
HOUSE BILL No. 1650

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-28-6.

Synopsis: Custody relinquishment. Provides that the division of family and children may not initiate a court proceeding to terminate parental rights or transfer legal custody, or require a parent to agree to the termination of parental rights or transfer of custody, of a child with certain disorders who is voluntarily placed out of the home in order to receive treatment. Requires the division and parent to sign a voluntary placement agreement. (The introduced version of this bill was prepared by the Indiana commission on mental health.)

Effective: Upon passage.

Goeglein, Crosby, Welch, Becker

January 17, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 1650



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-28-6 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 3 PASSAGE]:
 4 **Chapter 6. Prohibition of Requiring Termination of Parental
 5 Rights or Change of Custody as a Condition for Receiving Services
 6 in Certain Circumstances**
 7 **Sec. 1. (a) The division of family and children may not:**
 8 (1) **initiate a court proceeding to:**
 9 (A) **terminate the parental rights concerning; or**
 10 (B) **transfer legal custody of; or**
 11 (2) **require a parent, guardian, or custodian to consent to:**
 12 (A) **the termination of parental rights; or**
 13 (B) **transfer of legal custody of;**
 14 **a child with an emotional, a behavioral, or a mental disorder or a**
 15 **developmental or physical disability who is voluntarily placed out**
 16 **of the home for the purpose of obtaining special treatment or care,**
 17 **solely because the parent, guardian, or custodian is unable to**



1 provide the treatment or care. Relinquishment of custody of a child
2 described in this subsection may not be made a condition for
3 receipt of services or care delivered or funded by the division of
4 family and children.
5 (b) When a child described in subsection (a) is voluntarily
6 placed out of the home to receive special treatment or care, the
7 division of family and children and the parent, guardian, or
8 custodian of the child shall execute a voluntary placement
9 agreement that includes the following:
10 (1) A statement that, by entering into a voluntary placement
11 agreement, the parent, guardian, or custodian of the child is
12 not transferring legal custody of the child to the division of
13 family and children.
14 (2) A statement specifying the legal status of the child.
15 (3) A statement specifying the rights and obligations of the
16 parent, guardian, or custodian.
17 SECTION 2. An emergency is declared for this act.

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