

# SENATE BILL No. 49

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-35.

**Synopsis:** Plan for the permanent placement of a child. Requires that a post-termination permanency plan is filed simultaneously with a petition for termination of a parent-child relationship.

**Effective:** July 1, 2017.

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January 3, 2017, read first time and referred to Committee on Family and Children Services.

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First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## SENATE BILL No. 49

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 31-35-1-4, AS AMENDED BY P.L.128-2012,  
2 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) If requested by the parents:  
4 (1) the local office; or  
5 (2) a licensed child placing agency;  
6 may sign and file a verified petition with the juvenile or probate court  
7 for the voluntary termination of the parent-child relationship.  
8 (b) The petition must:  
9 (1) be entitled "In the Matter of the Termination of the  
10 Parent-Child Relationship of \_\_\_\_\_, a child, and  
11 \_\_\_\_\_, the child's parent (or parents)"; and  
12 (2) allege that:  
13 (A) the parents are the child's natural or adoptive parents;  
14 (B) the parents, including the alleged or adjudicated father if  
15 the child was born out of wedlock:  
16 (i) knowingly and voluntarily consent to the termination of  
17 the parent-child relationship; or



- 1 (ii) are not required to consent to the termination of the  
 2 parent-child relationship under section 6(c) of this chapter;  
 3 (C) termination is in the child's best interest; and  
 4 (D) the petitioner has developed a satisfactory plan of care and  
 5 treatment for the child.

6 **(c) At the time the petitioner files the verified petition described**  
 7 **in subsection (b) with the juvenile or probate court, the petitioner**  
 8 **shall also file a post-termination permanency plan that states:**

- 9 **(1) the intended permanent arrangements for care and**  
 10 **custody of the child; and**  
 11 **(2) all remaining steps necessary for completion of the**  
 12 **implementation of the permanent arrangements;**  
 13 **should the court terminate the parent-child relationship.**

14 SECTION 2. IC 31-35-2-4, AS AMENDED BY P.L.48-2012,  
 15 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2017]: Sec. 4. (a) A petition to terminate the parent-child  
 17 relationship involving a delinquent child or a child in need of services  
 18 may be signed and filed with the juvenile or probate court by any of the  
 19 following:

- 20 (1) The attorney for the department.  
 21 (2) The child's court appointed special advocate.  
 22 (3) The child's guardian ad litem.

23 (b) The petition must meet the following requirements:

- 24 (1) The petition must be entitled "In the Matter of the Termination  
 25 of the Parent-Child Relationship of \_\_\_\_\_, a child, and  
 26 \_\_\_\_\_, the child's parent (or parents)".

27 (2) The petition must allege:

28 (A) that one (1) of the following is true:

29 (i) The child has been removed from the parent for at least  
 30 six (6) months under a dispositional decree.

31 (ii) A court has entered a finding under IC 31-34-21-5.6 that  
 32 reasonable efforts for family preservation or reunification  
 33 are not required, including a description of the court's  
 34 finding, the date of the finding, and the manner in which the  
 35 finding was made.

36 (iii) The child has been removed from the parent and has  
 37 been under the supervision of a local office or probation  
 38 department for at least fifteen (15) months of the most recent  
 39 twenty-two (22) months, beginning with the date the child  
 40 is removed from the home as a result of the child being  
 41 alleged to be a child in need of services or a delinquent  
 42 child;



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- (B) that one (1) of the following is true:
  - (i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.
  - (ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.
  - (iii) The child has, on two (2) separate occasions, been adjudicated a child in need of services;
- (C) that termination is in the best interests of the child; and
- (D) that there is a satisfactory plan for the care and treatment of the child.

(3) If the department intends to file a motion to dismiss under section 4.5 of this chapter, the petition must indicate whether at least one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(3) of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.

**(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a post-termination permanency plan that states:**

- (1) the intended permanent arrangements for care and custody of the child; and**
- (2) all remaining steps necessary for completion of the implementation of the permanent arrangements;**

**should the court terminate the parent-child relationship.**

SECTION 3. IC 31-35-3-5, AS AMENDED BY P.L.21-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The verified petition filed under section 4 of this chapter must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of \_\_\_\_\_, a child, and \_\_\_\_\_, the parent (or parents)"; and
- (2) allege:
  - (A) that the victim of an offense listed in section 4(1) of this chapter is:
    - (i) the subject of the petition;
    - (ii) the biological or adoptive sibling of the subject of the petition; or
    - (iii) the child of a spouse of the individual whose parent-child relationship is sought to be terminated under this article;



- 1 (B) that the individual whose parent-child relationship is  
2 sought to be terminated under this article was convicted;  
3 (C) that the child has been removed:  
4 (i) from the parent under a dispositional decree; and  
5 (ii) from the parent's custody for at least six (6) months  
6 under a court order;  
7 (D) that one (1) of the following is true:  
8 (i) There is a reasonable probability that the conditions that  
9 resulted in the child's removal or the reasons for placement  
10 outside the parent's home will not be remedied.  
11 (ii) There is a reasonable probability that continuation of the  
12 parent-child relationship poses a threat to the well-being of  
13 the child.  
14 (iii) The child has, on two (2) separate occasions, been  
15 adjudicated a child in need of services;  
16 (E) that termination is in the best interests of the child; and  
17 (F) that there is a satisfactory plan for the care and treatment  
18 of the child.  
19 **(b) At the time the petitioner files the verified petition with the**  
20 **juvenile or probate court, the petitioner shall also file a**  
21 **post-termination permanency plan that states:**  
22 **(1) the intended permanent arrangements for care and**  
23 **custody of the child; and**  
24 **(2) all remaining steps necessary for completion of the**  
25 **implementation of the permanent arrangements;**  
26 **should the court terminate the parent-child relationship.**

