

## SENATE BILL No. 585

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.4-4; IC 31-19-2.

**Synopsis:** Homosexuals as foster or adoptive parents. Prohibits a homosexual from being a foster parent or adopting.

**Effective:** July 1, 2005.

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January 20, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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## SENATE BILL No. 585



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 12-17.4-4-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) An applicant
- 3 must apply for a foster family home license on forms provided by the
- 4 division.
- 5 (b) An applicant must submit the required information as part of the
- 6 application.
- 7 (c) An applicant must submit with the application a statement
- 8 attesting the following:
- 9 (1) That the applicant has not been convicted of:
- 10 (A) a felony; or
- 11 (B) a misdemeanor relating to the health and safety of
- 12 children.
- 13 (2) That the applicant has not been charged with:
- 14 (A) a felony; or
- 15 (B) a misdemeanor relating to the health and safety of
- 16 children;
- 17 during the pendency of the application.



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- (3) That the applicant is not a homosexual.**
  - (d) An applicant shall submit the necessary information, forms, or consents for the division to conduct a criminal history check.
  - (e) An applicant shall do the following:
    - (1) Conduct a criminal history check of:
      - (A) the applicant's employees and volunteers at the home, if any; and
      - (B) all household members who are at least eighteen (18) years of age.
- SECTION 2. IC 12-17.4-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. The division may not grant a license to operate a foster family home to an individual who is a homosexual.**
- SECTION 3. IC 31-19-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) An individual who is a homosexual may not file a petition for adoption.**
- (b) A court may not grant an adoption petition if the petitioner is a homosexual.**
- SECTION 4. IC 31-19-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. A petition for adoption must specify the following:
- (1) The:
    - (A) name if known;
    - (B) sex, race, and age if known, or if unknown, the approximate age; and
    - (C) place of birth;
 of the child sought to be adopted.
  - (2) The new name to be given the child if a change of name is desired.
  - (3) Whether or not the child possesses real or personal property and, if so, the value and full description of the property.
  - (4) The:
    - (A) name, age, and place of residence of a petitioner for adoption; and
    - (B) if married, place and date of their marriage.
  - (5) The name and place of residence, if known to the petitioner for adoption, of:
    - (A) the parent or parents of the child;
    - (B) if the child is an orphan:
      - (i) the guardian; or

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- 1                   (ii) the nearest kin of the child if the child does not have a
- 2                   guardian;
- 3                   (C) the court or agency of which the child is a ward if the child
- 4                   is a ward; or
- 5                   (D) the agency sponsoring the adoption if there is a sponsor.
- 6           (6) The time, if any, during which the child lived in the home of
- 7           the petitioner for adoption.
- 8           (7) Whether the petitioner for adoption has been convicted of:
- 9                   (A) a felony; or
- 10                   (B) a misdemeanor relating to the health and safety of
- 11                   children;
- 12           and, if so, the date and description of the conviction.
- 13           **(8) Whether the petitioner for adoption is a homosexual.**
- 14           ~~(8)~~ **(9)** Additional information consistent with the purpose and
- 15           provisions of this article that is considered relevant to the
- 16           proceedings, including whether:
- 17                   (A) a petitioner for adoption is seeking aid; and
- 18                   (B) the willingness of the petitioner for adoption to proceed
- 19                   with the adoption is conditioned on obtaining aid.

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