



January 28, 2020

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## HOUSE BILL No. 1418

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DIGEST OF HB 1418 (Updated January 27, 2020 1:17 pm - DI 123)

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

**Synopsis:** Minimum age to marry. 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 17 years of age. Provides that an individual 17 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 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 17 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 17 years of age to marry must also issue an order completely emancipating the individual. Amends the list of records or documents an individual  
(Continued next page)

**Effective:** Upon passage; July 1, 2020.

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### Engleman

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January 15, 2020, read first time and referred to Committee on Judiciary.  
January 28, 2020, amended, reported — Do Pass.

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HB 1418—LS 6894/DI 119



Digest Continued

may submit to a court clerk as proof of the individual's date of birth for purposes of applying for a marriage license. 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. Specifies certain provisions concerning the relocation of a child. Makes conforming amendments.

**HB 1418—LS 6894/DI 119**



January 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.

## HOUSE BILL No. 1418

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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**

HB 1418—LS 6894/DI 119



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



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



1 affect a Hoosier veteran's eligibility for any state program that is based  
 2 upon a particular aspect of the Hoosier veteran's service such as a  
 3 disability or a wartime service requirement.

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

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

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

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

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



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



1 (1) constitutes part of the confidential files of the clerk of the  
2 circuit court; and

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

5 SECTION 6. IC 31-11-1-7 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2020]: Sec. 7. (a) A minor who is seventeen (17) years of age may  
8 petition the juvenile court in the county in which the minor resides  
9 for an order granting the minor approval to marry and completely  
10 emancipating the minor. The petition must contain the following  
11 information:

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

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

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

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

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

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

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

23 (5) A statement of:

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

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

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

29 (6) Copies of:

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

32 (B) any protective order:

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

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

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

41 (A) has graduated from high school;

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





- 1           **(C) has a plan for continued education;**  
 2           **(D) has completed a vocational training or certificate**  
 3           **program;**  
 4           **(E) has attained a professional licensure or certification; or**  
 5           **(F) has maintained stable housing or employment for at**  
 6           **least three (3) consecutive months prior to filing the**  
 7           **petition.**
- 8           **(b) A court with which a petition under subsection (a) is filed**  
 9           **shall:**
- 10           **(1) set a date for an evidentiary hearing on the petition;**  
 11           **(2) provide reasonable notice of the hearing to the minor and**  
 12           **the minor's parents or legal guardians;**  
 13           **(3) appoint an attorney to serve as guardian ad litem for the**  
 14           **minor; and**  
 15           **(4) provide the minor with an information pamphlet that:**  
 16           **(A) is prepared by the office of the attorney general in**  
 17           **cooperation with:**  
 18           **(i) the commission on improving the status of children in**  
 19           **Indiana established by IC 2-5-36-3; and**  
 20           **(ii) the state department of health's office of women's**  
 21           **health established by IC 16-19-13-2;**  
 22           **(B) describes the rights and responsibilities of parties to**  
 23           **marriage and of completely emancipated minors; and**  
 24           **(C) includes referral information for:**  
 25           **(i) legal aid agencies in Indiana; and**  
 26           **(ii) national and state hotlines for child abuse, domestic**  
 27           **violence, sexual assault, and human trafficking.**
- 28           **(c) At the evidentiary hearing, the court shall conduct an in**  
 29           **camera interview with the minor separate from the minor's**  
 30           **parents or legal guardians and intended spouse.**
- 31           **(d) Following the evidentiary hearing, and subject to subsection**  
 32           **(e), the court may grant the petition if the court finds all of the**  
 33           **following:**
- 34           **(1) The minor is a county resident who is seventeen (17) years**  
 35           **of age.**  
 36           **(2) The intended spouse is not more than four (4) years older**  
 37           **than the minor.**  
 38           **(3) The minor's decision to marry is voluntary, and free from**  
 39           **force, fraud, or coercion.**  
 40           **(4) The minor is mature enough to make a decision to marry.**  
 41           **(5) The minor has established the minor's capacity to be**  
 42           **self-sufficient and self-supporting independent of the minor's**



1 parents, legal guardians, and intended spouse.

2 (6) The minor understands the rights and responsibilities of  
3 parties to marriage and of completely emancipated minors.

4 (7) It is in the best interests of the minor for the court to grant  
5 the petition to marry and to completely emancipate the minor.

6 In making the determination under this subdivision, the court  
7 shall consider how marriage and emancipation may affect the  
8 minor's health, safety, education, and welfare.

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

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

15 (1) The fact that the minor or the intended spouse is pregnant  
16 or has had a child.

17 (2) The wishes of the parents or legal guardians of the minor.  
18 However, there is a rebuttable presumption that marriage and  
19 emancipation are not in the best interests of the minor if both  
20 parents of the minor oppose the minor's marriage and  
21 emancipation.

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

24 (1) The intended spouse:

25 (A) is or was in a position of authority or special trust in  
26 relation to the minor; or

27 (B) has or had a professional relationship with the minor,  
28 as defined in IC 35-42-4-7.

29 (2) The intended spouse has been convicted of, or entered into  
30 a diversion program for, an offense under IC 35-42:

31 (A) that involves an act of violence;

32 (B) of which a child was the victim; or

33 (C) that is an offense under:

34 (i) IC 35-42-3.5; or

35 (ii) IC 35-42-4.

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

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

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



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

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

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

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

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

22 (j) A court that grants a petition under this section may require  
 23 that both parties to the marriage complete premarital counseling  
 24 with a marriage and family therapist licensed under IC 25-22.5,  
 25 IC 25-23.6-8, or IC 25-33. The requirement for premarital  
 26 counseling may be waived if the court finds that premarital  
 27 counseling is not reasonably available to the parties.

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

31 SECTION 7. IC 31-11-2 IS REPEALED [EFFECTIVE JULY 1,  
 32 2020]. (Consent to Marry Required for Certain Individuals).

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

- 37 (1) a:  
 38 (A) certified copy of the individual's birth certificate;  
 39 (B) copy of a birth record; or  
 40 (C) certification of birth issued by the state department of  
 41 health, a local registrar of vital statistics, or another public  
 42 office charged with similar duties under the law of another



- 1           **state, territory, or country;**
- 2           (2) a certified copy of a judicial decree issued under IC 34-28-1
- 3           (or IC 34-4-3 before its repeal) that establishes the date of the
- 4           individual's birth;
- 5           ~~(3) any written evidence of the individual's date of birth that is~~
- 6           ~~satisfactory to the clerk; or~~
- 7           **(3) a passport;**
- 8           (4) a valid operator's license or other identification **that is** issued
- 9           by a state **or another governmental entity and** that contains the
- 10          individual's date of birth and current address;
- 11          **(5) an immigration or naturalization record showing the**
- 12          **individual's date of birth;**
- 13          **(6) a United States selective service card or armed forces**
- 14          **record showing the individual's date of birth; or**
- 15          **(7) a:**
- 16                **(A) court record; or**
- 17                **(B) other document or record issued by a governmental**
- 18                **entity;**
- 19                **showing the individual's date of birth.**

20          SECTION 9. IC 31-11-4-8 IS REPEALED [EFFECTIVE JULY 1,  
 21          2020]. ~~Sec. 8: If a written consent is required by IC 31-11-2, a clerk of~~  
 22          ~~a circuit court may not receive an application for a marriage license~~  
 23          ~~unless:~~

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

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

- 30                (1) are residents of Indiana;
- 31                (2) had their marriage solemnized in another state with the intent
- 32                to:
- 33                      (A) evade **IC 31-11-1-4**, IC 31-11-4-4, or IC 31-11-4-11 (or
- 34                      IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and
- 35                      (B) subsequently return to Indiana and reside in Indiana; and
- 36                (3) without having established residence in another state in good
- 37                faith, return to Indiana and reside in Indiana after the marriage is
- 38                solemnized.

39          SECTION 11. IC 31-11-11-2 IS REPEALED [EFFECTIVE JULY  
 40          1, 2020]. ~~Sec. 2: A person who knowingly furnishes false information~~  
 41          ~~in a verified written consent under IC 31-11-2 commits a Level 6~~  
 42          ~~felony.~~



1 SECTION 12. 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  
 18 individual's residence and the nonrelocating individual's  
 19 residence; or

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

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

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

- 35 (1) The distance involved in the proposed change of residence.
- 36 (2) The hardship and expense involved for the nonrelocating  
 37 individual to exercise parenting time or grandparent visitation.
- 38 (3) The feasibility of preserving the relationship between the  
 39 nonrelocating individual and the child through suitable parenting  
 40 time and grandparent visitation arrangements, including  
 41 consideration of the financial circumstances of the parties.
- 42 (4) Whether there is an established pattern of conduct by the



1 relocating individual, including actions by the relocating  
 2 individual to either promote or thwart a nonrelocating individual's  
 3 contact with the child.

4 (5) The reasons provided by the:

5 (A) relocating individual for seeking relocation; and

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

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

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

13 (1) on its own motion; or

14 (2) upon the motion of any party.

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

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

20 SECTION 13. IC 31-34-20-6, AS AMENDED BY P.L.85-2017,  
 21 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The juvenile court **for the**  
 23 **county in which a child resides** may emancipate ~~a~~ **the child** under  
 24 section 1(a)(5) of this chapter **upon a petition brought by 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:

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

34 **(2) that the child:**

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

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

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

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

41 ~~(b)~~ **(d)** If the juvenile court **completely emancipates the child, the**  
 42 **child has all the rights and responsibilities of an adult as defined in**



1 **IC 1-1-4-5(a)(1). If the juvenile court partially or completely**  
 2 emancipates the child, the court shall specify the terms of the  
 3 emancipation, which may include the following:

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

7 (2) Suspension of the following:

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

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

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

12 ~~(4) (3) Empowering the child to consent to military enlistment.~~

13 ~~(5) (4) Empowering the child to consent to:~~

14 (A) medical;

15 (B) psychological;

16 (C) psychiatric;

17 (D) educational; or

18 (E) social;

19 services.

20 ~~(6) (5) Empowering the child to contract.~~

21 ~~(7) (6) Empowering the child to own property.~~

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

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

24 (2) The continuing jurisdiction of the court.

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

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

31 SECTION 14. IC 31-37-19-27, AS AMENDED BY P.L.85-2017,  
 32 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The juvenile court **for the**  
 34 **county in which a child resides** may emancipate **a the** child under  
 35 section 1(a)(5) or 5(b)(5) of this chapter **upon a petition brought by**  
 36 **the child.**

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

42 **(c) After receiving the report of the guardian ad litem under**



1 **subsection (b) and holding a hearing, the court may grant the**  
 2 **petition** if the court finds that the child:

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

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

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

17 (2) Suspension of:

18 (A) the parent's or guardian's right to the control or custody of  
 19 the child; and

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

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

22 ~~(4) (3) Empowering the child to consent to military enlistment.~~

23 ~~(5) (4) Empowering the child to consent to:~~

24 (A) medical;

25 (B) psychological;

26 (C) psychiatric;

27 (D) educational; or

28 (E) social;

29 services.

30 ~~(6) (5) Empowering the child to contract.~~

31 ~~(7) (6) Empowering the child to own property.~~

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

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

34 (2) The continuing jurisdiction of the court.

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

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

41 SECTION 15. IC 35-52-31-2 IS REPEALED [EFFECTIVE JULY  
 42 1, 2020]. Sec. 2: IC 31-11-11-2 defines a crime concerning marriage.





1        **SECTION 16. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1418, 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 10, after line 42, begin a new paragraph and insert:

"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 13, after line 23, begin a new paragraph and insert:

"SECTION 16. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1418 as introduced.)

TORR

Committee Vote: yeas 9, nays 1.

