

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 323

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:

SECTION 1. IC 31-14-14-1, AS AMENDED BY P.L.13-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) In a hearing under subsection (a), there is a rebuttable presumption that a person who has been convicted of:

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

might endanger the child's physical health and well-being or significantly impair the child's emotional development.

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

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

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

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

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

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

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

(f) The court may permit counsel to be present at the interview.

If counsel is present:

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

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

SECTION 2. IC 31-17-2-21.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 21.8. (a) A court may require that a parent submit to drug testing as a condition of exercising the parent's parenting time if the court finds that:**

(1) the parent has a history of unlawful drug use within the previous five (5) years; or

(2) there is a reasonable likelihood that the parent is currently using unlawful drugs.

(b) The court shall determine the manner and frequency of the drug testing.

(c) The parent shall pay the costs of the drug testing.

SECTION 3. IC 31-17-4-1, AS AMENDED BY P.L.68-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1. (a) Subject to subsections (d) and (e),** a parent not granted custody of the child is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

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

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

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

(d) Except as provided in subsection (e), if a court grants



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

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

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

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

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

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

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

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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