



February 28, 2020

ENGROSSED

HOUSE BILL No. 1313

DIGEST OF HB 1313 (Updated February 26, 2020 4:30 pm - DI 128)

Citations Affected: IC 31-17; IC 33-23; IC 33-24; IC 33-28; IC 33-29; IC 33-31; IC 33-33.

Synopsis: Courts and family law matters. Provides that a magistrate has the same powers as a judge, except the power of judicial mandate. Repeals certain sections that enumerate the powers for magistrates. Repeals the judicial technology oversight committee. Increases the filing limit for the small claims docket to not more than \$8,000 (rather than \$6,000, under current law). Provides that the Marion County court will divide the work of the court into various divisions, including but not limited to the following: (1) Civil. (2) Criminal. (3) Family. Provides that the Marion County court shall hold session in the: (1) community justice campus in Indianapolis; and (2) other places in Marion County as the court determines. Provides that a relocating individual who is party to a custody order or parenting time order 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; 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. Makes conforming amendments.

Effective: Upon passage; July 1, 2020.

Young J, Steuerwald

(SENATE SPONSOR — KOCH)

January 14, 2020, read first time and referred to Committee on Courts and Criminal Code.

January 23, 2020, amended, reported — Do Pass.

January 27, 2020, read second time, ordered engrossed.

January 28, 2020, engrossed. Read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 17, 2020, read first time and referred to Committee on Judiciary.

February 27, 2020, amended, reported favorably — Do Pass.

EH 1313—LS 6707/DI 131



February 28, 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 HOUSE BILL No. 1313

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 31-17-2.2-1, AS AMENDED BY P.L.186-2019,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), a
4 relocating individual must file a notice of the intent to move with the
5 clerk of the court that:
6 (1) issued the custody order or parenting time order; or
7 (2) if subdivision (1) does not apply, has jurisdiction over the
8 legal proceedings concerning the custody of or parenting time
9 with a child.
10 (b) A relocating individual is not required to file a notice of intent
11 to move with the clerk of the court if:
12 (1) the relocation has been addressed by a prior court order,
13 including a court order relieving the relocating individual of the
14 requirement to file a notice; **and**
15 **or**
16 (2) the relocation will:
17 (A) result in a decrease in the distance between the relocating

EH 1313—LS 6707/DI 131



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.

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.

(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.

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.



3 SECTION 2. IC 33-23-5-5 IS REPEALED [EFFECTIVE JULY 1,
4 2020]. Sec. 5. A magistrate may do any of the following:

- (1) Administer an oath or affirmation required by law.
- (2) Solemnize a marriage.
- (3) Take and certify an affidavit or deposition.
- (4) Order that a subpoena be issued in a matter pending before the court.
- (5) Compel the attendance of a witness.
- (6) Punish contempt.
- (7) Issue a warrant.
- (8) Set bail.
- (9) Enforce court rules.
- (10) Conduct a preliminary, an initial, an omnibus, or other pretrial hearing.
- (11) Conduct an evidentiary hearing or trial.
- (12) Receive a jury's verdict.
- (13) Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.
- (14) Enter a final order, conduct a sentencing hearing, and impose a sentence on a person convicted of a criminal offense as described in section 9 of this chapter.
- (15) Enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence or harassment).
- (16) Approve and accept criminal plea agreements.
- (17) Approve agreed settlements concerning civil matters.
- (18) Approve:
 - (A) decrees of dissolution;
 - (B) settlement agreements; and
 - (C) any other agreements;of the parties in domestic relations actions or paternity actions.

SECTION 3. IC 33-23-5-8.5 IS ADDED TO THE INDIANA CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.5. Except as provided in section 8 of this chapter, a magistrate has the same powers as a judge.

SECTION 4. IC 33-23-5-9 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 9. (a) If a magistrate presides at a criminal trial or a guilty hearing, the magistrate may do the following:

- (1) Enter a final order;



(2) Conduct a sentencing hearing.

(3) Impose a sentence on a person convicted of a criminal offense.

(b) This subsection does not apply to a consolidated city. Unless the defendant consents, a magistrate who did not preside at the criminal trial may not preside at the sentencing hearing. However, this subsection does not prohibit a magistrate from presiding at a sentencing hearing if there was no trial.

SECTION 5. IC 33-23-17 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Judicial Technology Oversight Committee).

SECTION 6. IC 33-24-6-3, AS AMENDED BY P.L.207-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.



1 (5) Administer the civil legal aid fund as required by IC 33-24-12.
2 (6) Administer the court technology fund established by section
3 12 of this chapter.

4 (7) By December 31, 2013, develop and implement a standard
5 protocol for sending and receiving court data:

6 (A) between the protective order registry, established by
7 IC 5-2-9-5.5, and county court case management systems;

8 (B) at the option of the county prosecuting attorney, for:

9 (i) a prosecuting attorney's case management system;

10 (ii) a county court case management system; and

11 (iii) a county court case management system developed and
12 operated by the office of judicial administration;

13 to interface with the electronic traffic tickets, as defined by
14 IC 9-30-3-2.5; and

15 (C) between county court case management systems and the
16 case management system developed and operated by the office
17 of judicial administration.

18 The standard protocol developed and implemented under this
19 subdivision shall permit private sector vendors, including vendors
20 providing service to a local system and vendors accessing the
21 system for information, to send and receive court information on
22 an equitable basis and at an equitable cost.

23 (8) Establish and administer an electronic system for receiving
24 information that relates to certain individuals who may be
25 prohibited from possessing a firearm and transmitting this
26 information to the Federal Bureau of Investigation for inclusion
27 in the NICS.

28 (9) Establish and administer an electronic system for receiving
29 drug related felony conviction information from courts. The office
30 of judicial administration shall notify NPLEx of each drug related
31 felony entered after June 30, 2012, and do the following:

32 (A) Provide NPLEx with the following information:

33 (i) The convicted individual's full name.

34 (ii) The convicted individual's date of birth.

35 (iii) The convicted individual's driver's license number, state
36 personal identification number, or other unique number, if
37 available.

38 (iv) The date the individual was convicted of the felony.

39 Upon receipt of the information from the office of judicial
40 administration, a stop sale alert must be generated through
41 NPLEx for each individual reported under this clause.

42 (B) Notify NPLEx if the felony of an individual reported under



1 clause (A) has been:
2 (i) set aside;
3 (ii) reversed;
4 (iii) expunged; or
5 (iv) vacated.

6 Upon receipt of information under this clause, NPLEx shall
7 remove the stop sale alert issued under clause (A) for the
8 individual.

9 ~~(10) Staff the judicial technology oversight committee established
10 by IC 33-23-17-2.~~

11 ~~(11) (10) After July 1, 2018, establish and administer an
12 electronic system for receiving from courts felony conviction
13 information for each felony described in IC 20-28-5-8(c). The
14 office of judicial administration shall notify the department of
15 education at least one (1) time each week of each felony described
16 in IC 20-28-5-8(c) entered after July 1, 2018, and do the
17 following:~~

18 (A) Provide the department of education with the following
19 information:

20 (i) The convicted individual's full name.
21 (ii) The convicted individual's date of birth.
22 (iii) The convicted individual's driver's license number, state
23 personal identification number, or other unique number, if
24 available.
25 (iv) The date the individual was convicted of the felony.

26 (B) Notify the department of education if the felony of an
27 individual reported under clause (A) has been:

28 (i) set aside;
29 (ii) reversed; or
30 (iii) vacated.

31 ~~(12) (11) Perform legal and administrative duties for the justices
32 as determined by the justices.~~

33 ~~(13) (12) Provide staff support for the judicial conference of
34 Indiana established in IC 33-38-9.~~

35 ~~(14) (13) Work with the United States Department of Veterans
36 Affairs to identify and address the needs of veterans in the court
37 system.~~

38 (b) All forms to be used in gathering data must be approved by the
39 supreme court and shall be distributed to all judges and clerks before
40 the start of each period for which reports are required.

41 (c) The office of judicial administration may adopt rules to
42 implement this section.



1 SECTION 7. IC 33-28-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section
3 applies after June 30, 2005.

4 (b) The small claims docket has jurisdiction over the following:
5 (1) Civil actions in which the amount sought or value of the
6 property sought to be recovered is not more than ~~six eight~~
7 thousand dollars (\$6,000). **(\$8,000)**. The plaintiff in a statement
8 of claim or the defendant in a counterclaim may waive the excess
9 of any claim that exceeds ~~six eight~~ thousand dollars (\$6,000)
10 **(\$8,000)** in order to bring it within the jurisdiction of the small
11 claims docket.

12 (2) Possessory actions between landlord and tenant in which the
13 rent due at the time the action is filed does not exceed ~~six eight~~
14 thousand dollars (\$6,000). **(\$8,000)**.

15 (3) Emergency possessory actions between a landlord and tenant
16 under IC 32-31-6.

17 SECTION 8. IC 33-29-2-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section
19 applies after June 30, 2005.

20 (b) The small claims docket has jurisdiction over the following:
21 (1) Civil actions in which the amount sought or value of the
22 property sought to be recovered is not more than ~~six eight~~
23 thousand dollars (\$6,000). **(\$8,000)**. The plaintiff in a statement
24 of claim or the defendant in a counterclaim may waive the excess
25 of any claim that exceeds ~~six eight~~ thousand dollars (\$6,000)
26 **(\$8,000)** in order to bring it within the jurisdiction of the small
27 claims docket.

28 (2) Possessory actions between landlord and tenant in which the
29 rent due at the time the action is filed does not exceed ~~six eight~~
30 thousand dollars (\$6,000). **(\$8,000)**.

31 (3) Emergency possessory actions between a landlord and tenant
32 under IC 32-31-6.

33 SECTION 9. IC 33-31-2-3, AS ADDED BY P.L.201-2011,
34 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2020]: Sec. 3. The small claims docket has jurisdiction over
36 the following:

37 (1) Civil actions in which the amount sought or value of the
38 property sought to be recovered is not more than ~~six eight~~
39 thousand dollars (\$6,000). **(\$8,000)**. The plaintiff in a statement
40 of claim or the defendant in a counterclaim may waive the excess
41 of any claim that exceeds ~~six eight~~ thousand dollars (\$6,000)
42 **(\$8,000)** in order to bring it within the jurisdiction of the small



1 claims docket.

2 (2) Possessory actions between landlord and tenant in which the
3 rent due at the time the action is filed does not exceed ~~six eight~~
4 thousand dollars (\$6,000): **(\$8,000)**.

5 (3) Emergency possessory actions between a landlord and tenant
6 under IC 32-31-6.

7 SECTION 10. IC 33-33-49-14, AS AMENDED BY P.L.142-2007,

8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2020]: Sec. 14. (a) Not more than thirty (30) days after taking
10 the oath of office, the judges shall meet and designate four (4) of the
11 judges as the executive committee for administrative purposes. The
12 executive committee shall be selected by a vote of two-thirds (2/3) of
13 the judges sitting at the time the vote is taken. If all vacancies cannot
14 be filled by a two-thirds (2/3) vote, vacancies may be filled by such
15 other method as provided by court rule. The executive committee is
16 responsible for the operation and conduct of the court. The executive
17 committee shall operate and maintain the juvenile detention facilities
18 in the county. A member of the executive committee shall serve in the
19 capacity provided by rules adopted by the court under section 11 of this
20 chapter. A member of the executive committee serves for a term of two
21 (2) years beginning on the date of the member's election. Except for the
22 rotation of the presiding judge as provided in subsection (b), any or all
23 of the members elected to the executive committee may be reelected.
24 Of the four (4) judges elected to the executive committee, not more
25 than two (2) may be members of the same political party.

26 (b) One (1) of the four (4) judges elected to the executive committee
27 shall be elected as presiding judge, and three (3) of the four (4) judges
28 elected to the executive committee shall be elected as associate
29 presiding judges. Beginning with the election of the executive
30 committee in 2007, a presiding judge may not be elected from the same
31 political party as the presiding judge who served the previous term.
32 Each judge who is a member of the executive committee has an equal
33 vote in all matters pertaining to the business of the court when an
34 action requires a majority vote. If a tie vote occurs, the presiding judge
35 shall cast the tiebreaking vote. Any action taken by the executive
36 committee may be overruled by a vote of two-thirds (2/3) of all the
37 judges sitting at the time the vote is taken. The physical reassignment
38 of a judge to a different courtroom requires a unanimous vote of the
39 executive committee. The executive committee shall assign cases,
40 offices, and courtrooms for trial judges or reassignment of newly filed
41 cases in the interests of the speedy, economical, and uniform
42 disposition of cases. All matters of trial dates, continuances, and



1 subpoenas used for trial shall be determined by the trial judge in
 2 accordance with rules of the superior court. The executive committee
 3 shall perform other duties as determined by rules of the court.

4 (c) The court shall, by rules of the court, divide the work of the court
 5 into various divisions, including but not limited to the following:

- 6 (1) Civil.
- 7 (2) Criminal.
- 8 (3) **Probate. Family.**
- 9 (4) **Juvenile.**

10 (d) The work of each division shall be allocated by the rules of the
 11 court.

12 (e) The judges shall be assigned to various divisions or rooms as
 13 provided by rules of the court. Whenever possible, an incumbent judge
 14 shall be allowed the option of remaining in a particular room or
 15 division. Whenever any action of the court is required, the judges of the
 16 court shall act in concert, by a vote under section 11 of this chapter.
 17 The court shall keep appropriate records of rules, orders, and
 18 assignments of the court.

19 SECTION 11. IC 33-33-49-16 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) An appointed
 21 probate hearing judge or probate commissioner shall be vested by the
 22 judge of the probate division with suitable powers for the handling of
 23 all probate matters of the court, including the following:

- 24 (1) Fixing of all bonds.
- 25 (2) Auditing accounts of estates, guardianships, and trusts.
- 26 (3) Accepting reports, accounts, and settlements filed in the court.
- 27 (4) Appointing personal representatives, guardians, and trustees.
- 28 (5) Probating wills.
- 29 (6) Taking or hearing evidence on or concerning matters
 30 described in this subsection or any other probate, guardianship, or
 31 trust matters in litigation before the court.
- 32 (7) Enforcing court rules.
- 33 (8) Making reports to the court concerning the judge's or
 34 commissioner's doings in the proceedings described in this
 35 subsection, including reports concerning the commissioner's
 36 findings and conclusions regarding the proceedings.

37 However, all matters handled by a hearing judge or commissioner
 38 under this subsection are under the final jurisdiction and decision of the
 39 judge of the probate division.

40 (b) A juvenile referee appointed by the judge of the juvenile
 41 division shall have all suitable powers for the handling of the juvenile
 42 matters of the court, including the following:



1 (1) Fixing of bonds.
2 (2) Taking and hearing evidence on or concerning juvenile
3 matters in litigation before the court.
4 (3) Enforcing court rules.
5 (4) Making reports to the court concerning the juvenile referee's
6 handling of proceedings of the juvenile division of the court.
7 However, all matters handled by a juvenile referee under this
8 subsection are under final jurisdiction and decision of the judge or
9 judges of the juvenile division designated by rules of the court.
10 (c) A bail commissioner may fix bonds, including the following:
11 (1) Determining whether an individual is to be released on the
12 individual's own recognizance in criminal cases and proceedings.
13 (2) Making reports to the court concerning the bail
14 commissioner's activities.
15 All matters handled by a bail commissioner under this subsection are
16 under the final jurisdiction and decision of the judge or judges of the
17 criminal division as designated by rules of the court.
18 (d) For any of the purposes specified in this section, a probate
19 hearing judge, probate commissioner, referee, or bail commissioner
20 may do the following:
21 (1) Summon witnesses to testify before the probate hearing judge,
22 probate commissioner, referee, or bail commissioner.
23 (2) Administer oaths and take acknowledgments in connection
24 with duties.
25 (3) Administer oaths and take acknowledgments generally.
26 (e) A master commissioner appointed by the court under this section
27 has the powers and duties prescribed for a magistrate under
28 ~~IC 33-23-5-5~~ **IC 33-23-5-6** through ~~IC 33-23-5-9~~. **IC 33-23-5-8.5**. A
29 master commissioner shall report the findings in each of the matters
30 before the master commissioner in writing to the judge or judges of the
31 division to which the master commissioner is assigned or as designated
32 by rules of the court.
33 SECTION 12. IC 33-33-49-17 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The court shall
35 hold sessions in:
36 (1) the ~~city-county building~~ **community justice campus** in
37 Indianapolis; and
38 (2) other places in Marion County as the court determines.
39 (b) The city-county council shall:
40 (1) provide and maintain in the ~~building~~ **community justice**
41 **campus** and at other places in Marion County as the court may
42 determine suitable and convenient courtrooms for the holding of



SECTION 13. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1313, 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 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 9. IC 33-33-49-14, AS AMENDED BY P.L.142-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. The executive committee shall operate and maintain the juvenile detention facilities in the county. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive committee may be reelected. Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge, and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform



disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) **Probate. Family.**
- (4) **Juvenile.**

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.".

Page 8, after line 1, begin a new paragraph and insert:

"SECTION 11. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The court shall hold sessions in:

- (1) the ~~city-county building~~ **community justice campus** in Indianapolis; and
- (2) other places in Marion County as the court determines.

(b) The city-county council shall:

- (1) provide and maintain in the ~~building~~ **community justice campus** and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; and
- (2) provide all necessary furniture and equipment for rooms and offices of the court.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1313 as introduced.)

MCNAMARA

EH 1313—LS 6707/DI 131



Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1313, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. 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 9, after line 28, begin a new paragraph and insert:

"SECTION 12. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1313 as printed January 24, 2020.)

KOCH, Chairperson

Committee Vote: Yeas 9, Nays 0.

EH 1313—LS 6707/DI 131

