

HOUSE BILL No. 1448

DIGEST OF INTRODUCED BILL

Citations Affected: IC 29-3-2-2; IC 31-9-2-87.3; IC 31-14; IC 31-17; IC 31-19; IC 31-35.

Synopsis: Adoption; grandparent visitation. Provides that venue for a proceeding concerning a petition to appoint a legal guardian that is anticipated to be uncontested is in the county in which the attorney for the petitioner maintains an office. Provides that venue for a proceeding for appointment of a legal guardian for purposes of an adoption proceeding is in the court in which the adoption action is pending. Requires a man who files a paternity affidavit to register with the putative father registry. Provides that a man whose: (1) parent-child relationship with a child has been terminated; or (2) consent to termination of the man's parent-child relationship with the child is irrevocably implied under Indiana law; may not establish paternity of the child by filing a paternity affidavit. Provides that if a child is the subject of a petition for adoption and a noncustodial parent of the child files a motion to contest the adoption, a court may not grant the noncustodial parent parenting time rights with the child while the adoption action is pending. Requires a man who: (1) is party to a paternity action with regard to a child; and (2) learns of a contemporaneous action to terminate parental rights with regard to the child; to provide notice of the paternity action to the court in which the termination action is pending. Provides for circumstances under which a petitioner for termination of parental rights with regard to a child may intervene in a contemporaneous paternity action regarding the child. Provides that an individual who is not a resident of Indiana may file a petition for adoption of a child in Indiana in the same manner as an Indiana resident. Provides that an attorney may file a petition for adoption in the probate court of the county in which the attorney
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Effective: July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Judiciary.



maintains an office. Provides that if: (1) an individual who files a petition for adoption of a child decides not to adopt the child or is unable to adopt the child; and (2) a second or amended petition is filed to adopt the child; a required notice that was provided with regard to the original petition satisfies the same notice requirement for purposes of the second or amended petition. Repeals provisions regarding adoption of a hard to place child by an individual who is not an Indiana resident. Removes requirements for filing multiple copies of an adoption petition. Provides that if a petition for termination of parental rights with regard to a child is pending at the same time as a paternity action is pending with regard to the child, the paternity action and the termination action must be consolidated, with the court in the termination action assuming jurisdiction over the paternity action. Adds statutory requirements for service of notice of an adoption, replacing requirements under current law that provide for notice to be served according to Indiana trial rules regarding service of summons. Provides that if a child who is the subject of an adoption proceeding was conceived in a state other than Indiana in which a putative father registry was in existence at the time of the child's conception, a putative father must register with: (1) that state's putative father registry by the date by which a putative father must register to be entitled to notice of the adoption in that state; or (2) the Indiana putative father registry by the date by which a putative father must register to be entitled to notice of the adoption in Indiana; to be entitled to notice of the child's adoption. Specifies that an individual who is entitled to notice of an adoption is entitled to the notice regardless of the individual's gender. Provides that a putative father must register with the putative father registry to be entitled to notice of proceedings for adoption or for termination of the parent-child relationship. Provides that a child's grandparent has the right to seek visitation when certain conditions are met. Permits a petitioner in an adoption proceeding to provide notice of the adoption to a grandparent of the child. Allows a petition for visitation to be filed after a child is adopted, unless the grandparent does not file a petition for visitation within 30 days after receiving notice of the adoption. Provides that if: (1) a prospective adoptive parent resides in a state other than Indiana; and (2) the laws of the other state allow persons other than licensed child placing agencies to perform pre-adoption assessments of prospective adoptive parents; written approval by a person allowed to perform preadoption assessments in the other state satisfies the requirement that placement of a child with the prospective adoptive parent must be approved by a licensed child placing agency or by the department of child services. Provides that a putative father's consent to adoption of a child is not required if the putative father has established paternity of the child in a paternity proceeding or by filing a paternity affidavit, unless a genetic test: (1) ordered by the court in the paternity proceeding; or (2) submitted by the putative father in connection with the paternity affidavit; has identified the putative father as the biological father of the child. Allows: (1) a written consent to adoption to be executed in paper or electronic form; and (2) a consent in electronic form to be signed by electronic signature and submitted electronically. Provides that if a consent to adoption executed by a birth parent contains a statement that the birth parent consents unconditionally to the adoption of the child without reservation of any parental rights whatsoever, the agreement, understanding, or belief of the birth parent, or of petitioner for adoption of the child, that the birth parent will: (1) be allowed postadoption visitation with the child; or (2) be provided with postadoption updates regarding the child; does not invalidate the birth parent's consent to the adoption, invalidate the adoption, invalidate the

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birth parent's voluntary consent to termination of the parent's parent-child relationship with the child, or invalidate the voluntary termination of the parent's parent-child relationship with the child. Requires an individual or agency that arranges for the signing of a consent to an adoption to: (1) provide each consenting birth parent with a written statement identifying the court in which the adoption has or will be filed; or (2) provide each consenting birth parent with the name and location of the court not later than 10 days after the birth parent signs the consent, if: (A) the court is not known to the individual or agency at the time the consent is signed; or (B) the consenting birth parent requests the information. Provides that consent to a child's adoption is not required from: (1) a biological mother who illegally used a controlled substance or controlled substance analog during the pregnancy, at a time at which the biological mother knew or should have known that she was pregnant; or (2) a biological father who, during the pregnancy: (A) offered to pay for an abortion of the child; or (B) otherwise attempted to persuade the child's biological mother to abort the child. Provides that consent to an adoption by a putative father, or by certain other parties entitled to notice of the adoption, is irrevocably implied if the putative father or other party files a motion to contest the adoption and the motion is dismissed for failure of the putative father or other party to: (1) diligently prosecute the motion; (2) comply with procedural rules and statutes governing contested adoptions; (3) obey an order of the court; or (4) appear, after proper notice, at a hearing relating to the motion to contest the adoption; or the motion is otherwise denied by the court. Specifies that a motion to contest an adoption or to withdraw consent to an adoption must: (1) be submitted in writing to the court in which the petition for adoption is filed; and (2) set forth the basis for the motion. Provides that if: (1) a petition for adoption alleges that a parent's consent to the adoption is unnecessary under Indiana law; (2) the parent files a motion to contest the adoption; and (3) the petitioner for adoption presents clear and convincing evidence of the parent's failure to communicate with or support the child for one year; the parent has the burden of proving a justifiable cause for the failure. Provides that if a party that files a motion to contest an adoption fails to: (1) diligently prosecute the motion; (2) comply with procedural rules and statutes governing contested adoptions; (3) obey an order of the court; or (4) appear, after proper notice, at a hearing relating to the motion to contest the adoption; the court shall dismiss the motion, and the party's consent to the adoption is irrevocably implied. Provides that a court that dismisses a person's motion to contest an adoption due to the person's failure to appear at a hearing related to the motion may set aside the dismissal if, not later than five days after the dismissal, the person files a motion with the court setting forth facts that: (1) establish good cause for the person's failure to appear; and (2) if proven, demonstrate that the person's failure to appear was not voluntary. Provides that if a petition for adoption alleges that a parent's consent to the adoption is unnecessary, the court may not consider: (1) the parent's substance abuse; (2) the parent's voluntary unemployment; or (3) instability of the parent's household caused by a family or household member of the parent; as justifiable cause for the parent's abandonment or desertion of, or failure to communicate with, the child. Provides for posthumous adoption: (1) by one or more prospective adoptive parents of a child who dies during the child's preadoption placement with the prospective adoptive parent or parents; (2) of a child by one or more prospective adoptive parents who die during the child's preadoption placement with the prospective adoptive parent or parents; and (3) of a child by a deceased spouse of the child's parent. Provides that a

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parent of a child is not entitled to notice of a proceeding for termination of the parent-child relationship if the parent's consent to the termination is: (1) irrevocably implied; or (2) not required; under Indiana law. Provides that the department of child services shall not attempt, for purposes of a proceeding to terminate a parent-child relationship, to identify or contact a putative father whose consent to termination of the parent-child relationship is irrevocably implied under Indiana law. Provides that the following individuals are not entitled to notice of a hearing regarding a petition to terminate the parent-child relationship of a child in need of services: (1) A parent whose consent to adoption of the child is not required, if: (A) the child's permanency plan or concurrent plan includes adoption; and (B) a petition has been filed for the child's adoption. (2) A putative father whose consent to termination of the parent-child relationship is irrevocably implied under Indiana law.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1448

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 29-3-2-2, AS AMENDED BY P.L.178-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. (a) The venue for the appointment of a guardian
4 or for protective proceedings is as follows:
5 (1) **Except as provided in subdivision (4)**, if the alleged
6 incapacitated person or minor resides in Indiana, venue is **as**
7 **follows:**
8 (A) **Except as provided in clauses (B) through (C), venue is**
9 **in the county where the alleged incapacitated person or minor**
10 **resides. ~~or~~**
11 (B) If the proceeding is for the appointment of a temporary
12 guardian of the person for an alleged incapacitated person or
13 minor who is in need of medical care, **venue is** in the county
14 where a facility is located that is providing or attempting to
15 provide medical care to the alleged incapacitated person or



1 minor.

2 **(C) If the proceeding concerns a petition for appointment**
 3 **of a guardian and the petition is anticipated to be**
 4 **uncontested, venue is in the county in which the attorney**
 5 **for the petitioner maintains an office.**

6 (2) **Except as provided in subdivision (4)**, if the alleged
 7 incapacitated person or minor does not reside in Indiana, then
 8 venue is in any county where any property of the alleged
 9 incapacitated person or minor is located. However, if the
 10 proceeding is for the appointment of a temporary guardian of the
 11 person for an alleged incapacitated person or minor who is in
 12 need of medical care, venue is in the county where the facility
 13 providing or attempting to provide medical care is located.

14 (3) If the alleged incapacitated person is an adult (as defined in
 15 IC 29-3.5-1-2(1)), venue is determined under the laws of the state
 16 or country having jurisdiction under IC 29-3.5-2. However, if a
 17 court in Indiana has jurisdiction under IC 29-3.5-2, the rules for
 18 determining venue set forth in this section apply.

19 **(4) If the appointment of a guardian is for purposes of a**
 20 **pending or ongoing proceeding for the adoption of a minor,**
 21 **venue is determined under IC 31-19-2.**

22 (b) If proceedings are commenced in more than one (1) county, they
 23 shall be stayed except in the county where first commenced until final
 24 determination of the proper venue by the court in the county where first
 25 commenced. After proper venue has been determined, all proceedings
 26 in any county other than the county where jurisdiction has been finally
 27 determined to exist shall be dismissed. If the proper venue is finally
 28 determined to be in another county, the court shall transmit the original
 29 file to the proper county. The proceedings shall be commenced by the
 30 filing of a petition with the court, and the proceeding first commenced
 31 extends to all of the property of the minor or the incapacitated person
 32 unless otherwise ordered by the court.

33 (c) If it appears to the court at any time that:

34 (1) the proceeding was commenced in the wrong county;

35 (2) the residence of the incapacitated person or the minor has
 36 been changed to another county;

37 (3) the proper venue is determined to be otherwise under the
 38 Indiana Rules of Trial Procedure; or

39 (4) it would be in the best interest of the incapacitated person or
 40 the minor and the property of the minor or the incapacitated
 41 person;

42 the court may order the proceeding, together with all papers, files, and



1 a certified copy of all orders, transferred to another court in Indiana.
 2 That court shall complete the proceeding as if originally commenced
 3 in that court. The court may in like manner transfer a guardianship or
 4 protective proceeding in Indiana to a court outside Indiana if the other
 5 court assumes jurisdiction to complete the proceeding as if originally
 6 commenced in that court. Before any transfer is made under this
 7 subsection, a hearing pursuant to notice shall be held in the same
 8 manner as provided with respect to the appointment of a guardian.

9 (d) Where a guardian has been appointed by a court that does not
 10 have probate jurisdiction, the matter shall be transferred in accordance
 11 with the proper venue to a court having probate jurisdiction for
 12 qualification of the guardian and for further proceedings in the
 13 guardianship.

14 (e) Nothing in this section shall be construed as a requirement of
 15 jurisdiction.

16 SECTION 2. IC 31-9-2-87.3 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2021]: **Sec. 87.3. "Open adoption" means an adoption in which**
 19 **a child's adoptive parents:**

- 20 (1) allow the child's birth parent or parents contact with the
 21 child;
 22 (2) provide the child's birth parent or parents with updates
 23 about the child; or
 24 (3) both;

25 **after the adoption.**

26 SECTION 3. IC 31-14-4-1, AS AMENDED BY P.L.150-2018,
 27 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 1. A paternity action may be filed by the following
 29 persons:

- 30 (1) The mother or expectant mother.
 31 (2) A man: ~~alleging~~
 32 (A) who alleges that:
 33 (A) (i) he is the child's biological father; or
 34 (B) (ii) he is the expectant father of an unborn child; and
 35 (B) whose parent-child relationship with the child has not
 36 been terminated under IC 31-35-2 or whose consent to
 37 termination of the individual's parent-child relationship
 38 with the child is not irrevocably implied under IC 31-35-2.
 39 (3) The mother and a man alleging that he is her child's biological
 40 father, filing jointly.
 41 (4) The expectant mother and a man alleging that he is the
 42 biological father of her unborn child, filing jointly.



- 1 (5) A child.
- 2 (6) If paternity of a child has not been established, the department
- 3 by filing an action under this article for a child who is the subject
- 4 of a child in need of services proceeding.
- 5 (7) If the paternity of a child has not been established:
- 6 (A) the department; or
- 7 (B) a prosecuting attorney operating under an agreement or
- 8 contract with the department described in IC 31-25-4-13.1.
- 9 SECTION 4. IC 31-14-5-7 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. A man who:
- 11 (1) files or is a party to a paternity action; **or**
- 12 (2) **executes a paternity affidavit;**
- 13 shall register with the putative father registry under IC 31-19-5.
- 14 SECTION 5. IC 31-14-7-3 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A man is a child's
- 16 legal father if:
- 17 (1) **the parent-child relationship between the man and the**
- 18 **child has not been terminated under IC 31-35-2 or the man's**
- 19 **consent to termination of the man's parent-child relationship**
- 20 **with the child is not irrevocably implied under IC 31-35-2;**
- 21 **and**
- 22 (2) the man executed a paternity affidavit in accordance with
- 23 IC 16-37-2-2.1 and the paternity affidavit has not been rescinded
- 24 or set aside under IC 16-37-2-2.1.
- 25 SECTION 6. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,
- 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2021]: Sec. 1. (a) **Except as provided in subsection (g)**, a
- 28 noncustodial parent is entitled to reasonable parenting time rights
- 29 unless the court finds, after a hearing, that parenting time might:
- 30 (1) endanger the child's physical health and well-being; or
- 31 (2) significantly impair the child's emotional development.
- 32 (b) The court may interview the child in chambers to assist the court
- 33 in determining the child's perception of whether parenting time by the
- 34 noncustodial parent might endanger the child's physical health or
- 35 significantly impair the child's emotional development.
- 36 (c) In a hearing under subsection (a), there is a rebuttable
- 37 presumption that a person who has been convicted of:
- 38 (1) child molesting (IC 35-42-4-3); or
- 39 (2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));
- 40 might endanger the child's physical health and well-being or
- 41 significantly impair the child's emotional development.
- 42 (d) Except as provided in subsection (e), if a court grants parenting



1 time rights to a person who has been convicted of:

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

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

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

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

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

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

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

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

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

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

17 **(g) If a child is the subject of a petition for adoption and a
18 noncustodial parent of the child files a motion to contest the
19 adoption, a court may not grant the noncustodial parent parenting
20 time rights with the child while the adoption action is pending.**

21 SECTION 7. IC 31-14-14-2, AS AMENDED BY P.L.68-2005,
22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 2. **(a) Subject to section 1(g) of this chapter,** the
24 court may modify an order granting or denying parenting time rights
25 whenever modification would serve the best interests of the child.

26 SECTION 8. IC 31-14-20-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This section does
28 not apply to a man whose paternity is established under this article (or
29 IC 31-6-6.1 before its repeal) before the filing of a petition to adopt the
30 man's child.

31 (b) A man who:

32 **(1) files or is a party to a paternity action; or**

33 **(2) executes a paternity affidavit;**

34 under this article shall register with the putative father registry under
35 IC 31-19-5 within the period provided under IC 31-19-5-12.

36 SECTION 9. IC 31-14-21-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Sections 1 through
38 7 of this chapter apply if a man who files or is a party to a paternity
39 action under this article (or IC 31-6-6.1 before its repeal) is

40 ~~(+)~~ served with notice, ~~under:~~

41 ~~(A) IC 31-19-3 (or IC 31-3-1-6.4 before its repeal); or~~

42 ~~(B) IC 31-19-4-1 through IC 31-19-4-9 (or IC 31-3-1-6.1~~



1 before its repeal); or
 2 ~~(2)~~ informed in any other manner,
 3 of a pending or potential:

4 **(1) adoption of; or**

5 **(2) termination of parental rights regarding;**
 6 a child who is the subject of the paternity action.

7 SECTION 10. IC 31-14-21-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. Sections 1 through
 9 7 of this chapter do not apply to a man whose paternity of a child is
 10 established before the filing of a petition to:

11 **(1) adopt the man's child; or**

12 **(2) terminate parental rights with regard to the man's child.**

13 SECTION 11. IC 31-14-21-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A putative father
 15 **described in section 1 of this chapter** shall give notice of the paternity
 16 action to an attorney or agency that serves the putative father with
 17 notice as described in ~~section 1~~ **section 1** of this chapter.

18 SECTION 12. IC 31-14-21-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A putative father
 20 **described in section 1 of this chapter** who has not been served with
 21 notice of a paternity action as described in ~~section 1~~ **section 1** of this
 22 chapter but knows:

23 (1) that ~~an adoption~~ **a petition** has been filed for:

24 **(A) adoption of; or**

25 **(B) termination of parental rights with regard to;**
 26 **the child who is the subject of the paternity action; and**

27 (2) the court in which the adoption **or termination of parental**
 28 **rights action** is pending;

29 shall serve the clerk of the court having jurisdiction over the adoption
 30 **or termination of parental rights action** with notice of the paternity
 31 action.

32 SECTION 13. IC 31-14-21-6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. If:

34 (1) a putative father **of a child who is the subject of:**

35 **(A) a paternity action filed by the putative father or to**
 36 **which the putative father is a party; and**

37 **(B) a petition for adoption or for termination of parental**
 38 **rights;**

39 fails to provide notice under section 3 or 4 of this chapter; and

40 (2) the ~~prospective adoptive parents file~~ **petitioner for adoption**
 41 **or for termination of parental rights files** a motion to intervene
 42 **in the paternity action;**



1 the court with jurisdiction over the paternity action shall allow the
 2 ~~prospective adoptive parents~~ **petitioner for adoption or for**
 3 **termination of parental rights** to intervene in the paternity action
 4 under Rule 24 of the Indiana Rules of Trial Procedure as described in
 5 section 8 of this chapter.

6 SECTION 14. IC 31-14-21-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. If:

8 **(1) the court in a paternity action** has already established the
 9 paternity of a ~~the father who~~ **of a child who is the subject of a:**

10 **(A) petition for adoption; or**

11 **(B) petition for termination of parental rights;**

12 **(2) the father** fails to provide notice under section 3 or 4 of this
 13 chapter; and

14 **(3) the prospective adoptive parents file petitioner for adoption**
 15 **or for termination of parental rights files** a motion to intervene
 16 **in the paternity action;**

17 the court shall ~~(1)~~ set aside the paternity determination to reinstate the
 18 paternity action and ~~(2)~~ **shall** allow the ~~prospective adoptive parents~~
 19 **petitioner for adoption or for termination of parental rights** to
 20 intervene as described in section 6 of this chapter.

21 SECTION 15. IC 31-14-21-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) If:

23 **(1) an adoption of a child who** is the subject of: ~~the~~

24 **(A) a paternity action; is and**

25 **(B) a pending:**

26 **(i) adoption; or**

27 **(ii) termination of parental rights; and**

28 **(2) the prospective adoptive parents file petitioner for the**
 29 **adoption or for the termination of parental rights files** a
 30 motion to intervene **in the paternity action;**

31 the court having jurisdiction over the paternity action under this article
 32 shall allow the ~~prospective adoptive parents~~ **petitioner for adoption**
 33 **or for termination of parental rights** to intervene in the paternity
 34 action under Rule 24 of the Indiana Rules of Trial Procedure.

35 **(b) The prospective adoptive parents A petitioner for adoption or**
 36 **for termination of parental rights** may intervene under this section
 37 solely for purposes of:

38 **(1) receiving notice of the paternity proceedings; and**

39 **(2) attempting to ensure that the putative father's paternity is not**
 40 **established unless the putative father is the child's biological**
 41 **father.**

42 **(c) A prospective adoptive parent petitioner for adoption or for**



1 **termination of parental rights who intervenes in a paternity action**
 2 **under this section** may object to any error that occurs during the
 3 paternity proceedings.

4 SECTION 16. IC 31-14-21-9, AS AMENDED BY P.L.58-2009,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 9. (a) Except as provided under section 13 of this
 7 chapter and subject to IC 31-19-2-14, if a court presiding over a
 8 paternity action under this article knows of:

9 (1) a pending;

10 (A) adoption of; or

11 (B) **termination of parental rights regarding;**

12 a child who is the subject of the paternity action; and

13 (2) the court in which the adoption **or termination of parental**
 14 **rights** is pending;

15 the court having jurisdiction over the paternity action shall establish a
 16 child's paternity within the period prescribed by this chapter.

17 (b) Except as provided under section 13 of this chapter and subject
 18 to IC 31-19-2-14, the court shall conduct an initial hearing not more
 19 than thirty (30) days after:

20 (1) the filing of the paternity petition; or

21 (2) the birth of the child;

22 whichever occurs later.

23 SECTION 17. IC 31-14-21-13, AS ADDED BY P.L.58-2009,
 24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 13. Upon notice that a court in which:

26 (1) an adoption; or

27 (2) **a termination of parental rights;**

28 is pending has assumed jurisdiction of a paternity action under
 29 IC 31-19-2-14, the court in which the paternity action was pending
 30 shall stay all proceedings in the paternity action until further order from
 31 the court in which the adoption **or termination of parental rights** is
 32 pending.

33 SECTION 18. IC 31-17-4-1, AS AMENDED BY P.L.223-2019,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 1. (a) **Except as provided in subsection (f), and**

36 subject to subsections (d) and (e), a parent not granted custody of the
 37 child is entitled to reasonable parenting time rights unless the court
 38 finds, after a hearing, that parenting time by the noncustodial parent
 39 might endanger the child's physical health or significantly impair the
 40 child's emotional development.

41 (b) The court may interview the child in chambers to assist the court
 42 in determining the child's perception of whether parenting time by the



1 noncustodial parent might endanger the child's physical health or
2 significantly impair the child's emotional development.

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

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

6 (2) the interview may be made part of the record for purposes of
7 appeal.

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

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

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

12 there is a rebuttable presumption that the parenting time with the child
13 must be supervised.

14 (e) If a court grants parenting time rights to a person who has been
15 convicted of:

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

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

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

20 **(f) If a child is the subject of a petition for adoption and a**
21 **noncustodial parent of the child files a motion to contest the**
22 **adoption, a court may not grant the noncustodial parent parenting**
23 **time rights with the child while the adoption action is pending.**

24 SECTION 19. IC 31-17-4-2, AS AMENDED BY P.L.68-2005,
25 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 2. **Subject to section 1(f) of this chapter**, the
27 court may modify an order granting or denying parenting time rights
28 whenever modification would serve the best interests of the child.
29 However, the court shall not restrict a parent's parenting time rights
30 unless the court finds that the parenting time might endanger the child's
31 physical health or significantly impair the child's emotional
32 development.

33 SECTION 20. IC 31-17-5-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A child's
35 grandparent ~~may~~ **has the right to** seek visitation rights if:

36 (1) the child's parent is deceased;

37 (2) the marriage of the child's parents has been dissolved in
38 Indiana; or

39 (3) subject to subsection (b), the child was born out of wedlock.

40 (b) A court may not grant visitation rights to a paternal grandparent
41 of a child who is born out of wedlock under subsection (a)(3) if the
42 child's father has not established paternity in relation to the child.



1 (c) Except as provided in subsection (d), the right to seek
 2 visitation under this chapter survives the adoption of the child by
 3 the individuals listed in section 9 of this chapter.

4 (d) If a petitioner for adoption gives notice under IC 31-19-4.5-6
 5 and the grandparent does not file a petition for visitation under
 6 this chapter within thirty (30) days after service of the notice,
 7 visitation rights under this chapter do not survive the adoption.

8 SECTION 21. IC 31-17-5-3, AS AMENDED BY P.L.16-2017,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 3. (a) A proceeding for grandparent's visitation
 11 must be commenced by the filing of a petition entitled, "In Re the
 12 visitation of _____". The petition must:

- 13 (1) be filed by a grandparent entitled to receive visitation rights
 14 under this chapter;
 15 (2) be verified; and
 16 (3) set forth the following:
 17 (A) The names and relationship of:
 18 (i) the petitioning grandparent or grandparents;
 19 (ii) each child with whom visitation is sought; and
 20 (iii) the custodial parent or guardian of each child.
 21 (B) The present address of each person named in clause (A).
 22 (C) The date of birth of each child with whom visitation is
 23 sought.
 24 (D) The status under section 1 of this chapter upon which the
 25 grandparent seeks visitation.
 26 (E) The relief sought.

27 (b) Except as provided in section 1(d) of this chapter, a petition
 28 described in subsection (a) ~~must~~ may be filed prior to ~~or~~ after the date
 29 a decree of adoption is entered.

30 SECTION 22. IC 31-19-2-2, AS AMENDED BY P.L.146-2007,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 2. (a) ~~A resident of Indiana~~ An individual who
 33 seeks to adopt a child less than eighteen (18) years of age may, by
 34 attorney of record, file a petition for adoption with the clerk of the court
 35 having probate jurisdiction in the county in which:

- 36 (1) the petitioner for adoption resides;
 37 (2) a licensed child placing agency or governmental agency
 38 having custody of the child is located; ~~or~~
 39 (3) the attorney maintains an office; or
 40 ~~(3)~~ (4) the child resides.

41 (b) The county in which the petition for adoption may be filed is a
 42 matter of venue and not jurisdiction.



1 (c) Subject to IC 31-19-9-3, if an individual who files a petition for
2 adoption of a child:

- 3 (1) decides not to adopt the child; or
- 4 (2) is unable to adopt the child;

5 the petition for adoption may be amended or a second petition may be
6 filed in the same action to substitute another individual who intends to
7 adopt the child as the petitioner for adoption.

8 **(d) If an amended or second petition is filed as described in**
9 **subsection (c):**

10 (1) the amended petition or second petition ~~under this subsection~~
11 ~~relates back to the date of the original petition; and~~

12 **(2) a required notice that was provided with regard to the**
13 **original petition satisfies the same notice requirement for**
14 **purposes of the second or amended petition.**

15 SECTION 23. IC 31-19-2-3 IS REPEALED [EFFECTIVE JULY 1,
16 2021]. Sec. 3: (a) An individual who is not a resident of Indiana and
17 who seeks to adopt a hard to place child may file a petition for adoption
18 with the clerk of the court having probate jurisdiction in the county in
19 which the:

- 20 (1) licensed child placing agency or governmental agency having
21 custody of the child is located; or
- 22 (2) child resides.

23 (b) The county in which a petition for adoption may be filed is a
24 matter of venue and not jurisdiction.

25 SECTION 24. IC 31-19-2-5, AS AMENDED BY P.L.1-2010,
26 SECTION 120, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in
28 subsection (b), a petition for adoption must be filed in triplicate.

29 (b) If a petition for adoption is sponsored by a licensed child placing
30 agency, the petition for adoption must be filed in quadruplicate.

31 (c) The original copy of A petition for adoption must be verified by
32 the oath or affirmation of each petitioner for adoption.

33 SECTION 25. IC 31-19-2-14, AS AMENDED BY P.L.81-2014,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 14. (a) If a petition for:

- 36 (1) adoption ~~and of a child; or~~
- 37 (2) termination of parental rights with regard to a child;

38 **is pending at the same time as a paternity action are is pending at the**
39 **same time for a the child, sought to be adopted;** the court in which the
40 petition for adoption **or petition for termination of parental rights**
41 has been filed has exclusive jurisdiction over the child, and the
42 paternity proceeding must be consolidated with the adoption **or**



1 **termination of parental rights** proceeding.

2 (b) ~~If the petition for adoption is dismissed, the A court hearing the~~
 3 **a consolidated adoption and paternity proceeding under subsection (a)**
 4 **shall determine who has custody of the child under IC 31-19-11-5 if**
 5 **the petition for adoption or for termination of parental rights is**
 6 **dismissed.**

7 (c) Following a dismissal of ~~the adoption a petition under for~~
 8 **adoption or for termination of parental rights as described in**
 9 **subsection (b), the court may:**

- 10 (1) retain jurisdiction over the paternity proceeding; or
 11 (2) return the paternity proceeding to the court in which it was
 12 originally filed.

13 If the paternity proceeding is returned to the court in which it was
 14 originally filed, the court assumes jurisdiction over the child, subject
 15 to any provisions of the consolidated court's order under IC 31-19-11-5.

16 SECTION 26. IC 31-19-2.5-3, AS AMENDED BY P.L.190-2017,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 3. (a) Except as provided in section 4 of this
 19 chapter, notice must be given to a:

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

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

- 28 (1) licensed child placing agency; or
 29 (2) local office;

30 of which the child is a ward.

31 SECTION 27. IC 31-19-2.5-3.1 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: **Sec. 3.1. Notice of an adoption may be**
 34 **given to a grandparent as provided in IC 31-19-4.5-6.**

35 SECTION 28. IC 31-19-2.5-6 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: **Sec. 6. (a) Except as provided in**
 38 **subsections (b) and (c), notice may be given to an individual under**
 39 **IC 31-19-4-1, IC 31-19-4-2, IC 31-19-4.5-2, IC 31-19-4.5-6,**
 40 **IC 31-19-5-4, or IC 31-19-5-7 by:**

- 41 (1) sending a copy of the notice to:
 42 (A) the individual's residence;



- 1 **(B) the individual's place of business or employment; or**
- 2 **(C) any other address at which the individual may be**
- 3 **found;**
- 4 **by certified mail, public delivery service, or other public**
- 5 **means that allow the sender to obtain a written**
- 6 **acknowledgment of receipt, with return receipt requested;**
- 7 **(2) personally delivering a copy of the notice to the individual;**
- 8 **(3) leaving a copy of the notice at, and sending another copy**
- 9 **of the notice by first class mail to:**
- 10 **(A) the individual's dwelling, house, or usual place of**
- 11 **residence;**
- 12 **(B) the individual's place of business or employment; or**
- 13 **(C) any other address at which the individual may be**
- 14 **found; or**
- 15 **(4) giving notice by any other means that allows the**
- 16 **individual's receipt of the notice to reasonably be confirmed.**
- 17 **(b) Notice shall be given under IC 31-19-4-1, IC 31-19-4-2,**
- 18 **IC 31-19-4.5-2, IC 31-19-4.5-6, IC 31-19-5-4, or IC 31-19-5-7 to an**
- 19 **individual who is imprisoned or detained in an institution by**
- 20 **delivering or mailing a copy of the notice to the official in charge**
- 21 **of the institution. The official in charge of the institution shall:**
- 22 **(1) immediately deliver the notice to the individual; and**
- 23 **(2) indicate in an affidavit of service that the individual has**
- 24 **received the notice.**
- 25 **(c) If a petitioner for adoption of a child does not know the**
- 26 **address of an individual entitled to notice under IC 31-19-4-3,**
- 27 **IC 31-19-4.5-2, or IC 31-19-4.5-6, the notice must be provided to**
- 28 **the individual as follows:**
- 29 **(1) If the petitioner knows the county in which the individual**
- 30 **resides, the notice must be published once a week for three (3)**
- 31 **consecutive weeks in the print edition, the electronic edition,**
- 32 **or both the print and electronic editions of a newspaper of**
- 33 **general circulation in the county.**
- 34 **(2) If the petitioner does not know the county in which the**
- 35 **individual resides, the notice must be published as follows:**
- 36 **(A) If the child is less than thirty (30) days of age at the**
- 37 **time the petition for adoption is filed, the notice must be**
- 38 **published once a week for three (3) consecutive weeks in**
- 39 **the print edition, the electronic edition, or both the print**
- 40 **and electronic editions of a newspaper of general**
- 41 **circulation in the county in which the child was conceived.**
- 42 **(B) If the child is at least thirty (30) days of age but less**



1 than six (6) months of age at the time the petition for
 2 adoption is filed, the notice must be published once a week
 3 for three (3) consecutive weeks in the print edition, the
 4 electronic edition, or both the print and electronic editions
 5 of:

6 (i) a newspaper of general circulation in the county in
 7 which the child lived for the greatest proportion of the
 8 first six (6) months of the child's life; and

9 (ii) a newspaper of general circulation in the county in
 10 which the child was conceived, if different from the
 11 county described in item (i).

12 (C) If the child is six (6) months of age or older at the time
 13 the petition for adoption is filed, the notice must be
 14 published once a week for three (3) consecutive weeks in
 15 the print edition, the electronic edition, or both the print
 16 and electronic editions of a newspaper of general
 17 circulation in the county in which the child lived for the
 18 greatest proportion of the six (6) month period ending on
 19 the date on which the petition for adoption is filed.

20 (d) If an individual:

21 (1) is served with notice of an adoption;

22 (2) is notified that:

23 (A) the individual is being served with notice; and

24 (B) if the individual refuses to accept the offer or tender of
 25 the notice, the offer or tender of the notice is adequate
 26 service of the notice, and the individual may not challenge
 27 the service of the notice; and

28 (3) refuses to accept the offer or tender of the notice;
 29 the offer or tender of the notice is adequate service of the notice,
 30 and the individual may not challenge the service of the notice.

31 (e) A person accepting service of notice for another individual
 32 under this section:

33 (1) shall promptly deliver the notice to the individual;

34 (2) shall promptly notify the individual that the person is in
 35 possession of the notice; or

36 (3) if the person is not able to deliver the notice to the
 37 individual, shall, not later than three (3) days after accepting
 38 the notice, notify the attorney or adoption agency attempting
 39 to serve the notice that the person was unable to deliver the
 40 notice to the individual.

41 (f) An individual to whom service is made or attempted under
 42 this section may not impose a sanction, penalty, or punishment on,



1 **or discriminate in any manner whatsoever against, the individual**
 2 **servicing or attempting to serve the notice. Willful violation of this**
 3 **section is punishable as contempt of the court with jurisdiction**
 4 **over the adoption proceeding.**

5 SECTION 29. IC 31-19-4-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Except as provided
 7 by IC 31-19-2.5-4, if:

- 8 (1) on or before the date the mother of a child executes a consent
 9 to the child's adoption, the mother has provided an attorney or
 10 agency arranging the adoption with the name and address of the
 11 putative father; and
 12 (2) the putative father of the child has:
 13 (A) failed or refused to consent to the adoption of the child; or
 14 (B) not had the parent-child relationship terminated under
 15 IC 31-35 (or IC 31-6-5 before its repeal);

16 the putative father shall be given notice of the adoption proceedings
 17 under ~~Rule 4.1 of the Indiana Rules of Trial Procedure: IC 31-19-2.5-6.~~

18 SECTION 30. IC 31-19-4-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. Except as provided
 20 by IC 31-19-2.5-4, if:

- 21 (1) on or before the date the mother of a child executes a consent
 22 to the child's adoption, the mother has not provided an attorney or
 23 agency arranging the adoption with the name or address, or both,
 24 of the putative father of the child; and
 25 (2) the putative father of the child has:
 26 (A) failed or refused to consent to the adoption of the child or
 27 has not had the parent-child relationship terminated under
 28 IC 31-35 (or IC 31-6-5 before its repeal); and
 29 (B) registered with the putative father registry under
 30 IC 31-19-5 (or IC 31-6-5 before its repeal) within the period
 31 under IC 31-19-5-12;

32 the putative father shall be given notice of the adoption proceedings
 33 under ~~Rule 4.1 of the Indiana Rules of Trial Procedure: IC 31-19-2.5-6.~~

34 SECTION 31. IC 31-19-4-3, AS AMENDED BY P.L.58-2009,
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 3. (a) **Except as provided in subsection (c), if:**

- 37 (1) the mother of a child:
 38 (A) informs an attorney or agency arranging the child's
 39 adoption, on or before the date the child's mother executes a
 40 consent to the child's adoption, that the child was conceived
 41 outside Indiana; and
 42 (B) does not disclose to the attorney or agency the name or



1 address, or both, of the putative father of the child; and
 2 (2) the putative father of the child has:
 3 (A) failed or refused to consent to the adoption of the child or
 4 has not had the parent-child relationship terminated under
 5 IC 31-35 (or IC 31-6-5 before its repeal); and
 6 (B) not registered with the putative father registry under
 7 IC 31-19-5 within the period under IC 31-19-5-12;
 8 the attorney or agency shall serve notice of the adoption proceedings
 9 on the putative father by publication ~~in the same manner as a summons~~
 10 ~~is served by publication under Rule 4.13(C) of the Indiana Rules of~~
 11 ~~Trial Procedure: under IC 31-19-2.5-6(c).~~
 12 (b) The only circumstance under which notice to the putative father
 13 must be given by publication under ~~Rule 4.13(C) of the Indiana Rules~~
 14 ~~of Trial Procedure IC 31-19-2.5-6(c)~~ is when the child was conceived
 15 outside of Indiana as described in subsection (a).
 16 **(c) If a child who is the subject of an adoption proceeding was**
 17 **conceived in a state other than Indiana in which a putative father**
 18 **registry was in existence at the time of the child's conception, a**
 19 **putative father must register with:**
 20 **(1) the putative father registry under IC 31-19-5 by the date**
 21 **by which the putative father is required to register under**
 22 **IC 31-19-5-12 in order to be entitled to notice of the adoption;**
 23 **or**
 24 **(2) the putative father registry of the state in which the child**
 25 **was conceived by the date by which the putative father is**
 26 **required to register under the laws of that state in order to be**
 27 **entitled to receive notice of the adoption;**
 28 **whichever date is earlier, to be entitled to notice of the child's**
 29 **adoption under this section.**
 30 SECTION 32. IC 31-19-4-7, AS AMENDED BY P.L.146-2007,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 7. If a putative father is entitled to notice under
 33 section 1, 2, or 3 of this chapter, upon
 34 (1) providing service of process in the same manner as a
 35 summons and complaint are served under Rule 4.1 of the Indiana
 36 Rules of Trial Procedure for notice under section 1 or 2 of this
 37 chapter; or
 38 (2) publication in the same manner as a summons is served by
 39 publication under Rule 4.13 of the Indiana Rules of Trial
 40 Procedure for notice under section 3 of this chapter;
 41 **service of notice to the putative father under IC 31-19-2.5-6, no**
 42 further efforts to give notice to the putative father are necessary,



1 regardless of whether the putative father actually receives the notice.

2 SECTION 33. IC 31-19-4-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. ~~Only the rules of~~
4 The Indiana Rules of Trial Procedure ~~specified in this chapter do not~~
5 apply to the ~~giving provision~~ of notice under this chapter.

6 SECTION 34. IC 31-19-4-14 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: **Sec. 14. An individual who is entitled**
9 **to notice under this chapter is entitled to the notice regardless of**
10 **the individual's gender.**

11 SECTION 35. IC 31-19-4.5-1, AS AMENDED BY P.L.190-2017,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 1. This chapter:

14 (1) shall not be construed to affect notice of an adoption provided
15 to a putative father under IC 31-19-4;

16 (2) applies to a father who has abandoned, failed to support, or
17 failed to communicate with a child; ~~and~~

18 (3) except for section 3 of this chapter, applies to a grandparent
19 who **may be given notice under section 6 of this chapter; and**

20 **(A) is the grandparent of a child sought to be adopted; and**

21 ~~(B) has:~~

22 ~~(i) an existing right to petition for visitation under~~
23 ~~IC 31-17-5; and~~

24 ~~(ii) a right to visitation that will not be terminated after the~~
25 ~~adoption under IC 31-17-5-9;~~

26 ~~at a time prior to the date of the filing of the petition for~~
27 ~~adoption.~~

28 **(4) applies to all persons regardless of their gender.**

29 SECTION 36. IC 31-19-4.5-1.5, AS ADDED BY P.L.190-2017,
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 1.5. A notice to a grandparent ~~required~~ under
32 ~~IC 31-19-2.5-3(a)(3)~~ **section 6 of this chapter** is:

33 (1) limited to the issue of visitation and may not be used to
34 contest an adoption; and

35 (2) not required if the child to be adopted has been placed in the
36 care, custody, or control of the department.

37 SECTION 37. IC 31-19-4.5-2, AS AMENDED BY P.L.146-2007,
38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2021]: Sec. 2. Except as provided in IC 31-19-2.5-4, if a
40 petition for adoption alleges that consent to adoption is not required
41 under IC 31-19-9-8, notice of the adoption must be given to the person
42 from whom consent is allegedly not required under IC 31-19-9-8.



1 Notice shall be given
 2 (1) in the same manner as a summons and complaint are served
 3 under Rule 4.1 of the Indiana Rules of Trial Procedure if the
 4 person's name and address are known; or
 5 (2) in the same manner as a summons is served by publication
 6 under Rule 4.13 of the Indiana Rules of Trial Procedure if the
 7 name or address of the person is not known;
 8 to a petitioner for adoption under IC 31-19-2.5-6.

9 SECTION 38. IC 31-19-4.5-3, AS AMENDED BY P.L.113-2017,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 3. **Except as provided in section 3.1 of this**
 12 **chapter**, notice of the adoption proceeding shall be given to a person
 13 entitled to notice under section 2 of this chapter in substantially the
 14 following form:

15 "NOTICE OF ADOPTION
 16 _____ (person's name) is notified that a petition for adoption of
 17 a child, named _____ (child's name, if named), born to
 18 _____ (mother's name) on _____ (date) was filed in the
 19 office of the clerk of _____ court, _____ (address of the
 20 court). The petition for adoption alleges that the consent to adoption of
 21 _____ (person's name) is not required because
 22 _____ (provide a brief description of the
 23 reason(s) the consent is not required).

24 If _____ (person's name) seeks to contest the adoption of the
 25 child, _____ (person's name) must file a motion to contest the
 26 adoption in accordance with IC 31-19-10-1 in the above named court
 27 not later than thirty (30) days after the date of service of this notice.

28 If _____ (person's name) does not file a motion to contest the
 29 adoption within thirty (30) days after service of this notice the above
 30 named court will hear and determine the petition for adoption. The
 31 consent to adoption of _____ (person's name) will be irrevocably
 32 implied and _____ (person's name) will lose the right to contest
 33 either the adoption or the validity of _____'s (person's name)
 34 implied consent to the adoption.

35 No statement made to _____ (person's name) relieves
 36 _____ (person's name) of _____'s (person's name)
 37 obligations under this notice.

38 This notice complies with IC 31-19-4.5-3 but does not exhaustively
 39 set forth a person's legal obligations under the Indiana adoption
 40 statutes. A person being served with this notice should consult the
 41 Indiana adoption statutes."

42 SECTION 39. IC 31-19-4.5-3.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 3.1. Notice of the adoption**
 3 **proceeding given to a grandparent under section 6 of this chapter**
 4 **must be in substantially the following form:**

5 **"NOTICE OF ADOPTION**

6 _____ (grandparent's name) is notified that a petition for
 7 adoption of a child, named _____ (child's name, if named),
 8 born to _____ (mother's name) on _____ (date)
 9 ("child") was filed in the office of the clerk of _____ court,
 10 _____ (address of the court).

11 You are receiving this notice because you may be a grandparent
 12 of the child. As a grandparent, you may have the right to file a
 13 petition in court to establish or protect grandparent visitation
 14 rights. IC 31-17-5-1 provides that such a petition must be filed
 15 within thirty (30) days of service of this notice. To protect any
 16 grandparent visitation rights that you may have, you should
 17 contact your own attorney without delay. Failure to act on your
 18 part could cause you to lose your right to grandparent visitation,
 19 if such a right exists.

20 This notice applies to you even if a parent of the child has
 21 voluntarily allowed you to visit.

22 If you do not file a petition for visitation of the child within
 23 thirty (30) days, you will lose the right to petition for visitation in
 24 Indiana and any other state.

25 No statement made to you by anyone relieves you of your
 26 obligations under this notice."

27 SECTION 40. IC 31-19-4.5-6 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2021]: **Sec. 6. (a) A petitioner for adoption**
 30 **described in IC 31-17-5-9 may give notice of the adoption to a**
 31 **grandparent who:**

- 32 (1) is the grandparent of the child sought to be adopted; and
 33 (2) would have the right to petition for visitation under
 34 IC 31-17-5, if the right to visitation will not be terminated
 35 after the adoption under IC 31-17-5-9.

36 (b) If a grandparent:

- 37 (1) receives notice under subsection (a); and
 38 (2) does not file a petition for grandparent visitation under
 39 IC 31-17-5 not later than thirty (30) days after the date of
 40 service of the notice;

41 **the grandparent may not file a petition for visitation of the child.**

42 SECTION 41. IC 31-19-4.5-7 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 7. The Indiana Rules of Trial**
 3 **Procedure do not apply to the provision of notice under this**
 4 **chapter.**

5 SECTION 42. IC 31-19-5-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A putative father of
 7 a child who registers in accordance with this chapter (or IC 31-3-1.5
 8 before its repeal) is entitled to notice of the child's adoption under ~~Rule~~
 9 ~~4.1 of the Indiana Rules of Trial Procedure: IC 31-19-2.5-6.~~

10 SECTION 43. IC 31-19-5-6, AS AMENDED BY P.L.58-2009,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 6. (a) This chapter does not relieve a man who is
 13 presumed to be a father under IC 31-14-7-2 from the obligation of
 14 registering in accordance with this chapter to be entitled to notice of an
 15 adoption of a child for whom the man may be the presumed father.

16 (b) The filing of a paternity action **or execution of a paternity**
 17 **affidavit** by a putative father does not relieve the putative father from
 18 the:

- 19 (1) obligation of registering; or
 20 (2) consequences of failing to register;

21 in accordance with this chapter unless paternity has been established
 22 before the filing of the petition for adoption of the child.

23 SECTION 44. IC 31-19-5-7, AS AMENDED BY P.L.58-2009,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 7. (a) The state department of health shall
 26 maintain the following information in the registry:

- 27 (1) The putative father's:
 28 (A) name;
 29 (B) address at which the putative father may be served with
 30 notice of an adoption under ~~Rule 4.1 of the Indiana Rules of~~
 31 ~~Trial Procedure; IC 31-19-2.5-6;~~
 32 (C) Social Security number; and
 33 (D) date of birth.
 34 (2) The mother's:
 35 (A) name, including all other names known to the putative
 36 father that the mother uses, if known;
 37 (B) address, if known;
 38 (C) Social Security number, if known; and
 39 (D) date of birth, if known.
 40 (3) The child's:
 41 (A) name, if known; and
 42 (B) place of birth, if known.



- 1 (4) The date that the state department of health receives a putative
- 2 father's registration.
- 3 (5) The:
- 4 (A) name of an attorney or agency that requests the state
- 5 department to search the registry under section 15 of this
- 6 chapter to determine whether a putative father is registered in
- 7 relation to a mother whose child is or may be the subject of an
- 8 adoption; and
- 9 (B) date that the attorney or agency submits a request as
- 10 provided under this subdivision.
- 11 (6) Any notice of a filing of a petition to establish paternity as
- 12 described in IC 31-14-9-0.5.
- 13 (7) Any other information that the state department determines is
- 14 necessary to access the information in the registry.
- 15 (b) If a putative father does not have an address where the putative
- 16 father is able to be served with notice of an adoption, the putative
- 17 father may designate another person as an agent for the purpose of
- 18 being served with notice of adoption. The putative father must provide
- 19 the department with the agent's name and the address at which the
- 20 agent may be served. Service of notice upon the agent under ~~Rule 4.1~~
- 21 ~~of the Indiana Rules of Trial Procedure IC 31-19-2.5-6~~ constitutes
- 22 service of notice upon the putative father. If notice of an adoption may
- 23 not be served on the agent under ~~Rule 4.1 of the Indiana Rules of Trial~~
- 24 ~~Procedure IC 31-19-2.5-6~~ as provided by this subsection, further notice
- 25 of the adoption to the agent or to the putative father is not necessary.
- 26 SECTION 45. IC 31-19-5-12, AS AMENDED BY P.L.146-2007,
- 27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2021]: Sec. 12. (a) To be entitled to notice of an adoption
- 29 under IC 31-19-3 or IC 31-19-4 **or notice of a proceeding for**
- 30 **termination of the parent-child relationship under IC 31-35-1-5 or**
- 31 **IC 31-35-2-6.5**, a putative father must register with the state
- 32 department of health under section 5 of this chapter not later than:
- 33 (1) thirty (30) days after the child's birth; or
- 34 (2) the earlier of the date of the filing of a petition for the:
- 35 (A) child's adoption; or
- 36 (B) termination of the parent-child relationship between the
- 37 child and the child's mother;
- 38 whichever occurs later.
- 39 (b) A putative father may register under subsection (a) before the
- 40 child's birth.
- 41 SECTION 46. IC 31-19-7-1, AS AMENDED BY P.L.128-2012,
- 42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 1. (a) **Except as provided in subsection (e)**, a
 2 child may not be placed in a proposed adoptive home without the prior
 3 written approval of a licensed child placing agency or the local office
 4 approved for that purpose by the department.

5 (b) Except as provided in subsection (d), before giving prior written
 6 approval for placement in a proposed adoptive home of a child, a
 7 licensed child placing agency or the department of child services shall
 8 conduct a criminal history check (as defined in IC 31-9-2-22.5)
 9 concerning the proposed adoptive parent and any other person who is
 10 currently residing in the proposed adoptive home.

11 (c) The prospective adoptive parent shall pay the fees and other
 12 costs of the criminal history check required under this section.

13 (d) A licensed child placing agency or the department of child
 14 services is not required to conduct a criminal history check (as defined
 15 in IC 31-9-2-22.5) if a prospective adoptive parent provides the
 16 licensed child placing agency or the local office with the results of a
 17 criminal history check conducted:

- 18 (1) in accordance with IC 31-9-2-22.5; and
- 19 (2) not more than one (1) year before the date on which the
 20 licensed child placing agency or the local office provides written
 21 approval for the placement.

22 **(e) If a prospective adoptive parent resides in a state other than**
 23 **Indiana and the laws of the other state allow persons other than**
 24 **licensed child placing agencies to perform preadoption assessments**
 25 **of prospective adoptive parents, written approval for the**
 26 **placement by a person allowed to perform preadoption**
 27 **assessments in the other state satisfies the requirement of**
 28 **subsection (a).**

29 SECTION 47. IC 31-19-9-1, AS AMENDED BY P.L.128-2012,
 30 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 1. (a) Except as otherwise provided in this
 32 chapter, a petition to adopt a child who is less than eighteen (18) years
 33 of age may be granted only if written consent to adoption has been
 34 executed by the following:

- 35 (1) Each living parent of a child born in wedlock, including a man
 36 who is presumed to be the child's biological father under
 37 IC 31-14-7-1(1) if the man is the biological or adoptive parent of
 38 the child.
- 39 (2) The mother of a child born out of wedlock and:
 40 (A) the **adoptive** father of a **the** child;
 41 (B) **except as provided in IC 31-14-20-2, a putative father**
 42 **of the child** whose paternity has been established by



- 1 (A) a court proceeding other than the adoption proceeding,
 2 except as provided in ~~IC 31-14-20-2~~; in which a genetic
 3 test ordered by the court and performed by an
 4 accredited laboratory indicated that the putative father
 5 is the biological father of the child; or
 6 ~~(B)~~ (C) a putative father of the child who:
 7 (i) has established the putative father's paternity by a
 8 paternity affidavit executed under IC 16-37-2-2.1; and
 9 (ii) has, not later than sixty (60) days after the child's
 10 birth, submitted to a local health officer the results of a
 11 genetic test performed by an accredited laboratory and
 12 indicating that the putative father is the biological father
 13 of the child, in accordance with IC 16-37-2-2.1(h)(5);
 14 unless the putative father gives implied consent to the
 15 adoption under section 15 of this chapter.
 16 (3) Each person, agency, or local office having lawful custody of
 17 the child whose adoption is being sought.
 18 (4) The court having jurisdiction of the custody of the child if the
 19 legal guardian or custodian of the person of the child is not
 20 empowered to consent to the adoption.
 21 (5) The child to be adopted if the child is more than fourteen (14)
 22 years of age.
 23 (6) The spouse of the child to be adopted if the child is married.
 24 (b) A parent who is less than eighteen (18) years of age may consent
 25 to an adoption without the concurrence of:
 26 (1) the individual's parent or parents; or
 27 (2) the guardian of the individual's person;
 28 unless the court, in the court's discretion, determines that it is in the
 29 best interest of the child to be adopted to require the concurrence.
 30 SECTION 48. IC 31-19-9-2, AS AMENDED BY P.L.128-2012,
 31 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 2. (a) The consent to adoption may be executed at
 33 any time after the birth of the child, either in the presence of:
 34 (1) the court;
 35 (2) a notary public or other person authorized to take
 36 acknowledgments; or
 37 (3) an authorized agent of:
 38 (A) the department; or
 39 (B) a licensed child placing agency.
 40 (b) The child's mother may not execute a consent to adoption before
 41 the birth of the child.
 42 (c) The child's father may execute a consent to adoption before the



- 1 birth of the child if the consent to adoption:
 2 (1) is in writing;
 3 (2) is signed by the child's father in the presence of a notary
 4 public; and
 5 (3) contains an acknowledgment that:
 6 (A) the consent to adoption is irrevocable; and
 7 (B) the child's father will not receive notice of the adoption
 8 proceedings.
 9 (d) A child's father who consents to the adoption of the child under
 10 subsection (c) may not challenge or contest the child's adoption.
 11 (e) Except as provided in subsection (f) or (g), a person who
 12 executes a written consent to the adoption of a child may not execute
 13 a second or subsequent written consent to have another person adopt
 14 the child unless one (1) or more of the following apply:
 15 (1) Each original petitioner provides a written statement that the
 16 petitioner is not adopting the child.
 17 (2) The person consenting to the adoption has been permitted to
 18 withdraw the first consent to adoption under IC 31-19-10.
 19 (3) The court dismisses the petition for adoption filed by the
 20 original petitioner or petitioners for adoption based upon a
 21 showing, by clear and convincing evidence, that it is not in the
 22 best interests of the child that the petition for adoption be granted.
 23 (4) The court denies the petition to adopt the child filed by the
 24 original petitioner or petitioners for adoption.
 25 (f) The department may execute more than one (1) written consent
 26 to the adoption of a child if the department determines that the
 27 execution of more than one (1) written consent is in the best interests
 28 of the child.
 29 (g) The parents of a child who is a ward of the department may
 30 execute a second or subsequent consent if:
 31 (1) the court with jurisdiction over the child in need of services
 32 determines that adoption by the person to whom consents were
 33 originally signed is not in the child's best interest; or
 34 (2) if the child's placement with the person who has petitioned or
 35 intends to petition to adopt the child is disrupted.
 36 **(h) A written consent to adoption or other statement under this**
 37 **section may be in paper or electronic form. A written consent to**
 38 **adoption in electronic form may be:**
 39 **(1) signed by electronic signature; and**
 40 **(2) submitted electronically.**
 41 SECTION 49. IC 31-19-9-3.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) A consent to adoption
2 that:

3 (1) is executed by a birth parent of a child under this chapter;
4 and

5 (2) includes a statement that notwithstanding any agreement,
6 understanding, or belief of:

7 (A) the petitioner for the adoption; or

8 (B) the birth parent;

9 that the adoption will be an open adoption, the birth parent
10 consents unconditionally to the adoption of the child without
11 reservation of any parental rights whatsoever;
12 is not invalidated by the agreement, understanding, or belief of the
13 petitioner or birth parent that the adoption will be an open
14 adoption.

15 (b) This section does not create a cause of action regarding
16 postadoption visitation or postadoption contact under IC 31-19-16
17 or IC 31-19-16.5.

18 SECTION 50. IC 31-19-9-6, AS AMENDED BY P.L.3-2016,
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 6. The individual who or agency that arranges for
21 the signing of a consent to adoption of a child shall, after the birth of
22 the child, provide each birth parent whose consent to adoption is
23 obtained under this chapter with the following:

24 (1) An explanation concerning the following:

25 (A) The availability of adoption history information under
26 IC 31-19-17 through IC 31-19-25.5.

27 (B) The birth parent's option to file a contact preference form
28 with the state registrar if the birth parent seeks to restrict the
29 release of identifying information.

30 (C) That identifying information may be released unless the
31 birth parent files the contact preference form with the state
32 registrar indicating the birth parent's lack of consent to the
33 release of identifying information.

34 (2) A contact preference form prescribed by the state registrar
35 under IC 31-19-25-4.6.

36 (3) If the petition for adoption has been or will be filed in
37 Indiana, a written statement identifying the court in which the
38 adoption has or will be filed. If:

39 (A) the identity of the court is not known to the individual
40 or agency at the time the birth parent signs the consent to
41 adoption; and

42 (B) the birth parent requests that the individual or agency



1 **inform the birth parent of the identity of the court;**
 2 **the individual or agency shall, not later than ten (10) days**
 3 **after the birth parent signs the consent to adoption, inform**
 4 **the birth parent of the name and location of the court in the**
 5 **manner in which the birth parent requests to be informed.**

6 SECTION 51. IC 31-19-9-8, AS AMENDED BY P.L.142-2020,
 7 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2021]: Sec. 8. (a) Consent to adoption, which may be required
 9 under section 1 of this chapter, is not required from any of the
 10 following:

11 (1) A parent or parents if the child is adjudged to have been
 12 abandoned or deserted for at least six (6) months immediately
 13 preceding the date of the filing of the petition for adoption.

14 (2) A parent of a child in the custody of another person if for a
 15 period of at least one (1) year the parent:

16 (A) fails without justifiable cause to communicate
 17 significantly with the child when able to do so; or

18 (B) knowingly fails to provide for the care and support of the
 19 child when able to do so as required by law or judicial decree.

20 (3) The biological father of a child born out of wedlock whose
 21 paternity has not been established:

22 (A) by a court proceeding other than the adoption proceeding;
 23 or

24 (B) by executing a paternity affidavit under IC 16-37-2-2.1.

25 (4) The biological father of a child born out of wedlock who was
 26 conceived as a result of:

27 (A) a rape for which the father was convicted under
 28 IC 35-42-4-1;

29 (B) child molesting (IC 35-42-4-3);

30 (C) sexual misconduct with a minor (IC 35-42-4-9); or

31 (D) incest (IC 35-46-1-3).

32 (5) The putative father of a child born out of wedlock if the
 33 putative father's consent to adoption is irrevocably implied under
 34 section 15 of this chapter.

35 (6) The biological father of a child born out of wedlock if the:

36 (A) father's paternity is established after the filing of a petition
 37 for adoption in a court proceeding or by executing a paternity
 38 affidavit under IC 16-37-2-2.1; and

39 (B) father is required to but does not register with the putative
 40 father registry established by IC 31-19-5 within the period
 41 required by IC 31-19-5-12.

42 (7) A parent who has relinquished the parent's right to consent to



- 1 adoption as provided in this chapter.
- 2 (8) A parent after the parent-child relationship has been
- 3 terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- 4 (9) A parent judicially declared incompetent or mentally defective
- 5 if the court dispenses with the parent's consent to adoption.
- 6 (10) A legal guardian or lawful custodian of the person to be
- 7 adopted who has failed to consent to the adoption for reasons
- 8 found by the court not to be in the best interests of the child.
- 9 (11) A parent if:
- 10 (A) a petitioner for adoption proves by clear and convincing
- 11 evidence that the parent is unfit to be a parent; and
- 12 (B) the best interests of the child sought to be adopted would
- 13 be served if the court dispensed with the parent's consent.
- 14 (12) A child's biological father who denies paternity of the child
- 15 before or after the birth of the child if the denial of paternity:
- 16 (A) is in writing;
- 17 (B) is signed by the child's father in the presence of a notary
- 18 public; and
- 19 (C) contains an acknowledgment that:
- 20 (i) the denial of paternity is irrevocable; and
- 21 (ii) the child's father will not receive notice of adoption
- 22 proceedings.
- 23 A child's father who denies paternity of the child under this
- 24 subdivision may not challenge or contest the child's adoption.
- 25 **(13) A biological mother who used a controlled substance (as**
- 26 **defined by IC 35-48-1-9) or controlled substance analog (as**
- 27 **defined by IC 35-48-1-9.3) in violation of IC 35-48 during the**
- 28 **pregnancy, at a time at which the biological mother knew or**
- 29 **should have known that she was pregnant.**
- 30 **(14) A biological father who, during the pregnancy:**
- 31 **(A) offered to pay for an abortion of the child; or**
- 32 **(B) otherwise attempted to persuade the child's biological**
- 33 **mother to abort the child.**
- 34 (b) If a parent has made only token efforts to support or to
- 35 communicate with the child the court may declare the child abandoned
- 36 by the parent.
- 37 SECTION 52. IC 31-19-9-12, AS AMENDED BY P.L.113-2017,
- 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2021]: Sec. 12. A putative father's consent to adoption is
- 40 irrevocably implied without further court action if the putative father:
- 41 (1) fails to file a motion to contest the adoption in accordance
- 42 with IC 31-19-10 within thirty (30) days after service of notice



1 under IC 31-19-4 in the court in which the adoption is pending;
 2 (2) ~~having filed files~~ a motion to contest the adoption in
 3 accordance with ~~under~~ IC 31-19-10 fails to appear at the hearing
 4 set to contest the adoption; **and the motion is dismissed by the**
 5 **court under IC 31-19-10-1.2(g) or is otherwise denied by the**
 6 **court;**

7 (3) having filed a paternity action under IC 31-14 or in any other
 8 jurisdiction, fails to establish paternity in the action; or

9 (4) is required to but fails to register with the putative father
 10 registry established by IC 31-19-5 within the period under
 11 IC 31-19-5-12.

12 SECTION 53. IC 31-19-9-18, AS AMENDED BY P.L.86-2018,
 13 SECTION 217, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) This section does not apply
 15 to the consent of an agency or local office that is served with notice
 16 under IC 31-19-4.5 and has lawful custody of a child whose adoption
 17 is being sought.

18 (b) The consent of a person who is served with notice under
 19 IC 31-19-4.5 to adoption is irrevocably implied without further court
 20 action if the person:

21 (1) fails to file a motion to contest the adoption ~~as required~~ under
 22 IC 31-19-10 not later than thirty (30) days after service of notice
 23 under IC 31-19-4.5; or

24 (2) files a motion to contest the adoption ~~as required~~ under
 25 IC 31-19-10 ~~but fails to:~~ **and the motion is dismissed by the**
 26 **court under IC 31-19-10-1.2(g) or is otherwise denied by the**
 27 **court.**

28 (A) appear at the hearing to contest the adoption; and

29 (B) prosecute the motion to contest without unreasonable
 30 delay.

31 (c) ~~A court shall dismiss a motion to contest an adoption filed under~~
 32 ~~subsection (b)(2) with prejudice and the person's consent to the~~
 33 ~~adoption shall be irrevocably implied if the court finds that the person~~
 34 ~~who filed the motion to contest is failing to prosecute the motion~~
 35 ~~without unreasonable delay.~~

36 SECTION 54. IC 31-19-10-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as
 38 provided in subsection (c), only a person entitled to notice of adoption
 39 under IC 31-19-4 or IC 31-19-4.5 may contest an adoption.

40 (b) A person contesting an adoption must file a motion to contest the
 41 adoption **in writing** with the court **in which the petition for adoption**
 42 **is filed** not later than thirty (30) days after service of notice of the



1 pending adoption. **The motion must set forth the basis on which the**
 2 **person is contesting the adoption.**

3 (c) A person seeking to withdraw consent to an adoption must file
 4 a motion to withdraw consent to the adoption **in writing** with the court
 5 **in which the petition for adoption is filed. The motion must set**
 6 **forth the basis on which the person is seeking to withdraw consent.**

7 SECTION 55. IC 31-19-10-1.2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. (a) If a petition for
 9 adoption alleges that a parent's consent to adoption is unnecessary
 10 under:

11 (1) IC 31-19-9-8(a)(1); or

12 (2) IC 31-19-9-8(a)(2);

13 and the parent files a motion to contest the adoption under section 1 of
 14 this chapter, a petitioner for adoption has the burden of proving that the
 15 parent's consent to the adoption is unnecessary under IC 31-19-9-8.
 16 **Once a petitioner for adoption presents clear and convincing**
 17 **evidence of a parent's failure to communicate with or support the**
 18 **child for one (1) year, the parent has the burden of proving a**
 19 **justifiable cause for the failure.**

20 (b) If a petition for adoption alleges that a parent's consent to
 21 adoption is unnecessary under:

22 (1) IC 31-19-9-8(a)(4)(B); or

23 (2) IC 31-19-9-8(a)(4)(C);

24 and the parent files a motion to contest the adoption under section 1 of
 25 this chapter, the parent has the burden of proving that the child was not
 26 conceived under circumstances that would cause the parent's consent
 27 to be unnecessary under IC 31-19-9-8(a)(4). The absence of a criminal
 28 prosecution and conviction is insufficient to satisfy the burden of proof.

29 (c) If a petition for adoption alleges that a parent's consent to
 30 adoption is unnecessary under IC 31-19-9-8(a)(9) and the parent files
 31 a motion to contest the adoption under section 1 of this chapter, a
 32 petitioner for adoption has the burden of proving that the parent's
 33 consent to the adoption is unnecessary under IC 31-19-9-8(a)(9).

34 (d) If a petition for adoption alleges that a legal guardian or lawful
 35 custodian's consent to adoption is unnecessary under
 36 IC 31-19-9-8(a)(10) and the legal guardian or lawful custodian files a
 37 motion to contest the adoption under section 1 of this chapter, the legal
 38 guardian or lawful custodian has the burden of proving that the
 39 withholding of the consent to adoption is in the best interests of the
 40 person sought to be adopted.

41 (e) If a petition for adoption alleges that a parent's consent to
 42 adoption is unnecessary under IC 31-19-9-8(a)(11) and the parent files



1 a motion to contest the adoption under section 1 of this chapter, a
 2 petitioner for adoption has the burden of proving that the requirements
 3 of IC 31-19-9-8(a)(11) are satisfied and that the best interests of the
 4 child are served if the court dispenses with the parent's consent to
 5 adoption.

6 (f) If a petition for adoption alleges that a parent's consent to
 7 adoption is unnecessary under:

- 8 (1) IC 31-19-9-9; or
- 9 (2) IC 31-19-9-10;

10 and the parent files a motion to contest the adoption under section 1 of
 11 this chapter, a petitioner has the burden of proving that the
 12 requirements of IC 31-19-9-9 or IC 31-19-9-10, respectively, are
 13 satisfied and that the best interests of the child are served if the court
 14 dispenses with the parent's consent to adoption.

15 (g) If a court finds that the person who filed the motion to contest
 16 the adoption is ~~failing~~ **fails** to:

- 17 (1) **diligently** prosecute the motion; ~~without undue delay,~~
- 18 (2) **comply with procedural rules and statutes governing**
- 19 **contested adoptions;**
- 20 (3) **obey an order of the court; or**
- 21 (4) **appear, after proper notice, at a hearing relating to the**
- 22 **motion to contest the adoption;**

23 the court shall dismiss the motion to contest with prejudice, and the
 24 person's consent to the adoption shall be irrevocably implied.

25 (h) **A court that dismisses a person's motion to contest under**
 26 **subsection (g)(4) may set aside the dismissal if, not later than five**
 27 **(5) days after the dismissal, the person files a motion with the court**
 28 **setting forth facts that:**

- 29 (1) **establish good cause for the person's failure to appear; and**
- 30 (2) **if proven, demonstrate that the person's failure to appear**
- 31 **was not voluntary.**

32 SECTION 56. IC 31-19-10-1.4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.4. (a) **Except as**
 34 **provided in subsection (b),** a court, in making a determination under
 35 section 1.2(e) of this chapter, shall consider all relevant evidence, but
 36 may not base its determination solely on a finding that a:

- 37 (1) petitioner for adoption would be a better parent for a child
- 38 than the parent who filed the motion to contest the adoption; or
- 39 (2) parent has a biological link to the child sought to be adopted.

40 (b) **If a petition for adoption alleges that a parent's consent to**
 41 **the adoption is unnecessary under IC 31-19-9-8(a)(1) or**
 42 **IC 31-19-9-8(a)(2) and the parent files a motion to contest the**



1 adoption under section 1 of this chapter, the court may not
2 consider:

- 3 (1) the parent's substance abuse;
4 (2) the parent's voluntary unemployment; or
5 (3) instability of the parent's household caused by a family or
6 household member of the parent;

7 as justifiable cause for the parent's abandonment or desertion of
8 the child as described in IC 31-19-9-8(a)(1), failure to communicate
9 significantly with the child as described in IC 31-19-9-8(a)(2)(A),
10 or failure to provide for the care and support of the child as
11 described in IC 31-19-9-8(a)(2)(B).

12 SECTION 57. IC 31-19-10-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. After **setting the**
14 **matter for a hearing under section 5 of this chapter, the court:**

- 15 (1) may dismiss the petition to contest the adoption under
16 IC 31-19-10-1.2(g) or on other procedural grounds; or

17 (2) shall, after hearing evidence at the hearing: ~~the court shall:~~

18 ~~(A)~~ (A) dismiss the petition for adoption if the court:

- 19 ~~(A)~~ (i) finds that the person who filed the motion to contest
20 the adoption has established that it is in the best interests of
21 the child that the motion to contest the adoption be granted;
22 ~~(B)~~ (ii) finds that a required consent to adoption has not
23 been obtained in writing or has not been implied under
24 IC 31-19-9; or

25 ~~(C)~~ (iii) permits a necessary consent to adoption to be
26 withdrawn; or

27 ~~(B)~~ (B) deny the motion to contest the adoption.

28 SECTION 58. IC 31-19-11-8 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) **If a child dies during the**
31 **time the child is placed in the home of a prospective adoptive**
32 **parent, a court may grant a petition for adoption of the child filed**
33 **by:**

- 34 (1) the prospective adoptive parent, if the child was placed in
35 the home of one (1) prospective adoptive parent; or
36 (2) both prospective adoptive parents, if the child was placed
37 in the home of two (2) prospective adoptive parents.

38 (b) **If:**

- 39 (1) a child is placed in the home of two (2) prospective
40 adoptive parents;
41 (2) one (1) of the prospective adoptive parents dies during the
42 child's placement; and



1 **(3) the surviving prospective adoptive parent files a petition**
 2 **for the adoption of the child by both the surviving prospective**
 3 **adoptive parent and the deceased prospective adoptive**
 4 **parent;**

5 **a court may grant the petition if the surviving prospective adoptive**
 6 **parent satisfies the requirements for adoption of the child under**
 7 **this chapter.**

8 **(c) If:**

9 **(1) a child is placed in the home of a prospective adoptive**
 10 **parent who has filed a petition for adoption of the child, and**
 11 **the prospective adoptive parent dies during the child's**
 12 **placement; or**

13 **(2) a child is placed in the home of two (2) prospective**
 14 **adoptive parents who have filed a petition for adoption of the**
 15 **child, and both of the prospective adoptive parents die during**
 16 **the child's placement;**

17 **a court may grant the petition if the court finds that granting the**
 18 **petition is in the best interests of the child.**

19 **(d) Upon request of a parent of a child, or of a parent for whom**
 20 **adoption of a child has been finalized, a court may enter an**
 21 **adoption decree granting adoption of the child by a deceased**
 22 **spouse of the parent who was married to the parent at the time of**
 23 **the spouse's death.**

24 SECTION 59. IC 31-35-1-4.5, AS AMENDED BY P.L.1-2010,
 25 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 4.5. ~~The~~ **(a) A** putative father's
 27 consent to the termination of the parent-child relationship is
 28 irrevocably implied without further court action if the father:

29 (1) fails to file a paternity action under IC 31-14 or in a court
 30 located in another state that is competent to obtain jurisdiction
 31 over the paternity action, not more than thirty (30) days after
 32 receiving actual notice under IC 31-19-3 of the mother's intent to
 33 proceed with an adoptive placement of the child, regardless of
 34 whether:

35 (A) the child is born before or after the expiration of the thirty
 36 (30) day period; or

37 (B) a petition for adoption or for the termination of the
 38 parent-child relationship is filed; ~~or~~

39 (2) files a paternity action:

40 (A) under IC 31-14; or

41 (B) in a court located in another state that is competent to
 42 obtain jurisdiction over the paternity action;



1 during the thirty (30) day period prescribed by subdivision (1) and
 2 fails to establish paternity in the paternity proceeding within a
 3 reasonable period determined under IC 31-14-21-9 through
 4 IC 31-14-21-9.2 or the laws applicable to a court of another state
 5 when the court obtains jurisdiction over the paternity action; **or**
 6 **(3) fails to register with the putative father registry within the**
 7 **period under IC 31-19-5-12.**

8 **(b) The department shall not attempt, for purposes of a**
 9 **proceeding under this chapter, to identify or contact a putative**
 10 **father whose consent to termination of the parent-child**
 11 **relationship is irrevocably implied under this section.**

12 SECTION 60. IC 31-35-1-5, AS AMENDED BY P.L.146-2007,
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (b), ~~the~~
 15 ~~parents a parent~~ shall be notified of ~~the a~~ hearing **under this chapter**
 16 in accordance with IC 31-32-9, **unless the parent's consent to the**
 17 **termination of the parent-child relationship is:**

- 18 **(1) irrevocably implied under section 4.5 of this chapter; or**
 19 **(2) not required under section 6(c) of this chapter.**

20 (b) A parent who has made a valid consent to the termination of a
 21 parent-child relationship may waive the notice required by subsection
 22 (a) if the waiver:

- 23 (1) is in writing either:
 24 (A) in the parent's consent to terminate the parent-child
 25 relationship; or
 26 (B) in a separate document;
 27 (2) is signed by the parent in the presence of a notary public; and
 28 (3) contains an acknowledgment that:
 29 (A) the waiver is irrevocable; and
 30 (B) the parent will not receive notice of:
 31 (i) adoption; or
 32 (ii) termination of parent-child relationship;
 33 proceedings.

34 SECTION 61. IC 31-35-1-6, AS AMENDED BY P.L.58-2009,
 35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 6. (a) Except as provided in subsection (c), the
 37 parents must give their consent in open court unless the court makes
 38 findings of fact upon the record that:

- 39 (1) the parents gave their consent in writing before a person
 40 authorized by law to take acknowledgments; and
 41 (2) the parents were:
 42 (A) advised in accordance with section 12 of this chapter; and



- 1 (B) advised that if they choose to appear in open court, the
 2 only issue before the court is whether their consent was
 3 voluntary.
- 4 (b) If:
- 5 (1) the court finds the conditions under subsection (a)(1) and
 6 (a)(2) have been met; and
 7 (2) a parent appears in open court;
 8 a court may consider only the issue of whether the parent's consent was
 9 voluntary.
- 10 (c) The consent of a parent to the termination of the parent-child
 11 relationship under this chapter is not required if:
- 12 (1) consent to the termination of the parent-child relationship is
 13 implied under section 4.5 of this chapter, if the parent is the
 14 putative father;
- 15 (2) the parent's consent to the adoption of the child would not be
 16 required under:
- 17 (A) IC 31-19-9-8;
 18 (B) IC 31-19-9-9; or
 19 (C) IC 31-19-9-10;
- 20 (3) the child's biological father denies paternity of the child before
 21 or after the birth of the child if the denial of paternity:
- 22 (A) is in writing;
 23 (B) is signed by the child's father in the presence of a notary
 24 public; and
 25 (C) contains an acknowledgment that:
- 26 (i) the denial of paternity is irrevocable; and
 27 (ii) the child's father will not receive notice of adoption or
 28 termination of parent-child relationship proceedings; or
- 29 (4) the child's biological father consents to the termination of the
 30 parent-child relationship before the birth of the child if the
 31 consent:
- 32 (A) is in writing;
 33 (B) is signed by the child's father in the presence of a notary
 34 public; and
 35 (C) contains an acknowledgment that:
- 36 (i) the consent to the termination of the parent-child
 37 relationship is irrevocable; and
 38 (ii) the child's father will not receive notice of adoption or
 39 termination of parent-child relationship proceedings.
- 40 (d) A child's father who:
- 41 (1) denies paternity of the child under ~~subdivision (3)~~ **subsection**
 42 **(c)(3); or**



1 (2) consents to the termination of the parent-child relationship
 2 under ~~subdivision (4)~~ **subsection (c)(4); or**

3 **(3) fails to register with the putative father registry within the**
 4 **period under IC 31-19-5-12;**

5 may not challenge or contest the child's adoption or termination of the
 6 parent-child relationship.

7 ~~(d)~~ (e) A child's mother may not consent to the termination of the
 8 parent-child relationship before the birth of the child.

9 **(f) If the parent of a child has executed a consent to adoption of**
 10 **the child described in IC 31-19-9-3.5, neither:**

11 **(1) the parent's voluntary consent under this chapter to**
 12 **termination of the parent-child relationship between the**
 13 **parent and the child; nor**

14 **(2) the termination of the parent-child relationship between**
 15 **the parent and the child;**

16 **is invalidated by the agreement, understanding, or belief of the**
 17 **parent, or of the petitioner for adoption, that the adoption will be**
 18 **an open adoption. This subsection does not create a cause of action**
 19 **regarding postadoption visitation or postadoption contact under**
 20 **IC 31-19-16 or IC 31-19-16.5.**

21 SECTION 62. IC 31-35-2-6.5, AS AMENDED BY P.L.128-2012,
 22 SECTION 172, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2021]: Sec. 6.5. (a) This section applies to
 24 hearings under this chapter relating to a child in need of services.

25 (b) At least ten (10) days before a hearing on a petition or motion
 26 under this chapter:

27 (1) the person or entity who filed the petition to terminate the
 28 parent-child relationship under section 4 of this chapter; or

29 (2) the person or entity who filed a motion to dismiss the petition
 30 to terminate the parent-child relationship under section 4.5(d) of
 31 this chapter;

32 shall send notice of the review to the persons listed in subsections (c)
 33 and (d).

34 (c) Except as provided in ~~subsection~~ **subsections (h), (i), and (j),**
 35 the following persons shall receive notice of a hearing on a petition or
 36 motion filed under this chapter:

37 (1) The child's parent, guardian, or custodian.

38 (2) An attorney who has entered an appearance on behalf of the
 39 child's parent, guardian, or custodian.

40 (3) A prospective adoptive parent named in a petition for adoption
 41 of the child filed under IC 31-19-2 if:

42 (A) each consent to adoption of the child that is required under



- 1 IC 31-19-9-1 has been executed in the form and manner
 2 required by IC 31-19-9 and filed with the local office or the
 3 department;
- 4 (B) the court having jurisdiction in the adoption case has
 5 determined under an applicable provision of IC 31-19-9 that
 6 consent to adoption is not required from a parent, guardian, or
 7 custodian; or
- 8 (C) a petition to terminate the parent-child relationship
 9 between the child and any parent who has not executed a
 10 written consent to adoption under IC 31-19-9-2, has been filed
 11 under IC 31-35 and is pending.
- 12 (4) Any other person who:
- 13 (A) the department has knowledge is currently providing care
 14 for the child; and
- 15 (B) is not required to be licensed under IC 12-17.2 or IC 31-27
 16 to provide care for the child.
- 17 (5) Any other suitable relative or person who the department
 18 knows has had a significant or caretaking relationship to the child.
- 19 (6) Any other party to the child in need of services proceeding.
- 20 (d) At least ten (10) days before a hearing on a petition or motion
 21 under this chapter, the department shall provide notice of the hearing
 22 to the child's foster parent by:
- 23 (1) certified mail; or
- 24 (2) face to face contact by the department caseworker.
- 25 (e) The court shall provide to a person described in subsection (c)
 26 or (d) an opportunity to be heard and make recommendations to the
 27 court at the hearing. The right to be heard and to make
 28 recommendations under this subsection includes the right of a person
 29 described in subsection (c) or (d) to submit a written statement to the
 30 court that, if served upon all parties to the child in need of services
 31 proceeding and the persons described in subsections (c) and (d), may
 32 be made a part of the court record.
- 33 (f) The court shall continue the hearing if, at the time of the hearing,
 34 the department has not provided the court with signed verification from
 35 the foster parent, as obtained through subsection (d), that the foster
 36 parent has been notified of the hearing at least five (5) business days
 37 before the hearing. However, the court is not required to continue the
 38 hearing if the child's foster parent appears for the hearing.
- 39 (g) A person described in subsection (c)(2) through (c)(5) or
 40 subsection (d) does not become a party to a proceeding under this
 41 chapter as the result of the person's right to notice and the opportunity
 42 to be heard under this section.



1 (h) If the parent of an abandoned child does not disclose the parent's
2 name as allowed by IC 31-34-2.5-1(c) or indicates that the child is
3 being abandoned under IC 31-34-2.5, the parent is not required to be
4 notified of a hearing described in subsection (c).

5 (i) **If, with regard to a child who is the subject of a hearing**
6 **under subsection (c):**

7 (1) **the:**

8 (A) **permanency plan for the child is adoption; or**

9 (B) **concurrent plan for the child includes adoption;**

10 (2) **a petition has been filed for the child's adoption; and**

11 (3) **consent to the adoption of the child by a parent of the child**
12 **is not required under:**

13 (A) **IC 31-19-9-8;**

14 (B) **IC 31-19-9-9; or**

15 (C) **IC 31-19-9-10;**

16 **the parent is not entitled to notice under subsection (c).**

17 (j) **A putative father whose consent to termination of the**
18 **parent-child relationship is irrevocably implied under**
19 **IC 31-35-1-4.5 of this chapter is not entitled to notice under**
20 **subsection (c).**

