

SENATE BILL No. 501

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-14-1; IC 31-17-4-1.

Synopsis: Supervised visitation. Provides that if a court grants parenting time rights to a person who has been convicted of: (1) child molesting; or (2) child exploitation; within the previous five years, the court shall order that the parenting time must be supervised.

Effective: July 1, 2019.

Mrvan

January 14, 2019, read first time and referred to Committee on Judiciary.



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. 501

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 31-14-14-1, AS AMENDED BY P.L.13-2016,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) A noncustodial parent is entitled to
4 reasonable parenting time rights unless the court finds, after a hearing,
5 that parenting time might:
6 (1) endanger the child's physical health and well-being; or
7 (2) significantly impair the child's emotional development.
8 (b) The court may interview the child in chambers to assist the court
9 in determining the child's perception of whether parenting time by the
10 noncustodial parent might endanger the child's physical health or
11 significantly impair the child's emotional development.
12 (c) In a hearing under subsection (a), there is a rebuttable
13 presumption that a person who has been convicted of:
14 (1) child molesting (IC 35-42-4-3); or
15 (2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));
16 might endanger the child's physical health and well-being or
17 significantly impair the child's emotional development.



1 (d) **Except as provided in subsection (e)**, if a court grants
 2 parenting time rights to a person who has been convicted of:

3 (1) child molesting (IC 35-42-4-3); or

4 (2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

5 there is a rebuttable presumption that the parenting time with the child
 6 must be supervised.

7 (e) **If a court grants parenting time rights to a person who has**
 8 **been convicted of:**

9 (1) child molesting (IC 35-42-4-3); or

10 (2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

11 **within the previous five (5) years, the court shall order that the**
 12 **parenting time with the child must be supervised.**

13 ~~(e)~~ (f) The court may permit counsel to be present at the interview.
 14 If counsel is present:

15 (1) a record may be made of the interview; and

16 (2) the interview may be made part of the record for purposes of
 17 appeal.

18 SECTION 2. IC 31-17-4-1, AS AMENDED BY P.L.68-2005,
 19 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 1. (a) **Subject to subsections (d) and (e)**, a parent
 21 not granted custody of the child is entitled to reasonable parenting time
 22 rights unless the court finds, after a hearing, that parenting time by the
 23 noncustodial parent might endanger the child's physical health or
 24 significantly impair the child's emotional development.

25 (b) The court may interview the child in chambers to assist the court
 26 in determining the child's perception of whether parenting time by the
 27 noncustodial parent might endanger the child's physical health or
 28 significantly impair the child's emotional development.

29 (c) The court may permit counsel to be present at the interview. If
 30 counsel is present:

31 (1) a record may be made of the interview; and

32 (2) the interview may be made part of the record for purposes of
 33 appeal.

34 (d) **Except as provided in subsection (e)**, if a court grants
 35 parenting time rights to a person who has been convicted of:

36 (1) child molesting (IC 35-42-4-3); or

37 (2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

38 **there is a rebuttable presumption that the parenting time with the**
 39 **child must be supervised.**

40 (e) **If a court grants parenting time rights to a person who has**
 41 **been convicted of:**

42 (1) child molesting (IC 35-42-4-3); or



1 **(2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));**
2 **within the previous five (5) years, the court shall order that the**
3 **parenting time with the child must be supervised.**

