

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1172

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:

SECTION 1. IC 31-17-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. **(a)** A child custody proceeding is commenced in the court by:

- (1) a parent by filing a petition under IC 31-15-2-4, IC 31-15-3-4, or IC 31-16-2-3; ~~or~~
- (2) a person other than a parent by filing a petition seeking a determination of custody of the child; ~~or~~
- (3) a child, by the child's next friend, if the child is the subject of a:**
 - (A) child in need of services petition under IC 31-34; or**
 - (B) termination petition under IC 31-35.**

(b) As used in this section, "a child's next friend" means:

- (1) the department;**
- (2) the child's court appointed special advocate; or**
- (3) the child's guardian ad litem.**

SECTION 2. IC 31-30-1-13, AS AMENDED BY P.L.183-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) Subject to subsection ~~(b)~~; **(c)**, a court having jurisdiction under IC 31-14 over establishment or modification of paternity, child custody, parenting time, or child support in a paternity proceeding has concurrent original jurisdiction with another

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juvenile court for the purpose of establishing or modifying paternity, custody, parenting time, or child support of a child who is under the jurisdiction of the other juvenile court because:

- (1) the child is the subject of a child in need of services proceeding; or
- (2) the child is the subject of a juvenile delinquency proceeding that does not involve an act described under IC 31-37-1-2.

(b) Subject to subsection (d), a court having jurisdiction over a child who is the subject of a child in need of services proceeding or juvenile delinquency proceeding has concurrent jurisdiction with a court having jurisdiction under IC 31-14 for the purpose of establishing or modifying paternity, custody, parenting time, or child support of the child.

~~(b)~~ (c) Whenever the court having child custody jurisdiction under IC 31-14 in a paternity proceeding modifies child custody as provided by this section, the modification is effective only when the juvenile court with jurisdiction over the child in need of services proceeding or juvenile delinquency proceeding:

- (1) enters an order adopting and approving the child custody modification; or
- (2) terminates the child in need of services proceeding or the juvenile delinquency proceeding.

~~(c)~~ (d) If, under this section, a juvenile court:

- (1) establishes or modifies paternity, custody, child support, or parenting time of a child; and
- (2) terminates a child in need of services proceeding or a juvenile delinquency proceeding regarding the child;

the order establishing or modifying paternity, custody, child support, or parenting time survives the termination of the child in need of services proceeding or the juvenile delinquency proceeding until the court having concurrent original jurisdiction under subsection (a) assumes or reassumes primary jurisdiction of the case to address all other issues.

~~(d)~~ (e) A court that assumes or reassumes jurisdiction of a case under subsection ~~(c)~~ (d) may modify child custody, child support, or parenting time in accordance with applicable modification statutes.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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