2, delete line 42.

Delete page 3.

and when so amended that said bill do pass.

(Reference is to HB 1278 as introduced.)

TORR

Committee Vote: yeas 9, nays 1.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 1, line 14, reset in roman "(a)".

Page 2, line 14, reset in roman "(b) A petition described in subsection (a) must be filed".

Page 2, line 14, after "to" insert "**not later than six (6) months after**".

Page 2, line 14, reset in roman "the".

Page 2, reset in roman line 15.

Page 2, line 15, after "adoption" insert "**of the child**".

Page 2, after line 41, begin a new paragraph and insert:

"SECTION 5. IC 31-19-4.5-1, AS AMENDED BY P.L.190-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter:

(1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4;

(2) applies to a father who has abandoned, failed to support, or failed to communicate with a child; and

(3) except for section 3 of this chapter, applies to a grandparent who:

(A) is the grandparent of a child sought to be adopted; and

(B) has

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(i) an existing right to petition for visitation under IC 31-17-5. and

(ii) a right to visitation that will not be terminated after the adoption under IC 31-17-5-9;

at a time prior to the date of the filing of the petition for adoption."

Renumber all SECTIONS consecutively.

(Reference is to HB 1278 as printed January 28, 2020.)

YOUNG J

