



February 11, 2021

HOUSE BILL No. 1448

DIGEST OF HB 1448 (Updated February 9, 2021 3:35 pm - DI 123)

Citations Affected: IC 31-14; IC 31-19.

Synopsis: Adoption. Removes certain state residency requirements for individuals seeking to adopt a child. Allows a petition for adoption to be filed with the clerk of a court having probate jurisdiction in a county where an attorney maintains an office. Provides that the issuance of a required notice for an original petition for adoption satisfies the notice requirement for any second or amended petition concerning the adoption. Requires notice of an adoption petition to be delivered to imprisoned or detained individuals. Specifies certain requirements when delivering notice of a petition for adoption to an individual whose address is unknown. Provides that certain notice requirements concerning petitions for adoption are met even when the recipient of the notice refuses to accept the offer or tender of the notice. Specifies certain other requirements concerning notice for petitions for adoption. Removes and amends certain provisions that require service of a notice concerning an adoption to be performed in accordance with certain Indiana trial rules. Requires a putative father to register with specified putative father registries in order to be entitled to a notice concerning the adoption of the putative father's child. Provides that once a petitioner for adoption presents clear and convincing evidence of a parent's failure to communicate with or support a child for one year, the parent has the burden of proving justifiable cause for the parent's failure to communicate with or support the child. Prohibits a court from considering the: (1) parent's substance abuse; (2) parent's voluntary unemployment; and (3) instability of a parent's household caused by a family or household member of the parent; when evaluating justifiable cause for a parent's abandonment or desertion of a child or a parent's failure to communicate with or support a child. Makes conforming amendments.

Effective: July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Judiciary.
February 11, 2021, amended, reported — Do Pass.

HB 1448—LS 6547/DI 119



February 11, 2021

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 31-14-21-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Sections 1 through
3 7 of this chapter apply if a man who files or is a party to a paternity
4 action under this article (or IC 31-6-6.1 before its repeal) is
5 (1) served with notice, ~~under:~~
6 (A) IC 31-19-3 (or IC 31-3-1-6.4 before its repeal); or
7 (B) IC 31-19-4-1 through IC 31-19-4-9 (or IC 31-3-1-6.1
8 before its repeal); or
9 (2) informed in any other manner,
10 of a pending or potential:
11 (1) adoption of; or
12 (2) **termination of parental rights regarding;**
13 a child who is the subject of the paternity action.
14 SECTION 2. IC 31-19-2-2, AS AMENDED BY P.L.146-2007,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1448—LS 6547/DI 119



JULY 1, 2021]: Sec. 2. (a) ~~A resident of Indiana~~ **An individual** who seeks to adopt a child less than eighteen (18) years of age may, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

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

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

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

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

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

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

- (1) the amended petition or second petition ~~under this subsection~~ relates back to the date of the original petition; and**
- (2) 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.**

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

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

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

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

- (1) sending a copy of the notice to:**
 - (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 31-19-5-4, or IC 31-19-5-7 to an individual who
- 19 is imprisoned or detained in an institution by delivering or mailing
- 20 a copy of the notice to the official in charge of the institution. The
- 21 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 or
- 27 IC 31-19-4.5-2, the notice must be provided to the individual as
- 28 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



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

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

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

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

(d) If an individual:

(1) is served with notice of an adoption;

(2) is notified that:

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

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

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

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

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

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

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

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



1 or discriminate in any manner whatsoever against, the individual
 2 serving 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 5. 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 6. 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 7. 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



address, or both, of the putative father of the child; and

(2) the putative father of the child has:

(A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and

(B) not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the attorney or agency shall serve notice of the adoption proceedings on the putative father by publication ~~in the same manner as a summons is served by publication under Rule 4.13(C) of the Indiana Rules of Trial Procedure.~~ **under IC 31-19-2.5-6(c).**

(b) The only circumstance under which notice to the putative father must be given by publication under ~~Rule 4.13(C) of the Indiana Rules of Trial Procedure~~ **IC 31-19-2.5-6(c)** is when the child was conceived outside of Indiana as described in subsection (a).

(c) 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) the putative father registry under IC 31-19-5 by the date by which the putative father is required to register under IC 31-19-5-12 in order to be entitled to notice of the adoption; or

(2) the putative father registry of the state in which the child was conceived by the date by which the putative father is required to register under the laws of that state in order to be entitled to receive notice of the adoption;

whichever date is earlier, to be entitled to notice of the child's adoption under this section.

SECTION 8. IC 31-19-4-7, AS AMENDED BY P.L.146-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. If a putative father is entitled to notice under section 1, 2, or 3 of this chapter, upon

~~(1) providing service of process in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure for notice under section 1 or 2 of this chapter; or~~

~~(2) publication in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure for notice under section 3 of this chapter;~~

service of notice to the putative father under IC 31-19-2.5-6, no further efforts to give notice to the putative father are necessary,



regardless of whether the putative father actually receives the notice.

SECTION 9. IC 31-19-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. ~~Only the rules of~~ The Indiana Rules of Trial Procedure ~~specified in this chapter do not~~ apply to the ~~giving~~ **provision** of notice under this chapter.

SECTION 10. IC 31-19-4.5-2, AS AMENDED BY P.L.146-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. Except as provided in IC 31-19-2.5-4, if a petition for adoption alleges that consent to adoption is not required under IC 31-19-9-8, notice of the adoption must be given to the person from whom consent is allegedly not required under IC 31-19-9-8. Notice shall be given

(1) ~~in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure if the person's name and address are known; or~~

(2) ~~in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure if the name or address of the person is not known;~~

~~to a petitioner for adoption under IC 31-19-2.5-6.~~

SECTION 11. IC 31-19-4.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7. The Indiana Rules of Trial Procedure do not apply to the provision of notice under this chapter.**

SECTION 12. IC 31-19-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A putative father of a child who registers in accordance with this chapter (or IC 31-3-1.5 before its repeal) is entitled to notice of the child's adoption under ~~Rule 4.1 of the Indiana Rules of Trial Procedure.~~ **IC 31-19-2.5-6.**

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

(1) The putative father's:

(A) name;

(B) address at which the putative father may be served with notice of an adoption under ~~Rule 4.1 of the Indiana Rules of Trial Procedure;~~ **IC 31-19-2.5-6;**

(C) Social Security number; and

(D) date of birth.

(2) The mother's:

(A) name, including all other names known to the putative



- 1 father that the mother uses, if known;
- 2 (B) address, if known;
- 3 (C) Social Security number, if known; and
- 4 (D) date of birth, if known.
- 5 (3) The child's:
 - 6 (A) name, if known; and
 - 7 (B) place of birth, if known.
- 8 (4) The date that the state department of health receives a putative
- 9 father's registration.
- 10 (5) The:
 - 11 (A) name of an attorney or agency that requests the state
 - 12 department to search the registry under section 15 of this
 - 13 chapter to determine whether a putative father is registered in
 - 14 relation to a mother whose child is or may be the subject of an
 - 15 adoption; and
 - 16 (B) date that the attorney or agency submits a request as
 - 17 provided under this subdivision.
- 18 (6) Any notice of a filing of a petition to establish paternity as
- 19 described in IC 31-14-9-0.5.
- 20 (7) Any other information that the state department determines is
- 21 necessary to access the information in the registry.
- 22 (b) If a putative father does not have an address where the putative
- 23 father is able to be served with notice of an adoption, the putative
- 24 father may designate another person as an agent for the purpose of
- 25 being served with notice of adoption. The putative father must provide
- 26 the department with the agent's name and the address at which the
- 27 agent may be served. Service of notice upon the agent under ~~Rule 4.1~~
- 28 ~~of the Indiana Rules of Trial Procedure IC 31-19-2.5-6~~ constitutes
- 29 service of notice upon the putative father. If notice of an adoption may
- 30 not be served on the agent under ~~Rule 4.1 of the Indiana Rules of Trial~~
- 31 ~~Procedure IC 31-19-2.5-6~~ as provided by this subsection, further notice
- 32 of the adoption to the agent or to the putative father is not necessary.
- 33 SECTION 14. IC 31-19-9-12, AS AMENDED BY P.L.113-2017,
- 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2021]: Sec. 12. A putative father's consent to adoption is
- 36 irrevocably implied without further court action if the putative father:
 - 37 (1) fails to file a motion to contest the adoption in accordance
 - 38 with IC 31-19-10 within thirty (30) days after service of notice
 - 39 under IC 31-19-4 in the court in which the adoption is pending;
 - 40 (2) ~~having filed files~~ a motion to contest the adoption ~~in~~
 - 41 ~~accordance with~~ under IC 31-19-10 ~~fails to appear at the hearing~~
 - 42 ~~set to contest the adoption; and the motion is dismissed by the~~



1 **court under IC 31-19-10-1.2(g) or is otherwise denied by the**
 2 **court;**

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

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

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

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

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

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

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

25 (B) prosecute the motion to contest without unreasonable
 26 delay.

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

32 SECTION 16. IC 31-19-10-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as
 34 provided in subsection (c), only a person entitled to notice of adoption
 35 under IC 31-19-4 or IC 31-19-4.5 may contest an adoption.

36 (b) A person contesting an adoption must file a motion to contest the
 37 adoption **in writing** with the court **in which the petition for adoption**
 38 **is filed** not later than thirty (30) days after service of notice of the
 39 pending adoption. **The motion must set forth the basis on which the**
 40 **person is contesting the adoption.**

41 (c) A person seeking to withdraw consent to an adoption must file
 42 a motion to withdraw consent to the adoption **in writing** with the court



1 **in which the petition for adoption is filed. The motion must set**
 2 **forth the basis on which the person is seeking to withdraw consent.**

3 SECTION 17. IC 31-19-10-1.2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. (a) If a petition for
 5 adoption alleges that a parent's consent to adoption is unnecessary
 6 under:

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

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

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

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

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

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

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

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

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

37 (e) If a petition for adoption alleges that a parent's consent to
 38 adoption is unnecessary under IC 31-19-9-8(a)(11) and the parent files
 39 a motion to contest the adoption under section 1 of this chapter, a
 40 petitioner for adoption has the burden of proving that the requirements
 41 of IC 31-19-9-8(a)(11) are satisfied and that the best interests of the
 42 child are served if the court dispenses with the parent's consent to



1 adoption.

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

4 (1) IC 31-19-9-9; or

5 (2) IC 31-19-9-10;

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

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

13 (1) **diligently** prosecute the motion; ~~without undue delay,~~

14 (2) **comply with procedural rules and statutes governing**
15 **contested adoptions;**

16 (3) **obey an order of the court; or**

17 (4) **appear, after proper notice, at a hearing relating to the**
18 **motion to contest the adoption;**

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

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

25 (1) **establish good cause for the person's failure to appear; and**

26 (2) **if proven, demonstrate that the person's failure to appear**
27 **was not voluntary.**

28 SECTION 18. IC 31-19-10-1.4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.4. (a) **Except as**
30 **provided in subsection (b),** a court, in making a determination under
31 section 1.2(e) of this chapter, shall consider all relevant evidence, but
32 may not base its determination solely on a finding that a:

33 (1) petitioner for adoption would be a better parent for a child
34 than the parent who filed the motion to contest the adoption; or

35 (2) parent has a biological link to the child sought to be adopted.

36 (b) **If a petition for adoption alleges that a parent's consent to**
37 **the adoption is unnecessary under IC 31-19-9-8(a)(1) or**
38 **IC 31-19-9-8(a)(2) and the parent files a motion to contest the**
39 **adoption under section 1 of this chapter, the court may not**
40 **consider:**

41 (1) **the parent's substance abuse;**

42 (2) **the parent's voluntary unemployment; or**



1 **(3) instability of the parent's household caused by a family or**
 2 **household member of the parent;**
 3 **as justifiable cause for the parent's abandonment or desertion of**
 4 **the child as described in IC 31-19-9-8(a)(1), failure to communicate**
 5 **significantly with the child as described in IC 31-19-9-8(a)(2)(A),**
 6 **or failure to provide for the care and support of the child as**
 7 **described in IC 31-19-9-8(a)(2)(B).**

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

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

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

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

15 ~~(A)~~ **(i)** finds that the person who filed the motion to contest
 16 the adoption has established that it is in the best interests of
 17 the child that the motion to contest the adoption be granted;

18 ~~(B)~~ **(ii)** finds that a required consent to adoption has not
 19 been obtained in writing or has not been implied under
 20 IC 31-19-9; or

21 ~~(C)~~ **(iii)** permits a necessary consent to adoption to be
 22 withdrawn; or

23 ~~(2)~~ **(B)** deny the motion to contest the adoption.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1448, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.
 Delete pages 2 through 4.
 Page 5, delete lines 1 through 35.
 Page 6, delete lines 7 through 42.
 Delete pages 7 through 9.
 Page 10, delete lines 1 through 29.
 Page 11, delete lines 25 through 42.
 Page 12, delete lines 1 through 34.
 Page 12, line 39, delete "IC 31-19-4.5-6,".
 Page 13, line 18, delete "IC 31-19-4.5-6,".
 Page 13, line 26, delete "IC 31-19-4-3," and insert "**IC 31-19-4-3**
or".
 Page 13, line 27, delete "or IC 31-19-4.5-6,".
 Page 17, delete lines 6 through 36.
 Page 18, delete lines 9 through 42.
 Page 19, delete lines 1 through 41.
 Page 20, delete lines 10 through 22.
 Page 21, delete lines 26 through 42.
 Delete pages 22 through 26.
 Page 27, delete lines 1 through 36.
 Page 31, delete lines 28 through 42.
 Delete pages 32 through 37.
 Renumber all SECTIONS consecutively.
 and when so amended that said bill do pass.

(Reference is to HB 1448 as introduced.)

TORR

Committee Vote: yeas 12, nays 0.

HB 1448—LS 6547/DI 119

