



February 25, 2020

**ENGROSSED
SENATE BILL No. 289**

DIGEST OF SB 289 (Updated February 25, 2020 12:42 pm - DI 119)

Citations Affected: IC 1-1; IC 31-9; IC 31-11; IC 31-17; IC 31-27; IC 31-34; IC 31-37; IC 35-52.

Synopsis: Family and juvenile law matters. Amends the definition of "adult" for purposes of the Indiana Code to include: (1) a married minor who is at least 16 years of age; and (2) a minor who has been completely emancipated by a court; subject to specific constitutional and statutory age requirements and health and safety regulations that remain applicable to the person because of the person's age. Raises the minimum age to marry from 15 years of age to 16 years of age. Provides that an individual 16 years of age may marry only if: (1) the individual's intended spouse is not more than four years older than the individual; (2) a juvenile court has issued an order allowing the
(Continued next page)

Effective: Upon passage; July 1, 2020.

**Grooms, Walker, Houchin, Donato,
Randolph Lonnie M, Kruse**

(HOUSE SPONSORS — LINDAUER, MAYFIELD, COOK, DEVON)

January 9, 2020, read first time and referred to Committee on Family and Children Services.

January 28, 2020, amended, reported favorably — Do Pass.

February 3, 2020, read second time, amended, ordered engrossed.

February 4, 2020, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Family, Children and Human Affairs.

February 25, 2020, amended, reported — Do Pass.

ES 289—LS 7004/DI 119



individual to marry; and (3) the individual: (A) completes any premarital counseling required under the order; (B) applies for a marriage license not earlier than 15 days after the order is issued; and (C) includes a certified copy of the order with the individual's application for a marriage license. Repeals provisions requiring an individual less than 18 years of age to obtain consent to marry from the individual's parent or guardian. Specifies a process an individual 16 years of age must follow to petition a juvenile court for an order allowing the individual to marry, and specifies conditions necessary for approval of the petition and conditions requiring denial of the petition. Provides that a court that issues an order allowing an individual 16 years of age to marry must also issue an order completely emancipating the individual. Amends the list of records or documents an individual may submit to a court clerk as proof of the individual's date of birth for purposes of applying for a marriage license. Provides that a relocating individual is not required to file a notice of intent to move with the clerk of the court for purposes of custody, parenting time, or grandparent visitation if: (1) the relocation has been addressed by a prior court order; or (2) the relocation will: (A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or (B) result in an increase of not more than 20 miles in the distance between the relocating individual's residence and the nonrelocating individual's residence. Provides that certain individuals can begin work at a child caring institution, group home, or child placing agency if: (1) the individual's: (A) in-state child protection index check; (B) national sex offender registry check; (C) in-state local law enforcement records check; and (D) fingerprint based check of national crime information data bases; have been completed; (2) the individual's: (A) out-of-state child abuse registry check; and (B) out-of-state local law enforcement records check; have been requested; and (3) the individual completes an attestation, under penalty of perjury, disclosing: (A) any abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five years preceding the date of the attestation; and (B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five years preceding the date of the attestation. Provides that before the individual's out-of-state abuse registry check and out-of-state local law enforcement records check have been completed, the individual's employment must be limited to employment training during which: (1) the individual does not have direct contact with a child; and (B) the individual is accompanied by an employee who meets certain requirements. Amends the law regarding petitions by minors for emancipation as follows: (1) Provides that a court hearing a minor's petition for emancipation must appoint a guardian ad litem for the minor. (2) Provides that the guardian ad litem shall investigate the statements contained in the minor's petition and file a report of the investigation with the court. (3) Provides that a court may grant a minor's petition for emancipation only if the court finds that emancipation is in the child's best interests. (4) Provides that if the court completely emancipates the child: (A) the child has all the rights and responsibilities of an adult; and (B) the emancipation order may not specify terms of emancipation. Provides that an emancipated child remains subject to: (1) Indiana law concerning minimum age for marriage; and (2) other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age.



February 25, 2020

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.

ENGROSSED SENATE BILL No. 289

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 1-1-4-5, AS AMENDED BY P.L.114-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 5. (a) The following definitions apply to the
4 construction of all Indiana statutes, unless the construction is plainly
5 repugnant to the intent of the general assembly or of the context of the
6 statute:
7 (1) "Adult", "of full age", and "person in his majority" mean:
8 (A) a person at least eighteen (18) years of age; **or**
9 (B) a:
10 (i) **married minor who is at least sixteen (16) years of**
11 **age; or**
12 (ii) **minor who has been completely emancipated by a**
13 **court;**
14 **subject to specific constitutional and statutory age**
15 **requirements and health and safety regulations that**
16 **remain applicable to the person because of the person's**
17 **age.**

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- 1 (2) "Attorney" includes a counselor or other person authorized to
2 appear and represent a party in an action or special proceeding.
3 (3) "Autism" means a neurological condition as described in the
4 most recent edition of the Diagnostic and Statistical Manual of
5 Mental Disorders of the American Psychiatric Association.
6 (4) "Bond" does not necessarily imply a seal.
7 (5) "Clerk" means the clerk of the court or a person authorized to
8 perform the clerk's duties.
9 (6) "Health record", "hospital record", or "medical record" means
10 written or printed information possessed by a provider (as defined
11 in IC 16-18-2-295) concerning any diagnosis, treatment, or
12 prognosis of the patient, unless otherwise defined. Except as
13 otherwise provided, the terms include mental health records and
14 drug and alcohol abuse records.
15 (7) "Highway" includes county bridges and state and county
16 roads, unless otherwise expressly provided.
17 (8) "Infant" or "minor" means a person less than eighteen (18)
18 years of age.
19 (9) "Inhabitant" may be construed to mean a resident in any place.
20 (10) "Judgment" means all final orders, decrees, and
21 determinations in an action and all orders upon which executions
22 may issue.
23 (11) "Land", "real estate", and "real property" include lands,
24 tenements, and hereditaments.
25 (12) "Mentally incompetent" means of unsound mind.
26 (13) "Money demands on contract", when used in reference to an
27 action, means an action arising out of contract when the relief
28 demanded is a recovery of money.
29 (14) "Month" means a calendar month, unless otherwise
30 expressed.
31 (15) "Noncode statute" means a statute that is not codified as part
32 of the Indiana Code.
33 (16) "Oath" includes "affirmation", and "to swear" includes to
34 "affirm".
35 (17) "Person" extends to bodies politic and corporate.
36 (18) "Personal property" includes goods, chattels, evidences of
37 debt, and things in action.
38 (19) "Population" has the meaning set forth in IC 1-1-3.5-3.
39 (20) "Preceding" and "following", referring to sections in statutes,
40 mean the sections next preceding or next following that in which
41 the words occur, unless some other section is designated.
42 (21) "Property" includes personal and real property.



- 1 (22) "Sheriff" means the sheriff of the county or another person
 2 authorized to perform sheriff's duties.
- 3 (23) "State", applied to any one (1) of the United States, includes
 4 the District of Columbia and the commonwealths, possessions,
 5 states in free association with the United States, and the
 6 territories. "United States" includes the District of Columbia and
 7 the commonwealths, possessions, states in free association with
 8 the United States, and the territories.
- 9 (24) "Under legal disabilities" includes persons less than eighteen
 10 (18) years of age, mentally incompetent, or out of the United
 11 States.
- 12 (25) "Verified", when applied to pleadings, means supported by
 13 oath or affirmation in writing.
- 14 (26) "Will" includes a testament and codicil.
- 15 (27) "Without relief" in any judgment, contract, execution, or
 16 other instrument of writing or record, means without the benefit
 17 of valuation laws.
- 18 (28) "Written" and "in writing" include printing, lithographing, or
 19 other mode of representing words and letters. If the written
 20 signature of a person is required, the terms mean the proper
 21 handwriting of the person or the person's mark.
- 22 (29) "Year" means a calendar year, unless otherwise expressed.
- 23 (30) The definitions in IC 35-31.5 apply to all statutes relating to
 24 penal offenses.
- 25 (b) This subsection applies to the definitions of "Hoosier veteran"
 26 and "veteran" when used in reference to state programs for veterans.
 27 The term "veteran" includes "Hoosier veteran", and applies to the
 28 construction of all Indiana statutes, unless the construction is expressly
 29 excluded by the terms of the statute, is plainly repugnant to the intent
 30 of the general assembly or of the context of the statute, or is
 31 inconsistent with federal law. "Hoosier veteran" means an individual
 32 who meets the following criteria:
- 33 (1) The individual is a resident of Indiana.
- 34 (2) The individual served in a reserve component of the armed
 35 forces of the United States or the Indiana National Guard.
- 36 (3) The individual completed any required military occupational
 37 specialty training and was not discharged or separated from the
 38 armed forces or the Indiana National Guard under dishonorable
 39 or other than honorable conditions.
- 40 The definitions set forth in this subsection may not be construed to
 41 affect a Hoosier veteran's eligibility for any state program that is based
 42 upon a particular aspect of the Hoosier veteran's service such as a



1 disability or a wartime service requirement.

2 SECTION 2. IC 31-9-2-133.1, AS AMENDED BY P.L.144-2018,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 133.1. "Victim of human or sexual trafficking",
5 for purposes of IC 31-34-1-3.5, refers to a child who is recruited,
6 harbored, transported, or engaged in:

- 7 (1) forced labor;
8 (2) involuntary servitude;
9 (3) prostitution;
10 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
11 (5) child exploitation, as defined in IC 35-42-4-4(b);
12 (6) marriage, unless authorized by a court under ~~IC 31-11-1-6;~~
13 **IC 31-11-1-7;**
14 (7) trafficking for the purpose of prostitution, juvenile
15 prostitution, or participation in sexual conduct as defined in
16 IC 35-42-4-4(a)(4); or
17 (8) human trafficking as defined in IC 35-42-3.5-0.5.

18 SECTION 3. IC 31-11-1-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Except as provided
20 in ~~section sections 5 or 6 and 7~~ of this chapter, two (2) individuals may
21 not marry each other unless both individuals are at least eighteen (18)
22 years of age.

23 SECTION 4. IC 31-11-1-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. Two (2) individuals
25 may marry each other if:

- 26 (1) both individuals are at least ~~seventeen (17)~~ **sixteen (16)** years
27 of age;
28 **(2) one (1) of the individuals is not more than four (4) years**
29 **older than the other individual if the other individual is**
30 **sixteen (16) years of age;**
31 ~~(2) (3)~~ **(3) each individual who is less than eighteen (18) years of age:**
32 **receives the consent required by IC 31-11-2;**
33 **(A) has been granted an order by a juvenile court under**
34 **section 7 of this chapter granting the individual approval**
35 **to marry and completely emancipating the individual; and**
36 **(B) not earlier than fifteen (15) days after the issuance of**
37 **the order described in clause (A), presents to the clerk of**
38 **the circuit court an application for a marriage license**
39 **accompanied by:**
40 **(i) a certified copy of the order; and**
41 **(ii) a certificate of completion of any premarital**
42 **counseling required under the order; and**



- 1 (3) (4) the individuals are not prohibited from marrying each
 2 other for a reason set forth in this article.
 3 SECTION 5. IC 31-11-1-6 IS REPEALED [EFFECTIVE JULY 1,
 4 2020]. Sec. 6: (a) Two (2) individuals may marry each other if:
 5 (1) the individuals are not prohibited from marrying for a reason
 6 set forth in this article; and
 7 (2) a circuit or superior court of the county of residence of either
 8 individual considers the information required to be submitted by
 9 subsection (b) and authorizes the clerk of the circuit court to issue
 10 the individuals a marriage license.
 11 (b) A court may not authorize the clerk of the circuit court to issue
 12 a marriage license under subsection (a) unless:
 13 (1) the individuals have filed with the court a verified petition that
 14 includes allegations that:
 15 (A) the female is at least fifteen (15) years of age;
 16 (B) the female is pregnant or is a mother;
 17 (C) each of the individuals who is less than eighteen (18) years
 18 of age has received the consent required by IC 31-11-2;
 19 (D) the male is at least fifteen (15) years of age and is either:
 20 (i) the putative father of the expected child of the female; or
 21 (ii) the father of the female's child; and
 22 (E) the individuals desire to marry each other;
 23 (2) the court has provided notice of the hearing required by this
 24 section to both parents of both petitioners or, if applicable to
 25 either petitioner:
 26 (A) to the legally appointed guardian or custodian of a
 27 petitioner; or
 28 (B) to one (1) parent of a petitioner if the other parent:
 29 (i) is deceased;
 30 (ii) has abandoned the petitioner;
 31 (iii) is mentally incompetent;
 32 (iv) is an individual whose whereabouts is unknown; or
 33 (v) is a noncustodial parent who is delinquent in the
 34 payment of court ordered child support on the date the
 35 petition is filed;
 36 (3) a hearing is held on the petition in which the petitioners and
 37 interested persons, including parents, guardians, and custodians;
 38 are given an opportunity to appear and present evidence; and
 39 (4) the allegations of the petition filed under subdivision (1) have
 40 been proven.
 41 (c) A court's authorization granted under subsection (a):
 42 (1) constitutes part of the confidential files of the clerk of the



1 circuit court; and

2 (2) may be inspected only by written permission of a circuit,
3 superior, or juvenile court.

4 SECTION 6. IC 31-11-1-7 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2020]: **Sec. 7. (a) A minor who is sixteen (16) years of age may
7 petition the juvenile court in the county in which the minor resides
8 for an order granting the minor approval to marry and completely
9 emancipating the minor. The petition must contain the following
10 information:**

11 (1) The minor's name, gender, and age.

12 (2) Documentary proof of the minor's date of birth.

13 (3) The minor's address, and how long the minor has resided
14 at that address.

15 (4) The following information with regard to the intended
16 spouse:

17 (A) The intended spouse's name, gender, and age.

18 (B) Documentary proof of the intended spouse's date of
19 birth.

20 (C) The intended spouse's address, and how long the
21 intended spouse has resided at that address.

22 (5) A statement of:

23 (A) the reasons the minor desires to marry;

24 (B) how the minor and the intended spouse came to know
25 each other; and

26 (C) how long the minor and the intended spouse have
27 known each other.

28 (6) Copies of:

29 (A) any criminal records of the minor and of the intended
30 spouse; and

31 (B) any protective order:

32 (i) issued to protect or restrain either the minor or the
33 intended spouse; and

34 (ii) relating to domestic or family violence, a sexual
35 offense, or stalking.

36 (7) Evidence that the minor has demonstrated maturity and
37 capacity for self-sufficiency and self-support independent of
38 the minor's parents or legal guardians or the intended spouse,
39 including proof that the minor:

40 (A) has graduated from high school;

41 (B) has obtained a high school equivalency diploma;

42 (C) has a plan for continued education;



- 1 **(D) has completed a vocational training or certificate**
 2 **program;**
 3 **(E) has attained a professional licensure or certification; or**
 4 **(F) has maintained stable housing or employment for at**
 5 **least three (3) consecutive months prior to filing the**
 6 **petition.**
- 7 **(b) A court with which a petition under subsection (a) is filed**
 8 **shall:**
- 9 **(1) set a date for an evidentiary hearing on the petition;**
 10 **(2) provide reasonable notice of the hearing to the minor and**
 11 **the minor's parents or legal guardians; and**
 12 **(3) appoint an attorney to serve as guardian ad litem for the**
 13 **minor.**
- 14 **(c) At the evidentiary hearing, the court shall conduct an in**
 15 **camera interview with the minor separate from the minor's**
 16 **parents or legal guardians and intended spouse.**
- 17 **(d) Following the evidentiary hearing, and subject to subsection**
 18 **(e), the court may grant the petition if the court finds all of the**
 19 **following:**
- 20 **(1) The minor is a county resident who is sixteen (16) years of**
 21 **age.**
 22 **(2) The intended spouse is not more than four (4) years older**
 23 **than the minor.**
 24 **(3) The minor's decision to marry is voluntary, and free from**
 25 **force, fraud, or coercion.**
 26 **(4) The minor is mature enough to make a decision to marry.**
 27 **(5) The minor has established the minor's capacity to be**
 28 **self-sufficient and self-supporting independent of the minor's**
 29 **parents, legal guardians, and intended spouse.**
 30 **(6) The minor understands the rights and responsibilities of**
 31 **parties to marriage and of completely emancipated minors.**
 32 **(7) It is in the best interests of the minor for the court to grant**
 33 **the petition to marry and to completely emancipate the minor.**
 34 **In making the determination under this subdivision, the court**
 35 **shall consider how marriage and emancipation may affect the**
 36 **minor's health, safety, education, and welfare.**
- 37 **A court that grants a petition under this section shall issue written**
 38 **findings regarding the court's conclusions under subdivisions (1)**
 39 **through (7).**
- 40 **(e) The following, considered independently or together, are not**
 41 **sufficient to determine the best interests of a minor for purposes of**
 42 **this section:**



- 1 (1) The fact that the minor or the intended spouse is pregnant
2 or has had a child.
- 3 (2) The wishes of the parents or legal guardians of the minor.
4 **However, there is a rebuttable presumption that marriage and**
5 **emancipation are not in the best interests of the minor if both**
6 **parents of the minor oppose the minor's marriage and**
7 **emancipation.**
- 8 **(f) The juvenile court shall deny a petition under this section if**
9 **the court finds any of the following:**
- 10 (1) The intended spouse:
- 11 (A) is or was in a position of authority or special trust in
12 relation to the minor; or
- 13 (B) has or had a professional relationship with the minor,
14 as defined in IC 35-42-4-7.
- 15 (2) The intended spouse has been convicted of, or entered into
16 a diversion program for, an offense under IC 35-42:
- 17 (A) that involves an act of violence;
- 18 (B) of which a child was the victim; or
- 19 (C) that is an offense under:
- 20 (i) IC 35-42-3.5; or
- 21 (ii) IC 35-42-4.
- 22 (3) Either the minor or the intended spouse is pregnant or is
23 the mother of a child, and the court finds by a preponderance
24 of evidence that:
- 25 (A) the other party to the marriage is the father of the
26 child or unborn child; and
- 27 (B) the conception of the child or unborn child resulted
28 from the commission of an offense under:
- 29 (i) IC 35-42-4-3 (child molesting);
- 30 (ii) IC 35-42-4-6 (child solicitation);
- 31 (iii) IC 35-42-4-7 (child seduction); or
- 32 (iv) IC 35-42-4-9 (sexual misconduct with a minor).
- 33 (4) The intended spouse has previously been enjoined by a
34 protective order relating to domestic or family violence, a
35 sexual offense, or stalking, regardless of whether the person
36 protected by the order was the minor.
- 37 **(g) If a court grants a petition under this section, the court shall**
38 **also issue an order of complete emancipation of the minor and**
39 **provide a certified copy of the order to the minor.**
- 40 **(h) A minor emancipated under this section is considered to**
41 **have all the rights and responsibilities of an adult as defined under**
42 **IC 1-1-4-5(a)(1), except as provided under specific constitutional**



1 or statutory age requirements that apply to the minor because of
 2 the minor's age, including requirements related to voting, use of
 3 alcoholic beverages or tobacco products, and other health and
 4 safety regulations.

5 (i) A court hearing a petition under this section may issue any
 6 other order the court considers appropriate for the minor's
 7 protection.

8 (j) A court that grants a petition under this section may require
 9 that both parties to the marriage complete premarital counseling
 10 with a marriage and family therapist licensed under IC 25-22.5,
 11 IC 25-23.6-8, or IC 25-33.

12 (k) A court that grants a petition under this section may impose
 13 any other condition on the grant of the petition that the court
 14 determines is reasonable under the circumstances.

15 SECTION 7. IC 31-11-2 IS REPEALED [EFFECTIVE JULY 1,
 16 2020]. (Consent to Marry Required for Certain Individuals).

17 SECTION 8. IC 31-11-4-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each individual who
 19 applies for a marriage license must submit to the clerk of the circuit
 20 court **documentary proof of the individual's age, in the form of:**

21 (1) a:

22 (A) certified copy of the individual's birth certificate;

23 (B) copy of a birth record; or

24 (C) certification of birth issued by the state department of
 25 health, a local registrar of vital statistics, or another public
 26 office charged with similar duties under the law of another
 27 state, territory, or country;

28 (2) a certified copy of a judicial decree issued under IC 34-28-1
 29 (or IC 34-4-3 before its repeal) that establishes the date of the
 30 individual's birth;

31 (3) any written evidence of the individual's date of birth that is
 32 satisfactory to the clerk; or

33 (3) a passport;

34 (4) a valid operator's license or other identification **that is** issued
 35 by a state **or another governmental entity and** that contains the
 36 individual's date of birth and current address;

37 (5) an immigration or naturalization record showing the
 38 individual's date of birth;

39 (6) a United States selective service card or armed forces
 40 record showing the individual's date of birth; or

41 (7) a:

42 (A) court record; or



1 **(B) other document or record issued by a governmental**
 2 **entity;**
 3 **showing the individual's date of birth.**
 4 SECTION 9. IC 31-11-4-8 IS REPEALED [EFFECTIVE JULY 1,
 5 2020]. ~~Sec. 8: If a written consent is required by IC 31-11-2, a clerk of~~
 6 ~~a circuit court may not receive an application for a marriage license~~
 7 ~~unless:~~
 8 ~~(1) the clerk has filed the consent form in the clerk's office; and~~
 9 ~~(2) the clerk has entered a notice of the filing on the marriage~~
 10 ~~license docket.~~
 11 SECTION 10. IC 31-11-8-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A marriage is void
 13 if the parties to the marriage:
 14 (1) are residents of Indiana;
 15 (2) had their marriage solemnized in another state with the intent
 16 to:
 17 (A) evade **IC 31-11-1-4**, IC 31-11-4-4, or IC 31-11-4-11 (or
 18 IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and
 19 (B) subsequently return to Indiana and reside in Indiana; and
 20 (3) without having established residence in another state in good
 21 faith, return to Indiana and reside in Indiana after the marriage is
 22 solemnized.
 23 SECTION 11. IC 31-11-11-2 IS REPEALED [EFFECTIVE JULY
 24 1, 2020]. ~~Sec. 2: A person who knowingly furnishes false information~~
 25 ~~in a verified written consent under IC 31-11-2 commits a Level 6~~
 26 ~~felony.~~
 27 SECTION 12. IC 31-17-2.2-1, AS AMENDED BY P.L.186-2019,
 28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), a
 30 relocating individual must file a notice of the intent to move with the
 31 clerk of the court that:
 32 (1) issued the custody order or parenting time order; or
 33 (2) if subdivision (1) does not apply, has jurisdiction over the
 34 legal proceedings concerning the custody of or parenting time
 35 with a child.
 36 (b) A relocating individual is not required to file a notice of intent
 37 to move with the clerk of the court if:
 38 (1) the relocation has been addressed by a prior court order,
 39 including a court order relieving the relocating individual of the
 40 requirement to file a notice; **and or**
 41 (2) the relocation will:
 42 (A) result in a decrease in the distance between the relocating



- 1 individual's residence and the nonrelocating individual's
2 residence; or
3 (B) result in an increase of not more than twenty (20) miles in
4 the distance between the relocating individual's residence and
5 the nonrelocating individual's residence;
6 and allow the child to remain enrolled in the child's current
7 school.
- 8 (c) Upon motion of a party, the court shall set the matter for a
9 hearing to allow or restrain the relocation of a child and to review and
10 modify, if appropriate, a custody order, parenting time order,
11 grandparent visitation order, or child support order. The court's
12 authority to modify a custody order, parenting time order, grandparent
13 visitation order, or child support order is not affected by the fact that a
14 relocating individual is exempt from the requirement to file a notice of
15 relocation by subsection (b). The court shall take into account the
16 following in determining whether to modify a custody order, parenting
17 time order, grandparent visitation order, or child support order:
- 18 (1) The distance involved in the proposed change of residence.
 - 19 (2) The hardship and expense involved for the nonrelocating
20 individual to exercise parenting time or grandparent visitation.
 - 21 (3) The feasibility of preserving the relationship between the
22 nonrelocating individual and the child through suitable parenting
23 time and grandparent visitation arrangements, including
24 consideration of the financial circumstances of the parties.
 - 25 (4) Whether there is an established pattern of conduct by the
26 relocating individual, including actions by the relocating
27 individual to either promote or thwart a nonrelocating individual's
28 contact with the child.
 - 29 (5) The reasons provided by the:
 - 30 (A) relocating individual for seeking relocation; and
 - 31 (B) nonrelocating parent for opposing the relocation of the
32 child.
 - 33 (6) Other factors affecting the best interest of the child.
- 34 (d) A court may order the relocating individual and the
35 nonrelocating individual to participate in mediation or another
36 alternative dispute resolution process before a hearing under this
37 section:
- 38 (1) on its own motion; or
 - 39 (2) upon the motion of any party.
- 40 (e) If a relocation occurs, all existing orders for custody, parenting
41 time, grandparent visitation, and child support remain in effect until
42 modified by the court.



1 (f) The court may award reasonable attorney's fees for a motion filed
2 under this section in accordance with IC 31-15-10 and IC 34-52-1-1(b).

3 SECTION 13. IC 31-27-3-3, AS AMENDED BY P.L.243-2019,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child caring
6 institution license on forms provided by the department.

7 (b) An applicant must submit the required information as part of the
8 application.

9 (c) The applicant must submit with the application a statement
10 attesting the following:

11 (1) Whether the applicant has been convicted of:

12 (A) a felony; or

13 (B) a misdemeanor relating to the health and safety of
14 children.

15 (2) Whether the applicant has been charged with:

16 (A) a felony; or

17 (B) a misdemeanor relating to the health and safety of
18 children;

19 during the pendency of the application.

20 (d) The department, on behalf of an applicant, or, at the discretion
21 of the department, an applicant, shall conduct a criminal history check
22 of the following:

23 (1) Each individual who is an applicant.

24 (2) The director or manager of a facility where children will be
25 placed.

26 (3) Each employee, volunteer, or contractor of the applicant.

27 (e) If the applicant conducts a criminal history check under
28 subsection (d), the applicant shall:

29 (1) maintain records of the information it receives concerning
30 each individual who is the subject of a criminal history check; and

31 (2) submit to the department a copy of the information it receives
32 concerning each person described in subsection (d)(1) through
33 (d)(3).

34 (f) If the department conducts a criminal history check on behalf of
35 an applicant under subsection (d), the department shall:

36 (1) determine whether the subject of a national fingerprint based
37 criminal history check has a record of:

38 (A) a conviction for a felony;

39 (B) a conviction for a misdemeanor relating to the health and
40 safety of a child; or

41 (C) a juvenile adjudication for a nonwaivable offense, as
42 defined in IC 31-9-2-84.8 that, if committed by an adult,



- 1 would be a felony;
- 2 (2) notify the applicant of the determination under subdivision (1)
- 3 without identifying a specific offense or other identifying
- 4 information concerning a conviction or juvenile adjudication
- 5 contained in the national criminal history record information;
- 6 (3) submit to the applicant a copy of any state limited criminal
- 7 history report that the department receives on behalf of any person
- 8 described in subsection (d); and
- 9 (4) maintain a record of every report and all information the
- 10 department receives concerning a person described in subsection
- 11 (d).
- 12 (g) Except as provided in subsection (h), a criminal history check
- 13 described in subsection (d) is required only at the time an application
- 14 for a new license or the renewal of an existing license is submitted.
- 15 (h) **Except as provided in subsection (i), conduct** a criminal
- 16 history check **(as defined in IC 31-9-2-22.5)** of each person described
- 17 in subsection (d)(2) or (d)(3) **that** must be completed on or before the
- 18 date the person:
- 19 (1) is employed;
- 20 (2) is assigned as a volunteer; or
- 21 (3) enters into, or the person's employing entity enters into, a
- 22 contract with the applicant.
- 23 **(i) An individual described in subsection (d)(2) or (d)(3) can**
- 24 **begin work if:**
- 25 **(1) the following have been completed:**
- 26 **(A) An in-state child protection index check under**
- 27 **31-33-26.**
- 28 **(B) A national sex offender registry check under**
- 29 **IC 31-9-2-22.5(3).**
- 30 **(C) An in-state local criminal records check under**
- 31 **IC 31-9-2-22.5(4).**
- 32 **(D) A fingerprint based check of national crime**
- 33 **information data bases under IC 31-9-2-22.5(1);**
- 34 **(2) the:**
- 35 **(A) out-of-state child abuse registry check under**
- 36 **IC 31-9-2-22.5(2); and**
- 37 **(B) out-of-state local criminal records check under**
- 38 **IC 31-9-2-22.5(4);**
- 39 **have been requested;**
- 40 **(3) the individual completes an attestation, under penalty of**
- 41 **perjury, disclosing:**
- 42 **(A) any abuse or neglect complaints made against the**



- 1 **individual with the child welfare agency of a state other**
- 2 **than Indiana in which the individual resided within the five**
- 3 **(5) years preceding the date of the attestation; and**
- 4 **(B) any contact the individual had with a law enforcement**
- 5 **agency in connection with the individual's suspected or**
- 6 **alleged commission of a crime in a state other than Indiana**
- 7 **in which the individual resided within the five (5) years**
- 8 **preceding the date of the attestation; and**
- 9 **(4) the individual's employment is limited to employment**
- 10 **training during which the individual does not have direct**
- 11 **contact with a child unless the individual is accompanied by**
- 12 **an employee who:**
 - 13 **(A) has successfully completed all criminal history and**
 - 14 **registry checks required under this chapter; and**
 - 15 **(B) has either at least:**
 - 16 **(i) one (1) year of experience in child services; or**
 - 17 **(ii) six (6) months of experience with the applicant;**
- 18 **until all components of conducting the criminal history check**
- 19 **are complete.**
 - 20 (⊕) **(j)** The applicant or facility is responsible for any fees associated
 - 21 with a criminal history check.
 - 22 (⊕) **(k)** The department shall, at the applicant's request, inform the
 - 23 applicant whether the department has or does not have a record of the
 - 24 person who is the subject of a criminal history check and if the
 - 25 department has identified the person as an alleged perpetrator of abuse
 - 26 or neglect. The department may not provide to the applicant any details
 - 27 or personally identifying information contained in any child protective
 - 28 services investigation report.
 - 29 (⊕) **(l)** A person who is the subject of a criminal history check
 - 30 conducted in accordance with this section may request the state police
 - 31 department to provide the person with a copy of any state or national
 - 32 criminal history report concerning the person.
 - 33 SECTION 14. IC 31-27-5-4, AS AMENDED BY P.L.243-2019,
 - 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 - 35 JULY 1, 2020]: Sec. 4. (a) An applicant must apply for a group home
 - 36 license on forms provided by the department.
 - 37 (b) An applicant must submit the required information as part of the
 - 38 application.
 - 39 (c) An applicant must submit with the application a statement
 - 40 attesting the following:
 - 41 (1) Whether the applicant has been convicted of:
 - 42 (A) a felony; or



- 1 (B) a misdemeanor relating to the health and safety of
 2 children.
- 3 (2) Whether the applicant has been charged with:
 4 (A) a felony; or
 5 (B) a misdemeanor relating to the health and safety of
 6 children;
 7 during the pendency of the application.
- 8 (d) The department on behalf of an applicant, or, at the discretion of
 9 the department, an applicant, shall conduct a criminal history check of
 10 the following:
 11 (1) Each individual who is an applicant.
 12 (2) The director or manager of a facility where children will be
 13 placed.
 14 (3) Each employee, volunteer, or contractor of the applicant.
- 15 (e) If the applicant conducts a criminal history check under
 16 subsection (d), the applicant shall:
 17 (1) maintain records of the information it receives concerning
 18 each individual who is the subject of a criminal history check; and
 19 (2) submit to the department a copy of the information the
 20 applicant receives concerning each person described in subsection
 21 (d)(1) through (d)(3).
- 22 (f) If the department conducts a criminal history check on behalf of
 23 an applicant under subsection (d), the department shall:
 24 (1) determine whether the subject of a national fingerprint based
 25 criminal history check has a record of a:
 26 (A) conviction for a felony;
 27 (B) conviction for a misdemeanor relating to the health and
 28 safety of a child; or
 29 (C) juvenile adjudication for a nonwaivable offense, as defined
 30 in IC 31-9-2-84.8 that, if committed by an adult, would be a
 31 felony;
 32 (2) notify the applicant of the determination under subdivision (1)
 33 without identifying a specific offense or other identifying
 34 information concerning a conviction or juvenile adjudication
 35 contained in the national criminal history record information;
 36 (3) submit to the applicant a copy of any state limited criminal
 37 history report that the department receives on behalf of any person
 38 described in subsection (d); and
 39 (4) maintain a record of every report and all information it
 40 receives concerning a person described in subsection (d).
- 41 (g) Except as provided in subsection (h), a criminal history check
 42 described in subsection (d) is required only at the time an application



1 for a new license or the renewal of an existing license is submitted.

2 (h) **Except as provided in subsection (i), conduct** a criminal
3 history check **(as defined in IC 31-9-2-22.5)** of each person described
4 in subsection (d)(2) or (d)(3) **that** must be completed on or before the
5 date the person:

6 (1) is employed;

7 (2) is assigned as a volunteer; or

8 (3) enters into, or the person's employing entity enters into, a
9 contract with the applicant.

10 (i) **An individual described in subsection (d)(2) or (d)(3) can**
11 **begin work if:**

12 (1) **the following have been completed:**

13 (A) **An in-state child protection index check under**
14 **31-33-26.**

15 (B) **A national sex offender registry check under**
16 **IC 31-9-2-22.5(3).**

17 (C) **An in-state local criminal records check under**
18 **IC 31-9-2-22.5(4).**

19 (D) **A fingerprint based check of national crime**
20 **information data bases under IC 31-9-2-22.5(1);**

21 (2) **the:**

22 (A) **out-of-state child abuse registry check under**
23 **IC 31-9-2-22.5(2); and**

24 (B) **out-of-state local criminal records check under**
25 **IC 31-9-2-22.5(4);**

26 **have been requested;**

27 (3) **the individual completes an attestation, under penalty of**
28 **perjury, disclosing:**

29 (A) **any abuse or neglect complaints made against the**
30 **individual with the child welfare agency of a state other**
31 **than Indiana in which the individual resided within the five**
32 **(5) years preceding the date of the attestation; and**

33 (B) **any contact the individual had with a law enforcement**
34 **agency in connection with the individual's suspected or**
35 **alleged commission of a crime in a state other than Indiana**
36 **in which the individual resided within the five (5) years**
37 **preceding the date of the attestation; and**

38 (4) **the individual's employment is limited to employment**
39 **training during which the individual does not have direct**
40 **contact with a child unless the individual is accompanied by**
41 **an employee who:**

42 (A) **has successfully completed all criminal history and**



- 1 **registry checks required under this chapter; and**
 2 **(B) has either at least:**
 3 **(i) one (1) year of experience in child services; or**
 4 **(ii) six (6) months of experience with the applicant;**
 5 **until all components of conducting the criminal history check**
 6 **are complete.**
- 7 (†) **(j)** The applicant is responsible for any fees associated with a
 8 criminal history check.
- 9 (†) **(k)** The department shall, at the applicant's request, inform the
 10 applicant as to whether the department has or does not have a record of
 11 the person who is the subject of a criminal history check and whether
 12 the department has identified the person as an alleged perpetrator of
 13 abuse or neglect. The department may not provide to the applicant any
 14 details or personally identifying information contained in any child
 15 protective services investigation report.
- 16 (†) **(l)** A person who is the subject of a criminal history check
 17 conducted in accordance with this section may request the state police
 18 department to provide the person with a copy of any state or national
 19 criminal history report concerning the person.
- 20 SECTION 15. IC 31-27-6-2, AS AMENDED BY P.L.243-2019,
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 2. (a) An applicant must apply for a child placing
 23 agency license on forms provided by the department.
- 24 (b) An applicant must submit the required information as part of the
 25 application.
- 26 (c) The applicant must submit with the application a statement
 27 attesting the following:
- 28 (1) Whether the applicant has been convicted of:
 29 (A) a felony; or
 30 (B) a misdemeanor relating to the health and safety of
 31 children.
- 32 (2) Whether the applicant has been charged with:
 33 (A) a felony; or
 34 (B) a misdemeanor relating to the health and safety of
 35 children;
- 36 during the pendency of the application.
- 37 (d) The department on behalf of an applicant, or, at the discretion of
 38 the department, an applicant, shall conduct a criminal history check of
 39 the following:
- 40 (1) Each individual who is an applicant.
 41 (2) The director or manager of a facility where children will be
 42 placed.



- 1 (3) Each employee, volunteer, or contractor of the applicant.
- 2 (e) If the applicant conducts a criminal history check under
- 3 subsection (d), the applicant shall:
- 4 (1) maintain records of the information it receives concerning
- 5 each individual who is the subject of a criminal history check; and
- 6 (2) submit to the department a copy of the information it receives
- 7 concerning each person described in subsection (d)(1) through
- 8 (d)(3).
- 9 (f) If the department conducts a criminal history check on behalf of
- 10 an applicant under subsection (d), the department shall:
- 11 (1) determine whether the subject of a national fingerprint based
- 12 criminal history check has a record of a:
- 13 (A) conviction for a felony;
- 14 (B) conviction for a misdemeanor relating to the health and
- 15 safety of a child; or
- 16 (C) juvenile adjudication for a nonwaivable offense, as defined
- 17 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 18 felony;
- 19 (2) notify the applicant of the determination under subdivision (1)
- 20 without identifying a specific offense or other identifying
- 21 information concerning a conviction or juvenile adjudication
- 22 contained in the national criminal history record information;
- 23 (3) submit to the applicant a copy of any state limited criminal
- 24 history report that the department receives on behalf of any person
- 25 described in subsection (d); and
- 26 (4) maintain a record of every report and all information the
- 27 department receives concerning a person described in subsection
- 28 (d).
- 29 (g) Except as provided in subsection (h), a criminal history check
- 30 described in subsection (d) is required only at the time an application
- 31 for a new license or the renewal of an existing license is submitted.
- 32 (h) **Except as provided in subsection (i), conduct** a criminal
- 33 history check **(as defined in IC 31-9-2-22.5)** of each person described
- 34 in subsection (d)(2) or (d)(3) **that** must be completed on or before the
- 35 date the person:
- 36 (1) is employed;
- 37 (2) is assigned as a volunteer; or
- 38 (3) enters into, or the person's employing entity enters into, a
- 39 contract with the applicant.
- 40 **(i) An individual described in subsection (d)(2) or (d)(3) can**
- 41 **begin work if:**
- 42 **(1) the following have been completed:**



- 1 (A) An in-state child protection index check under
- 2 31-33-26.
- 3 (B) A national sex offender registry check under
- 4 IC 31-9-2-22.5(3).
- 5 (C) An in-state local criminal records check under
- 6 IC 31-9-2-22.5(4).
- 7 (D) A fingerprint based check of national crime
- 8 information data bases under IC 31-9-2-22.5(1);
- 9 (2) the:
 - 10 (A) out-of-state child abuse registry check under
 - 11 IC 31-9-2-22.5(2); and
 - 12 (B) out-of-state local criminal records check under
 - 13 IC 31-9-2-22.5(4);
- 14 have been requested;
- 15 (3) the individual completes an attestation, under penalty of
- 16 perjury, disclosing:
 - 17 (A) any abuse or neglect complaints made against the
 - 18 individual with the child welfare agency of a state other
 - 19 than Indiana in which the individual resided within the five
 - 20 (5) years preceding the date of the attestation; and
 - 21 (B) any contact the individual had with a law enforcement
 - 22 agency in connection with the individual's suspected or
 - 23 alleged commission of a crime in a state other than Indiana
 - 24 in which the individual resided within the five (5) years
 - 25 preceding the date of the attestation; and
- 26 (4) the individual's employment is limited to employment
- 27 training during which the individual does not have direct
- 28 contact with a child unless the individual is accompanied by
- 29 an employee who:
 - 30 (A) has successfully completed all criminal history and
 - 31 registry checks required under this chapter; and
 - 32 (B) has either at least:
 - 33 (i) one (1) year of experience in child services; or
 - 34 (ii) six (6) months of experience with the applicant;
- 35 until all components of conducting the criminal history check
- 36 are complete.
- 37 ⊕ (j) The applicant or facility is responsible for any fees associated
- 38 with a criminal history check.
- 39 ⊕ (k) The department shall, at the applicant's request, inform the
- 40 applicant whether the department has or does not have a record of the
- 41 person who is the subject of a criminal history check and if the
- 42 department has identified the person as an alleged perpetrator of abuse



1 or neglect. The department may not provide to the applicant any details
 2 or personally identifying information contained in any child protective
 3 investigation report.

4 ~~(k)~~ **(l)** A person who is the subject of a criminal history check
 5 conducted in accordance with this section may request the state police
 6 department to provide the person with a copy of any state or national
 7 criminal history report concerning the person.

8 SECTION 16. IC 31-34-20-6, AS AMENDED BY P.L.85-2017,
 9 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The juvenile court **for the**
 11 **county in which a child resides** may emancipate ~~a~~ **the child** under
 12 section 1(a)(5) of this chapter **upon a petition brought by the child.**

13 **(b) The court in which a petition is filed under subsection (a)**
 14 **shall appoint an attorney to serve as guardian ad litem for the**
 15 **child. The guardian ad litem shall investigate the statements**
 16 **contained in the petition and file a report of the investigation with**
 17 **the court.**

18 **(c) After receiving the report of the guardian ad litem under**
 19 **subsection (b) and holding a hearing, the court may grant the**
 20 **petition** if the court finds:

- 21 **(1) that emancipation is in the child's best interests; and**
 22 **(2) that the child:**

- 23 ~~(1)~~ **(A)** wishes to be free from parental control and protection
 24 and no longer needs that control and protection;
 25 ~~(2)~~ **(B)** has sufficient money for the child's own support;
 26 ~~(3)~~ **(C)** understands the consequences of being free from
 27 parental control and protection; and
 28 ~~(4)~~ **(D)** has an acceptable plan for independent living.

29 ~~(b)~~ **(d)** If the juvenile court **completely emancipates the child, the**
 30 **child has all the rights and responsibilities of an adult as defined in**
 31 **IC 1-1-4-5(a)(1). If the juvenile court partially or completely**
 32 **emancipates the child, the court shall specify the terms of the**
 33 **emancipation, which may include the following:**

- 34 (1) Suspension of the parent's or guardian's duty to support the
 35 child. In this case, the judgment of emancipation supersedes the
 36 support order of a court.
 37 (2) Suspension of the following:
 38 (A) The parent's or guardian's right to the control or custody of
 39 the child.
 40 (B) The parent's right to the child's earnings.
 41 ~~(3) Empowering the child to consent to marriage.~~
 42 ~~(4)~~ **(3)** Empowering the child to consent to military enlistment.



- 1 ~~(5)~~ **(4)** Empowering the child to consent to:
 2 (A) medical;
 3 (B) psychological;
 4 (C) psychiatric;
 5 (D) educational; or
 6 (E) social;
 7 services.
 8 ~~(6)~~ **(5)** Empowering the child to contract.
 9 ~~(7)~~ **(6)** Empowering the child to own property.
 10 ~~(e)~~ **(e)** An emancipated child remains subject to the following:
 11 (1) IC 20-33-2 concerning compulsory school attendance.
 12 (2) The continuing jurisdiction of the court.
 13 **(3) IC 31-11-1-4 concerning minimum age for marriage.**
 14 **(4) Other specific constitutional and statutory age**
 15 **requirements applicable to the emancipated child because of**
 16 **the emancipated child's age, including requirements**
 17 **regarding voting, use of alcoholic beverages or tobacco**
 18 **products, and other health and safety regulations.**
 19 SECTION 17. IC 31-37-19-27, AS AMENDED BY P.L.85-2017,
 20 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The juvenile court **for the**
 22 **county in which a child resides** may emancipate a **the** child under
 23 section 1(a)(5) or 5(b)(5) of this chapter **upon a petition brought by**
 24 **the child.**
 25 **(b) The court in which a petition is filed under subsection (a)**
 26 **shall appoint an attorney to serve as guardian ad litem for the**
 27 **child. The guardian ad litem shall investigate the statements**
 28 **contained in the petition and file a report of the investigation with**
 29 **the court.**
 30 **(c) After receiving the report of the guardian ad litem under**
 31 **subsection (b) and holding a hearing, the court may grant the**
 32 **petition** if the court finds that the child:
 33 (1) wishes to be free from parental control and protection and no
 34 longer needs that control and protection;
 35 (2) has sufficient money for the child's own support;
 36 (3) understands the consequences of being free from parental
 37 control and protection; and
 38 (4) has an acceptable plan for independent living.
 39 ~~(b)~~ **(d)** ~~Whenever~~ **If** the juvenile court **completely emancipates the**
 40 **child, the child has all the rights and responsibilities of an adult as**
 41 **defined in IC 1-1-4-5(a)(1). If the juvenile court partially or**
 42 **completely** emancipates the child, the court shall specify the terms of



- 1 the emancipation, which may include the following:
- 2 (1) Suspension of the parent's or guardian's duty to support the
- 3 child. In this case, the judgment of emancipation supersedes the
- 4 support order of a court.
- 5 (2) Suspension of:
- 6 (A) the parent's or guardian's right to the control or custody of
- 7 the child; and
- 8 (B) the parent's right to the child's earnings.
- 9 ~~(3) Empowering the child to consent to marriage.~~
- 10 ~~(4) (3) Empowering the child to consent to military enlistment.~~
- 11 ~~(5) (4) Empowering the child to consent to:~~
- 12 (A) medical;
- 13 (B) psychological;
- 14 (C) psychiatric;
- 15 (D) educational; or
- 16 (E) social;
- 17 services.
- 18 ~~(6) (5) Empowering the child to contract.~~
- 19 ~~(7) (6) Empowering the child to own property.~~
- 20 ~~(e) (e) An emancipated child remains subject to **the following:**~~
- 21 ~~(1) IC 20-33-2 concerning compulsory school attendance. and~~
- 22 ~~(2) The continuing jurisdiction of the court.~~
- 23 ~~(3) IC 31-11-1-4 concerning minimum age for marriage.~~
- 24 ~~(4) Other specific constitutional and statutory age~~
- 25 ~~requirements applicable to the emancipated child because of~~
- 26 ~~the emancipated child's age, including requirements~~
- 27 ~~regarding voting, use of alcoholic beverages or tobacco~~
- 28 ~~products, and other health and safety regulations.~~
- 29 SECTION 18. IC 35-52-31-2 IS REPEALED [EFFECTIVE JULY
- 30 1, 2020]. ~~Sec. 2: IC 31-11-11-2 defines a crime concerning marriage.~~
- 31 SECTION 19. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 289, 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 2, line 38, strike "a criminal history check" and insert "**an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases**".

Page 2, line 40, after "completed" insert "**and a child abuse and neglect registry check (under 34 U.S.C. 20990) from a state in which each person described in subsection (d)(2) or (d)(3) has resided in the preceding five (5) years must be requested**".

Page 3, delete lines 3 through 9, begin a new paragraph and insert:

"(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases of the individual are completed as required under subsection (h)(1) if:

- (1) the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases have been initiated; and**
- (2) the individual's employment before the completion of the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases is limited to employment training during which the individual is never alone with a child."**

Page 4, line 34, strike "a criminal history check" and insert "**an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases**".

Page 4, line 36, after "completed" insert "**and a child and neglect registry check (under 34 U.S.C. 20990) from a state in which each person described in subsection (d)(2) or (d)(3) has resided in the preceding five (5) years must be requested**".

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

"(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases of the



individual are completed as required under subsection (h)(1) if:

- (1) the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases have been initiated; and
- (2) the individual's employment before the completion of the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases is limited to employment training during which the individual is never alone with a child."

Page 5, delete lines 1 through 5.

Page 6, line 31, strike "criminal history check" and insert "an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases".

Page 6, line 33, after "completed" insert "and a child and neglect registry check (under 34 U.S.C. 20990) from a state in which each person described in subsection (d)(2) or (d)(3) has resided in the preceding five (5) years must be requested".

Page 6, delete lines 38 through 42, begin a new paragraph and insert:

"(i) An individual may be employed as a person described in subsection (d)(2) or (d)(3) before an in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and a fingerprint based check of national crime information data bases of the individual are completed as required under subsection (h)(1) if:

- (1) the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases have been initiated; and
- (2) the individual's employment before the completion of the in-state child abuse and neglect registry check (under 34 U.S.C. 20990) and fingerprint based check of national crime information data bases is limited to employment training during which the individual is never alone with a child."

Page 7, delete lines 1 through 2.

and when so amended that said bill do pass.

(Reference is to SB 289 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 9, Nays 0.

ES 289—LS 7004/DI 119



SENATE MOTION

Madam President: I move that Senate Bill 289 be amended to read as follows:

Page 2, line 38, after "(i)," insert "**conduct**".

Page 2, line 38, reset in roman "a criminal history check".

Page 2, delete lines 39 through 40.

Page 2, line 41, delete "data bases" and insert "**(as defined in IC 31-9-2-22.5)**".

Page 2, line 41, after "(d)(3)" insert "**that**".

Page 2, line 42, delete "and a child abuse and neglect registry check (under".

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "years must be requested".

Page 3, delete lines 8 through 20, begin a new paragraph and insert:

"(i) An individual described in subsection (d)(2) or (d)(3) can begin work if:

(1) the following have been completed:

(A) An in-state child protection index check under 31-33-26.

(B) A national sex offender registry check under IC 31-9-2-22.5(3).

(C) An in-state local law enforcement records check under IC 31-9-2-22.5(4).

(D) A fingerprint based check of national crime information data bases under IC 31-9-2-22.5(1);

(2) the:

(A) out-of-state child abuse registry check under IC 31-9-2-22.5(2); and

(B) out-of-state local law enforcement records check under IC 31-9-2-22.5(4);

have been requested; and

(3) the individual's employment is limited to employment training during which the individual does not have direct contact with a child unless the individual is accompanied by an employee who:

(A) has successfully completed all criminal history and registry checks required under this chapter; and

(B) has either at least:

(i) one (1) year of experience in child services; or

(ii) six (6) months of experience with the applicant;

until all components of conducting the criminal history check are complete."



Page 5, line 3, after "(i)," insert "**conduct**".

Page 5, line 3, reset in roman "a criminal history check".

Page 5, delete lines 4 through 5.

Page 5, line 6, delete "data bases" and insert "**(as defined in IC 31-9-2-22.5)**".

Page 5, line 6, after "(d)(3)" insert "**that**".

Page 5, line 7, delete "and a child and neglect registry check (under 34".

Page 5, delete lines 8 through 9.

Page 5, line 10, delete "years must be requested".

Page 5, delete lines 15 through 27, begin a new paragraph and insert:

"(i) An individual described in subsection (d)(2) or (d)(3) can begin work if:

(1) the following have been completed:

(A) An in-state child protection index check under 31-33-26.

(B) A national sex offender registry check under IC 31-9-2-22.5(3).

(C) An in-state local law enforcement records check under IC 31-9-2-22.5(4).

(D) A fingerprint based check of national crime information data bases under IC 31-9-2-22.5(1);

(2) the:

(A) out-of-state child abuse registry check under IC 31-9-2-22.5(2); and

(B) out-of-state local law enforcement records check under IC 31-9-2-22.5(4);

have been requested; and

(3) the individual's employment is limited to employment training during which the individual does not have direct contact with a child unless the individual is accompanied by an employee who:

(A) has successfully completed all criminal history and registry checks required under this chapter; and

(B) has either at least:

(i) one (1) year of experience in child services; or

(ii) six (6) months of experience with the applicant;

until all components of conducting the criminal history check are complete."

Page 7, line 11, after "(i)," insert "**conduct**".

Page 7, line 11, reset in roman "criminal history check".



Page 7, delete lines 12 through 13.

Page 7, line 14, delete "data bases" and insert "**(as defined in IC 31-9-2-22.5)**".

Page 7, line 14, after "(d)(3)" insert "**that**".

Page 7, line 15, delete "and a child and neglect registry check (under 34".

Page 7, delete lines 16 through 17.

Page 7, line 18, delete "years must be requested".

Page 7, delete lines 23 through 35, begin a new paragraph and insert:

"(i) An individual described in subsection (d)(2) or (d)(3) can begin work if:

(1) the following have been completed:

(A) An in-state child protection index check under 31-33-26.

(B) A national sex offender registry check under IC 31-9-2-22.5(3).

(C) An in-state local law enforcement records check under IC 31-9-2-22.5(4).

(D) A fingerprint based check of national crime information data bases under IC 31-9-2-22.5(1);

(2) the:

(A) out-of-state child abuse registry check under IC 31-9-2-22.5(2); and

(B) out-of-state local law enforcement records check under IC 31-9-2-22.5(4);

have been requested; and

(3) the individual's employment is limited to employment training during which the individual does not have direct contact with a child unless the individual is accompanied by an employee who:

(A) has successfully completed all criminal history and registry checks required under this chapter; and

(B) has either at least:

(i) one (1) year of experience in child services; or

(ii) six (6) months of experience with the applicant;

until all components of conducting the criminal history check are complete."

(Reference is to SB 289 as printed January 29, 2020.)

GROOMS



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 289, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.114-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and "person in his majority" mean:
 - (A) a person at least eighteen (18) years of age; **or**
 - (B) **a:**
 - (i) **married minor who is at least sixteen (16) years of age; or**
 - (ii) **minor who has been completely emancipated by a court;****subject to specific constitutional and statutory age requirements and health and safety regulations that remain applicable to the person because of the person's age.**
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
- (4) "Bond" does not necessarily imply a seal.
- (5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
- (6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.
- (7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.
- (8) "Infant" or "minor" means a person less than eighteen (18) years of age.



- (9) "Inhabitant" may be construed to mean a resident in any place.
- (10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.
- (11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
- (12) "Mentally incompetent" means of unsound mind.
- (13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
- (14) "Month" means a calendar month, unless otherwise expressed.
- (15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.
- (16) "Oath" includes "affirmation", and "to swear" includes to "affirm".
- (17) "Person" extends to bodies politic and corporate.
- (18) "Personal property" includes goods, chattels, evidences of debt, and things in action.
- (19) "Population" has the meaning set forth in IC 1-1-3.5-3.
- (20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.
- (21) "Property" includes personal and real property.
- (22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.
- (23) "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.
- (24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.
- (25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.
- (26) "Will" includes a testament and codicil.
- (27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.
- (28) "Written" and "in writing" include printing, lithographing, or



other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

(29) "Year" means a calendar year, unless otherwise expressed.

(30) The definitions in IC 35-31.5 apply to all statutes relating to penal offenses.

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

- (1) The individual is a resident of Indiana.
- (2) The individual served in a reserve component of the armed forces of the United States or the Indiana National Guard.
- (3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National Guard under dishonorable or other than honorable conditions.

The definitions set forth in this subsection may not be construed to affect a Hoosier veteran's eligibility for any state program that is based upon a particular aspect of the Hoosier veteran's service such as a disability or a wartime service requirement.

SECTION 2. IC 31-9-2-133.1, AS AMENDED BY P.L.144-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 133.1. "Victim of human or sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:

- (1) forced labor;
- (2) involuntary servitude;
- (3) prostitution;
- (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
- (5) child exploitation, as defined in IC 35-42-4-4(b);
- (6) marriage, unless authorized by a court under ~~IC 31-11-1-6~~;
IC 31-11-1-7;
- (7) trafficking for the purpose of prostitution, juvenile prostitution, or participation in sexual conduct as defined in IC 35-42-4-4(a)(4); or
- (8) human trafficking as defined in IC 35-42-3.5-0.5.

SECTION 3. IC 31-11-1-4 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Except as provided in ~~section sections 5 or 6 and 7~~ of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

SECTION 4. IC 31-11-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. Two (2) individuals may marry each other if:

(1) both individuals are at least ~~seventeen (17)~~ **sixteen (16)** years of age;

(2) one (1) of the individuals is not more than four (4) years older than the other individual if the other individual is sixteen (16) years of age;

~~(2) (3)~~ each individual who is less than eighteen (18) years of age: receives the consent required by ~~IC 31-11-2;~~

(A) has been granted an order by a juvenile court under section 7 of this chapter granting the individual approval to marry and completely emancipating the individual; and
(B) not earlier than fifteen (15) days after the issuance of the order described in clause (A), presents to the clerk of the circuit court an application for a marriage license accompanied by:

(i) a certified copy of the order; and

(ii) a certificate of completion of any premarital counseling required under the order; and

~~(3) (4)~~ the individuals are not prohibited from marrying each other for a reason set forth in this article.

SECTION 5. IC 31-11-1-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 6. ~~(a) Two (2) individuals may marry each other if:~~

~~(1) the individuals are not prohibited from marrying for a reason set forth in this article; and~~

~~(2) a circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license:~~

~~(b) A court may not authorize the clerk of the circuit court to issue a marriage license under subsection (a) unless:~~

~~(1) the individuals have filed with the court a verified petition that includes allegations that:~~

~~(A) the female is at least fifteen (15) years of age;~~

~~(B) the female is pregnant or is a mother;~~

~~(C) each of the individuals who is less than eighteen (18) years of age has received the consent required by ~~IC 31-11-2;~~~~



- (D) the male is at least fifteen (15) years of age and is either:
 - (i) the putative father of the expected child of the female; or
 - (ii) the father of the female's child; and
- (E) the individuals desire to marry each other;
- (2) the court has provided notice of the hearing required by this section to both parents of both petitioners or, if applicable to either petitioner:
 - (A) to the legally appointed guardian or custodian of a petitioner; or
 - (B) to one (1) parent of a petitioner if the other parent:
 - (i) is deceased;
 - (ii) has abandoned the petitioner;
 - (iii) is mentally incompetent;
 - (iv) is an individual whose whereabouts is unknown; or
 - (v) is a noncustodial parent who is delinquent in the payment of court ordered child support on the date the petition is filed;
- (3) a hearing is held on the petition in which the petitioners and interested persons, including parents, guardians, and custodians, are given an opportunity to appear and present evidence; and
- (4) the allegations of the petition filed under subdivision (1) have been proven.
- (c) A court's authorization granted under subsection (a):
 - (1) constitutes part of the confidential files of the clerk of the circuit court; and
 - (2) may be inspected only by written permission of a circuit, superior, or juvenile court.

SECTION 6. IC 31-11-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7. (a) A minor who is sixteen (16) years of age may petition the juvenile court in the county in which the minor resides for an order granting the minor approval to marry and completely emancipating the minor. The petition must contain the following information:**

- (1) The minor's name, gender, and age.
- (2) Documentary proof of the minor's date of birth.
- (3) The minor's address, and how long the minor has resided at that address.
- (4) The following information with regard to the intended spouse:
 - (A) The intended spouse's name, gender, and age.
 - (B) Documentary proof of the intended spouse's date of



birth.

(C) The intended spouse's address, and how long the intended spouse has resided at that address.

(5) A statement of:

(A) the reasons the minor desires to marry;

(B) how the minor and the intended spouse came to know each other; and

(C) how long the minor and the intended spouse have known each other.

(6) Copies of:

(A) any criminal records of the minor and of the intended spouse; and

(B) any protective order:

(i) issued to protect or restrain either the minor or the intended spouse; and

(ii) relating to domestic or family violence, a sexual offense, or stalking.

(7) Evidence that the minor has demonstrated maturity and capacity for self-sufficiency and self-support independent of the minor's parents or legal guardians or the intended spouse, including proof that the minor:

(A) has graduated from high school;

(B) has obtained a high school equivalency diploma;

(C) has a plan for continued education;

(D) has completed a vocational training or certificate program;

(E) has attained a professional licensure or certification; or

(F) has maintained stable housing or employment for at least three (3) consecutive months prior to filing the petition.

(b) A court with which a petition under subsection (a) is filed shall:

(1) set a date for an evidentiary hearing on the petition;

(2) provide reasonable notice of the hearing to the minor and the minor's parents or legal guardians; and

(3) appoint an attorney to serve as guardian ad litem for the minor.

(c) At the evidentiary hearing, the court shall conduct an in camera interview with the minor separate from the minor's parents or legal guardians and intended spouse.

(d) Following the evidentiary hearing, and subject to subsection (e), the court may grant the petition if the court finds all of the



following:

- (1) The minor is a county resident who is sixteen (16) years of age.
- (2) The intended spouse is not more than four (4) years older than the minor.
- (3) The minor's decision to marry is voluntary, and free from force, fraud, or coercion.
- (4) The minor is mature enough to make a decision to marry.
- (5) The minor has established the minor's capacity to be self-sufficient and self-supporting independent of the minor's parents, legal guardians, and intended spouse.
- (6) The minor understands the rights and responsibilities of parties to marriage and of completely emancipated minors.
- (7) It is in the best interests of the minor for the court to grant the petition to marry and to completely emancipate the minor. In making the determination under this subdivision, the court shall consider how marriage and emancipation may affect the minor's health, safety, education, and welfare.

A court that grants a petition under this section shall issue written findings regarding the court's conclusions under subdivisions (1) through (7).

(e) The following, considered independently or together, are not sufficient to determine the best interests of a minor for purposes of this section:

- (1) The fact that the minor or the intended spouse is pregnant or has had a child.
- (2) The wishes of the parents or legal guardians of the minor.

However, there is a rebuttable presumption that marriage and emancipation are not in the best interests of the minor if both parents of the minor oppose the minor's marriage and emancipation.

(f) The juvenile court shall deny a petition under this section if the court finds any of the following:

- (1) The intended spouse:
 - (A) is or was in a position of authority or special trust in relation to the minor; or
 - (B) has or had a professional relationship with the minor, as defined in IC 35-42-4-7.
- (2) The intended spouse has been convicted of, or entered into a diversion program for, an offense under IC 35-42:
 - (A) that involves an act of violence;
 - (B) of which a child was the victim; or



(C) that is an offense under:

- (i) IC 35-42-3.5; or**
- (ii) IC 35-42-4.**

(3) Either the minor or the intended spouse is pregnant or is the mother of a child, and the court finds by a preponderance of evidence that:

(A) the other party to the marriage is the father of the child or unborn child; and

(B) the conception of the child or unborn child resulted from the commission of an offense under:

- (i) IC 35-42-4-3 (child molesting);**
- (ii) IC 35-42-4-6 (child solicitation);**
- (iii) IC 35-42-4-7 (child seduction); or**
- (iv) IC 35-42-4-9 (sexual misconduct with a minor).**

(4) The intended spouse has previously been enjoined by a protective order relating to domestic or family violence, a sexual offense, or stalking, regardless of whether the person protected by the order was the minor.

(g) If a court grants a petition under this section, the court shall also issue an order of complete emancipation of the minor and provide a certified copy of the order to the minor.

(h) A minor emancipated under this section is considered to have all the rights and responsibilities of an adult as defined under IC 1-1-4-5(a)(1), except as provided under specific constitutional or statutory age requirements that apply to the minor because of the minor's age, including requirements related to voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

(i) A court hearing a petition under this section may issue any other order the court considers appropriate for the minor's protection.

(j) A court that grants a petition under this section may require that both parties to the marriage complete premarital counseling with a marriage and family therapist licensed under IC 25-22.5, IC 25-23.6-8, or IC 25-33.

(k) A court that grants a petition under this section may impose any other condition on the grant of the petition that the court determines is reasonable under the circumstances.

SECTION 7. IC 31-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Consent to Marry Required for Certain Individuals).

SECTION 8. IC 31-11-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each individual who



applies for a marriage license must submit to the clerk of the circuit court **documentary proof of the individual's age, in the form of:**

- (1) a:
 - (A) certified copy of the individual's birth certificate;
 - (B) **copy of a birth record; or**
 - (C) **certification of birth issued by the state department of health, a local registrar of vital statistics, or another public office charged with similar duties under the law of another state, territory, or country;**
- (2) a certified copy of a judicial decree issued under IC 34-28-1 (or IC 34-4-3 before its repeal) that establishes the date of the individual's birth;
- (3) ~~any written evidence of the individual's date of birth that is satisfactory to the clerk; or~~
- (3) **a passport;**
- (4) a valid operator's license or other identification **that is** issued by a state **or another governmental entity and** that contains the individual's date of birth and current address;
- (5) **an immigration or naturalization record showing the individual's date of birth;**
- (6) **a United States selective service card or armed forces record showing the individual's date of birth; or**
- (7) a:
 - (A) **court record; or**
 - (B) **other document or record issued by a governmental entity;**

showing the individual's date of birth.

SECTION 9. IC 31-11-4-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 8: If a written consent is required by IC 31-11-2, a clerk of a circuit court may not receive an application for a marriage license unless:

- (1) the clerk has filed the consent form in the clerk's office; and
- (2) the clerk has entered a notice of the filing on the marriage license docket.

SECTION 10. IC 31-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. A marriage is void if the parties to the marriage:

- (1) are residents of Indiana;
- (2) had their marriage solemnized in another state with the intent to:
 - (A) evade **IC 31-11-1-4**, IC 31-11-4-4, or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and



- (B) subsequently return to Indiana and reside in Indiana; and
- (3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.

SECTION 11. IC 31-11-11-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2: A person who knowingly furnishes false information in a verified written consent under IC 31-11-2 commits a Level 6 felony.~~

SECTION 12. IC 31-17-2.2-1, AS AMENDED BY P.L.186-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), a relocating individual must file a notice of the intent to move with the clerk of the court that:

- (1) issued the custody order or parenting time order; or
- (2) if subdivision (1) does not apply, has jurisdiction over the legal proceedings concerning the custody of or parenting time with a child.

(b) A relocating individual is not required to file a notice of intent to move with the clerk of the court if:

- (1) the relocation has been addressed by a prior court order, including a court order relieving the relocating individual of the requirement to file a notice; **and or**

(2) the relocation will:

(A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or

(B) result in an increase of not more than twenty (20) miles in the distance between the relocating individual's residence and the nonrelocating individual's residence;

and allow the child to remain enrolled in the child's current school.

(c) Upon motion of a party, the court shall set the matter for a hearing to allow or restrain the relocation of a child and to review and modify, if appropriate, a custody order, parenting time order, grandparent visitation order, or child support order. The court's authority to modify a custody order, parenting time order, grandparent visitation order, or child support order is not affected by the fact that a relocating individual is exempt from the requirement to file a notice of relocation by subsection (b). The court shall take into account the following in determining whether to modify a custody order, parenting time order, grandparent visitation order, or child support order:

- (1) The distance involved in the proposed change of residence.



(2) The hardship and expense involved for the nonrelocating individual to exercise parenting time or grandparent visitation.

(3) The feasibility of preserving the relationship between the nonrelocating individual and the child through suitable parenting time and grandparent visitation arrangements, including consideration of the financial circumstances of the parties.

(4) Whether there is an established pattern of conduct by the relocating individual, including actions by the relocating individual to either promote or thwart a nonrelocating individual's contact with the child.

(5) The reasons provided by the:

(A) relocating individual for seeking relocation; and

(B) nonrelocating parent for opposing the relocation of the child.

(6) Other factors affecting the best interest of the child.

(d) A court may order the relocating individual and the nonrelocating individual to participate in mediation or another alternative dispute resolution process before a hearing under this section:

(1) on its own motion; or

(2) upon the motion of any party.

(e) If a relocation occurs, all existing orders for custody, parenting time, grandparent visitation, and child support remain in effect until modified by the court.

(f) The court may award reasonable attorney's fees for a motion filed under this section in accordance with IC 31-15-10 and IC 34-52-1-1(b)."

Page 3, line 11, delete "law enforcement" and insert "**criminal**".

Page 3, line 18, delete "law enforcement" and insert "**criminal**".

Page 3, line 20, delete "and".

Page 3, between lines 20 and 21, begin a new line block indented and insert:

"(3) the individual completes an attestation, under penalty of perjury, disclosing:

(A) any abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and

(B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five (5) years



preceding the date of the attestation; and".

Page 3, line 21, delete "(3)" and insert "(4)".

Page 5, line 29, delete "law enforcement" and insert "**criminal**".

Page 5, line 36, delete "law enforcement" and insert "**criminal**".

Page 5, line 38, delete "and".

Page 5, between lines 38 and 39, begin a new line block indented and insert:

"(3) the individual completes an attestation, under penalty of perjury, disclosing:

(A) any abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and

(B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and".

Page 5, line 39, delete "(3)" and insert "(4)".

Page 8, line 6, delete "law enforcement" and insert "**criminal**".

Page 8, line 13, delete "law enforcement" and insert "**criminal**".

Page 8, line 15, delete "and".

Page 8, between lines 15 and 16, begin a new line block indented and insert:

"(3) the individual completes an attestation, under penalty of perjury, disclosing:

(A) any abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and

(B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and".

Page 8, line 16, delete "(3)" and insert "(4)".

Page 8, after line 39, begin a new paragraph and insert:

"SECTION 16. IC 31-34-20-6, AS AMENDED BY P.L.85-2017, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The juvenile court **for the county in which a child resides** may emancipate a **the** child under section 1(a)(5) of this chapter **upon a petition brought by the child.**



(b) **The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.**

(c) **After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition** if the court finds:

(1) that emancipation is in the child's best interests; and

(2) that the child:

(1) **(A)** wishes to be free from parental control and protection and no longer needs that control and protection;

(2) **(B)** has sufficient money for the child's own support;

(3) **(C)** understands the consequences of being free from parental control and protection; and

(4) **(D)** has an acceptable plan for independent living.

(d) **If the juvenile court completely emancipates the child, the child has all the rights and responsibilities of an adult as defined in IC 1-1-4-5(a)(1). If the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:**

(1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.

(2) Suspension of the following:

(A) The parent's or guardian's right to the control or custody of the child.

(B) The parent's right to the child's earnings.

(3) ~~Empowering the child to consent to marriage.~~

(4) **(3)** Empowering the child to consent to military enlistment.

(5) **(4)** Empowering the child to consent to:

(A) medical;

(B) psychological;

(C) psychiatric;

(D) educational; or

(E) social;

services.

(6) **(5)** Empowering the child to contract.

(7) **(6)** Empowering the child to own property.

(e) **An emancipated child remains subject to the following:**

(1) IC 20-33-2 concerning compulsory school attendance.

(2) The continuing jurisdiction of the court.



(3) IC 31-11-1-4 concerning minimum age for marriage.

(4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

SECTION 17. IC 31-37-19-27, AS AMENDED BY P.L.85-2017, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The juvenile court **for the county in which a child resides** may emancipate a **the** child under section 1(a)(5) or 5(b)(5) of this chapter **upon a petition brought by the child.**

(b) The court in which a petition is filed under subsection (a) shall appoint an attorney to serve as guardian ad litem for the child. The guardian ad litem shall investigate the statements contained in the petition and file a report of the investigation with the court.

(c) After receiving the report of the guardian ad litem under subsection (b) and holding a hearing, the court may grant the petition if the court finds that the child:

- (1) wishes to be free from parental control and protection and no longer needs that control and protection;
- (2) has sufficient money for the child's own support;
- (3) understands the consequences of being free from parental control and protection; and
- (4) has an acceptable plan for independent living.

~~(b)~~ (d) Whenever If the juvenile court completely emancipates the child, the child has all the rights and responsibilities of an adult as defined in IC 1-1-4-5(a)(1). If the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:

- (1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.
- (2) Suspension of:
 - (A) the parent's or guardian's right to the control or custody of the child; and
 - (B) the parent's right to the child's earnings.
- ~~(3)~~ **(3) Empowering the child to consent to marriage.**
- ~~(4)~~ **(3) Empowering the child to consent to military enlistment.**
- ~~(5)~~ **(4) Empowering the child to consent to:**
 - (A) medical;



- (B) psychological;
- (C) psychiatric;
- (D) educational; or
- (E) social;

services.

~~(6)~~ (5) Empowering the child to contract.

~~(7)~~ (6) Empowering the child to own property.

~~(e)~~ (e) An emancipated child remains subject to **the following:**

(1) IC 20-33-2 concerning compulsory school attendance. ~~and~~

(2) The continuing jurisdiction of the court.

(3) IC 31-11-1-4 concerning minimum age for marriage.

(4) Other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age, including requirements regarding voting, use of alcoholic beverages or tobacco products, and other health and safety regulations.

SECTION 18. IC 35-52-31-2 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 2: IC 31-11-11-2 defines a crime concerning marriage.~~

SECTION 19. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 289 as reprinted February 4, 2020.)

DEVON

Committee Vote: yeas 13, nays 0.

