
HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-17-5.

Synopsis: Grandparent visitation. Provides that a child's grandparent may seek visitation rights when a parent or guardian of the child unreasonably denies or restricts visitation. Eliminates current conditions under which a grandparent may seek visitation rights. Specifies the court in which a grandparent seeking visitation rights may file a petition.

Effective: July 1, 2009.

Oxley, Stilwell

January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1290



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 31-9-2-49 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. "Guardian", for
3 purposes of the juvenile law **and IC 31-17-5**, means a person
4 appointed by a court to have the care and custody of a child or the
5 child's estate, or both.

6 SECTION 2. IC 31-9-2-88 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 88. "Parent", for
8 purposes of the juvenile law **and IC 31-17-5**, means a biological or an
9 adoptive parent. Unless otherwise specified, the term includes both
10 parents, regardless of their marital status.

11 SECTION 3. IC 31-17-5-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A child's
13 grandparent may seek visitation rights if

- 14 (1) the child's parent is deceased;
- 15 (2) the marriage of the child's parents has been dissolved in
16 Indiana; or
- 17 (3) subject to subsection (b); the child was born out of wedlock.



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a parent or guardian of the child unreasonably:

(1) denies; or

(2) restricts;

visitation by the grandparent.

(b) A court may not grant visitation rights to a paternal grandparent of a child who is born out of wedlock ~~under subsection (a)(3)~~ if the child's father has not established paternity in relation to the child.

SECTION 4. IC 31-17-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A proceeding for grandparent's visitation must be commenced by the filing of a petition entitled, "In Re the visitation of _____". The petition must:

- (1) be filed by a grandparent entitled to receive visitation rights under this chapter;
- (2) be verified; and
- (3) set forth the following:
 - (A) The names and relationship of:
 - (i) the petitioning grandparent or grandparents;
 - (ii) each child with whom visitation is sought; and
 - (iii) the ~~custodial~~ parent or guardian of each child.
 - (B) The present address of each person named in clause (A).
 - (C) The date of birth of each child with whom visitation is sought.
 - (D) The status under section 1 of this chapter upon which the grandparent seeks visitation.
 - (E) The relief sought.

SECTION 5. IC 31-17-5-4, AS AMENDED BY P.L.50-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A grandparent seeking visitation rights shall file a petition requesting reasonable visitation rights:

- (1) **except as provided in subdivision (2)**, in a circuit, superior, or probate court of the county in which the child resides in a case described in ~~section 1(a)(1), 1(a)(3)~~; **section 1(a)** or 10 of this chapter; or
- (2) in the court having jurisdiction over the dissolution of the parents' marriage ~~in a case described in section 1(a)(2) of this chapter~~; **if the marriage of the child's parents has been dissolved in Indiana.**

SECTION 6. IC 31-17-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Whenever a petition is filed, a copy of the petition, together with a copy of a summons, shall be served upon the ~~custodial and noncustodial~~ parent or guardian of each child with whom visitation is sought in the same manner as

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1 service of summons in civil actions generally.

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