

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	1

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred Senate Bill 330, 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:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 31-34-21-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) At least ~~five (5)~~
- 4 **ten (10)** days before the periodic case review, including a case review
- 5 that is a permanency hearing under section 7 of this chapter, the county
- 6 office of family and children shall send notice of the review to each of
- 7 the following:
- 8 (1) The child's parent, guardian, or custodian.
- 9 (2) The child's foster parent.
- 10 (3) A prospective adoptive parent named in a petition for adoption
- 11 of the child filed under IC 31-19-2 if:
- 12 (A) each consent to adoption of the child that is required under
- 13 IC 31-19-9-1 has been executed in the form and manner
- 14 required by IC 31-19-9 and filed with the county office of
- 15 family and children;
- 16 (B) the court having jurisdiction in the adoption case has

1 determined under any applicable provision of IC 31-19-9 that
 2 consent to adoption is not required from a parent, guardian, or
 3 custodian; or

4 (C) a petition to terminate the parent-child relationship
 5 between the child and any parent who has not executed a
 6 written consent to adoption under IC 31-19-9-2 has been filed
 7 under IC 31-35 and is pending.

8 (4) Any other person who:

9 (A) the county office of family and children has knowledge is
 10 currently providing care for the child; and

11 (B) is not required to be licensed under IC 12-17.2 or
 12 IC 12-17.4 to provide care for the child.

13 (5) Any other suitable relative or person who the county office
 14 knows has had a significant or caretaking relationship to the child.

15 (b) **The county office of family and children shall provide notice**
 16 **of the review to the persons listed in subsection (a) by:**

17 (1) **certified mail; or**

18 (2) **face to face contact by the county office of family and**
 19 **children caseworker.**

20 (c) The court shall provide to a person described in subsection (a)
 21 an opportunity to be heard and to make any recommendations to the
 22 court in a periodic case review, including a permanency hearing under
 23 section 7 of this chapter. **The right to be heard and to make**
 24 **recommendations under this subsection includes the right of a**
 25 **person described in subsection (a) to submit a written statement to**
 26 **the court that, if served upon all parties to the child in need of**
 27 **services proceeding and the persons described in subsection (a),**
 28 **may be made a part of the court record.**

29 ~~(c)~~ (d) This section does not exempt the county office of family and
 30 children from sending a notice of the review to each party to the child
 31 in need of services proceeding.

32 (e) **The court shall continue the review if, at the time of the**
 33 **review, the county office of family and children has not provided**
 34 **the court with signed verification from the persons listed in**
 35 **subsection (a), as obtained through subsection (b), that the persons**
 36 **have been notified of the review at least five (5) business days**
 37 **before the review. However, the court is not required to continue**
 38 **the review if all the persons listed under subsection (a) appear for**

1 **the review.**

2 SECTION 2. IC 31-34-21-4.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Except as provided in**
5 **subsection (b), a foster parent may petition the court to request**
6 **intervention as a party to a proceeding described in this chapter.**

7 **(b) A foster parent who has been:**

8 **(1) the subject of a substantiated report of child abuse or**
9 **neglect; or**

10 **(2) convicted of a felony listed in IC 12-17.4-4-11;**

11 **may not petition the court to intervene under this section.**

12 **(c) A court may grant a petition filed under this section if the**
13 **court determines that intervention of the petitioner is in the best**
14 **interests of the child.**

15 SECTION 3. IC 31-35-2-6.5, AS AMENDED BY P.L.200-1999,
16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2000]: **Sec. 6.5. (a) This section applies to hearings under this**
18 **chapter relating to a child in need of services.**

19 **(b) At least ~~five (5)~~ ten (10) days before a hearing on a petition or**
20 **motion under this chapter:**

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

23 **(2) the person or entity who filed a motion to dismiss the petition**
24 **to terminate the parent-child relationship under section 4.5(d) of**
25 **this chapter;**

26 **shall send notice of the review to the persons listed in subsection (c).**

27 **(c) The following persons shall receive notice of a hearing on a**
28 **petition or motion filed under this chapter:**

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

30 **(2) The child's foster parent.**

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

33 **(A) each consent to adoption of the child that is required under**
34 **IC 31-19-9-1 has been executed in the form and manner**
35 **required by IC 31-19-9 and filed with the county office of**
36 **family and children;**

37 **(B) the court having jurisdiction in the adoption case has**
38 **determined under an applicable provision of IC 31-19-9 that**

1 consent to adoption is not required from a parent, guardian, or
2 custodian; or

3 (C) a petition to terminate the parent-child relationship
4 between the child and any parent who has not executed a
5 written consent to adoption under IC 31-19-9-2, has been filed
6 under IC 31-35 and is pending.

7 (4) Any other person who:

8 (A) the county office of family and children has knowledge is
9 currently providing care for the child; and

10 (B) is not required to be licensed under IC 12-17.2 or
11 IC 12-17.4 to provide care for the child.

12 (5) Any other suitable relative or person who the county office of
13 family and children knows has had a significant or caretaking
14 relationship to the child.

15 (6) Any other party to the child in need of services proceeding.

16 (d) **The county office of family and children shall provide notice**
17 **of the hearing to the persons listed in subsection (c) by:**

18 (1) **certified mail; or**

19 (2) **face to face contact by the county office of family and**
20 **children caseworker.**

21 (e) The court shall provide to a person described in subsection (c)
22 an opportunity to be heard and make recommendations to the court at
23 the hearing. **The right to be heard and to make recommendations**
24 **under this subsection includes the right of a person described in**
25 **subsection (c) to submit a written statement to the court that, if**
26 **served upon all parties to the child in need of services proceeding**
27 **and the persons described in subsection (c), may be made a part of**
28 **the court record.**

29 ~~(e)~~ (f) **The court shall continue the hearing if, at the time of the**
30 **hearing, the county office of family and children has not provided**
31 **the court with signed verification from the persons listed in**
32 **subsection (c), as obtained through subsection (d), that the persons**
33 **have been notified of the hearing at least five (5) business days**
34 **before the hearing. However, the court is not required to continue**
35 **the hearing if all the persons listed under subsection (c) appear for**
36 **the hearing.**

37 (g) A person described in subsection (c)(2) through (c)(5) does not
38 become a party to a proceeding under this chapter as the result of the

1 person's right to notice and the opportunity to be heard under this
2 section.

(Reference is to SB 330 as printed January 28, 2000.)

and when so amended that said bill do pass.

Representative Summers