

# SENATE BILL No. 372

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-17-5; IC 31-19.

**Synopsis:** Grandparent visitation rights. Provides that a grandparent's right to seek visitation with a grandchild survives the grandchild's adoption by certain family members. (Current law requires a grandparent to file a petition to establish visitation rights prior to the adoption of a grandchild by certain family members in order for the grandparent's visitation rights to survive.) Removes a provision that requires a grandparent to petition for visitation with a grandchild before the date a decree of adoption by certain family members is entered. Removes requirements regarding notice to a grandparent of a grandchild's pending adoption by a family member.

**Effective:** July 1, 2019.

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## Kruse

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January 10, 2019, read first time and referred to Committee on Judiciary.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 372

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-17-5-3, AS AMENDED BY P.L.16-2017,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. ~~(a)~~ A proceeding for grandparent's visitation  
4 must be commenced by the filing of a petition entitled, "In Re the  
5 visitation of \_\_\_\_\_". The petition must:  
6 (1) be filed by a grandparent entitled to receive visitation rights  
7 under this chapter;  
8 (2) be verified; and  
9 (3) set forth the following:  
10 (A) The names and relationship of:  
11 (i) the petitioning grandparent or grandparents;  
12 (ii) each child with whom visitation is sought; and  
13 (iii) the custodial parent or guardian of each child.  
14 (B) The present address of each person named in clause (A).  
15 (C) The date of birth of each child with whom visitation is  
16 sought.  
17 (D) The status under section 1 of this chapter upon which the



1 grandparent seeks visitation.

2 (E) The relief sought.

3 (b) A petition described in subsection (a) must be filed prior to the  
4 date a decree of adoption is entered.

5 SECTION 2. IC 31-17-5-8 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) This section  
7 applies to a child born out of wedlock.

8 (b) ~~Visitation rights~~ **The right to seek visitation** provided for in  
9 section 1 or 10 of this chapter ~~survive~~ **survives** the establishment of  
10 paternity of a child by a court proceeding other than an adoption  
11 proceeding.

12 SECTION 3. IC 31-17-5-9 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. ~~Visitation rights~~ **The**  
14 **right to seek visitation** provided for in section 1 or 10 of this chapter  
15 ~~survive~~ **survives** the adoption of the child by any of the following:

- 16 (1) A stepparent.  
17 (2) A person who is biologically related to the child as:  
18 (A) a grandparent;  
19 (B) a sibling;  
20 (C) an aunt;  
21 (D) an uncle;  
22 (E) a niece; or  
23 (F) a nephew.

24 SECTION 4. IC 31-19-2.5-3, AS AMENDED BY P.L.190-2017,  
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2019]: Sec. 3. (a) Except as provided in section 4 of this  
27 chapter, notice must be given to a:

- 28 (1) person whose consent to adoption is required under  
29 IC 31-19-9-1; **and**  
30 (2) putative father who is entitled to notice under IC 31-19-4. **and**  
31 ~~(3) grandparent described in IC 31-19-4.5-1(3) of a child sought~~  
32 ~~to be adopted.~~

33 (b) If the parent-child relationship has been terminated under  
34 IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of the  
35 adoption proceedings shall be given to the:

- 36 (1) licensed child placing agency; or  
37 (2) local office;

38 of which the child is a ward.

39 SECTION 5. IC 31-19-4.5-1, AS AMENDED BY P.L.190-2017,  
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2019]: Sec. 1. This chapter:

- 42 (1) shall not be construed to affect notice of an adoption provided



1 to a putative father under IC 31-19-4; **and**  
 2 (2) applies to a father who has abandoned, failed to support, or  
 3 failed to communicate with a child. **and**  
 4 ~~(3) except for section 3 of this chapter, applies to a grandparent~~  
 5 ~~who:~~  
 6 ~~(A) is the grandparent of a child sought to be adopted; and~~  
 7 ~~(B) has:~~  
 8 ~~(i) an existing right to petition for visitation under~~  
 9 ~~IC 31-17-5; and~~  
 10 ~~(ii) a right to visitation that will not be terminated after the~~  
 11 ~~adoption under IC 31-17-5-9;~~  
 12 ~~at a time prior to the date of the filing of the petition for~~  
 13 ~~adoption.~~  
 14 SECTION 6. IC 31-19-4.5-1.5 IS REPEALED [EFFECTIVE JULY  
 15 1, 2019]. ~~Sec. 1.5. A notice to a grandparent required under~~  
 16 ~~IC 31-19-2.5-3(a)(3) is:~~  
 17 ~~(1) limited to the issue of visitation and may not be used to~~  
 18 ~~contest an adoption; and~~  
 19 ~~(2) not required if the child to be adopted has been placed in the~~  
 20 ~~care, custody, or control of the department.~~

