



Reprinted
January 27, 2017

SENATE BILL No. 49

DIGEST OF SB 49 (Updated January 26, 2017 10:17 am - DI 125)

Citations Affected: IC 31-35.

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

Effective: July 1, 2017.

Glick, Ford, Lanane, Breaux

January 3, 2017, read first time and referred to Committee on Family and Children Services.
January 23, 2017, reported favorably — Do Pass.
January 26, 2017, read second time, amended, ordered engrossed.

SB 49—LS 6225/DI 125



Reprinted
January 27, 2017

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

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- 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:**

- 9 **(1) copy of the order approving the permanency plan under**
 10 **IC 31-34-21-7 for the child; or**
 11 **(2) permanency plan for the child as described by**
 12 **IC 31-34-21-7.5.**

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

- 19 (1) The attorney for the department.
 20 (2) The child's court appointed special advocate.
 21 (3) The child's guardian ad litem.
 22 (b) The petition must meet the following requirements:
 23 (1) The petition must be entitled "In the Matter of the Termination
 24 of the Parent-Child Relationship of _____, a child, and
 25 _____, the child's parent (or parents)".
 26 (2) The petition must allege:
 27 (A) that one (1) of the following is true:
 28 (i) The child has been removed from the parent for at least
 29 six (6) months under a dispositional decree.
 30 (ii) A court has entered a finding under IC 31-34-21-5.6 that
 31 reasonable efforts for family preservation or reunification
 32 are not required, including a description of the court's
 33 finding, the date of the finding, and the manner in which the
 34 finding was made.
 35 (iii) The child has been removed from the parent and has
 36 been under the supervision of a local office or probation
 37 department for at least fifteen (15) months of the most recent
 38 twenty-two (22) months, beginning with the date the child
 39 is removed from the home as a result of the child being
 40 alleged to be a child in need of services or a delinquent
 41 child;
 42 (B) that one (1) of the following is true:



- 1 (i) There is a reasonable probability that the conditions that
- 2 resulted in the child's removal or the reasons for placement
- 3 outside the home of the parents will not be remedied.
- 4 (ii) There is a reasonable probability that the continuation of
- 5 the parent-child relationship poses a threat to the well-being
- 6 of the child.
- 7 (iii) The child has, on two (2) separate occasions, been
- 8 adjudicated a child in need of services;
- 9 (C) that termination is in the best interests of the child; and
- 10 (D) that there is a satisfactory plan for the care and treatment
- 11 of the child.
- 12 (3) If the department intends to file a motion to dismiss under
- 13 section 4.5 of this chapter, the petition must indicate whether at
- 14 least one (1) of the factors listed in section 4.5(d)(1) through
- 15 4.5(d)(3) of this chapter applies and specify each factor that
- 16 would apply as the basis for filing a motion to dismiss the
- 17 petition.

18 **(c) At the time the petitioner files the verified petition described**
 19 **in subsection (b) with the juvenile or probate court, the petitioner**
 20 **shall also file a:**

- 21 **(1) copy of the order approving the permanency plan under**
- 22 **IC 31-34-21-7 for the child; or**
- 23 **(2) permanency plan for the child as described by**
- 24 **IC 31-34-21-7.5.**

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

- 29 (1) be entitled "In the Matter of the Termination of the
- 30 Parent-Child Relationship of _____, a child, and
- 31 _____, the parent (or parents)"; and
- 32 (2) allege:
 - 33 (A) that the victim of an offense listed in section 4(1) of this
 - 34 chapter is:
 - 35 (i) the subject of the petition;
 - 36 (ii) the biological or adoptive sibling of the subject of the
 - 37 petition; or
 - 38 (iii) the child of a spouse of the individual whose
 - 39 parent-child relationship is sought to be terminated under
 - 40 this article;
 - 41 (B) that the individual whose parent-child relationship is
 - 42 sought to be terminated under this article was convicted;



- 1 (C) that the child has been removed:
2 (i) from the parent under a dispositional decree; and
3 (ii) from the parent's custody for at least six (6) months
4 under a court order;
5 (D) that one (1) of the following is true:
6 (i) There is a reasonable probability that the conditions that
7 resulted in the child's removal or the reasons for placement
8 outside the parent's home will not be remedied.
9 (ii) There is a reasonable probability that continuation of the
10 parent-child relationship poses a threat to the well-being of
11 the child.
12 (iii) The child has, on two (2) separate occasions, been
13 adjudicated a child in need of services;
14 (E) that termination is in the best interests of the child; and
15 (F) that there is a satisfactory plan for the care and treatment
16 of the child.
17 **(b) At the time the petitioner files the verified petition described**
18 **in subsection (a) with the juvenile or probate court, the petitioner**
19 **shall also file a:**
20 **(1) copy of the order approving the permanency plan under**
21 **IC 31-34-21-7 for the child; or**
22 **(2) permanency plan for the child as described by**
23 **IC 31-34-21-7.5.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 49, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 49 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 49 be amended to read as follows:

Page 2, delete lines 6 through 13, begin a new paragraph and insert:

"(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:

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or**
- (2) permanency plan for the child as described by IC 31-34-21-7.5."**

Page 3, delete lines 19 through 26, begin a new paragraph and insert:

"(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:

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or**
- (2) permanency plan for the child as described by IC 31-34-21-7.5."**

Page 4, delete lines 19 through 26, begin a new paragraph and insert:

"(b) At the time the petitioner files the verified petition described in subsection (a) with the juvenile or probate court, the petitioner shall also file a:

- (1) copy of the order approving the permanency plan under**



**IC 31-34-21-7 for the child; or
(2) permanency plan for the child as described by
IC 31-34-21-7.5."**

(Reference is to SB 49 as printed January 24, 2017.)

GLICK

