

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 59 be amended to read as follows:

- 1           Replace the effective dates in SECTIONS 1 through 12 with
- 2           "[EFFECTIVE JULY 1, 2010]".
- 3           Page 4, line 4, after "(4)" insert "**subject to subsection (c),**".
- 4           Page 4, between lines 12 and 13, begin a new paragraph and insert:
- 5           "**(c) A grandparent has standing to seek visitation rights under**
- 6           **subsection (a)(4) only if a parent has relinquished physical control**
- 7           **and care of the child to the petitioning grandparent for a**
- 8           **substantial time.**".
- 9           Page 4, delete lines 13 through 42, begin a new paragraph and
- 10          insert:
- 11          "SECTION 7. IC 31-17-5-2 IS AMENDED TO READ AS
- 12          FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. **(a) For purposes of**
- 13          **this chapter, there is a rebuttable presumption that a parent acts**
- 14          **in the best interests of the parent's child.**
- 15          **(b) A grandparent may not be granted visitation rights unless**
- 16          **the grandparent rebuts the presumption under subsection (a).**
- 17          ~~(a)~~ **(c) The court may grant visitation rights if the court determines**
- 18          **that the grandparent has rebutted the presumption under**
- 19          **subsection (a) and that visitation rights are in the best interests of the**
- 20          **child. In determining the best interests of the child, the court shall**
- 21          **consider all relevant factors, including the following:**
- 22                 **(1) The age and sex of the child.**
- 23                 **(2) The wishes of the child's parent, parents, grandparent, or**
- 24                 **grandparents.**

- 1           **(3) The wishes of the child, with more consideration given to**
- 2           **the child's wishes if the child is at least fourteen (14) years of**
- 3           **age.**
- 4           **(4) The interaction and interrelationship of the child with:**
- 5                 **(A) the child's parent or parents; and**
- 6                 **(B) the child's grandparent or grandparents.**
- 7           **(5) The mental and physical health of all individuals involved.**
- 8           **(6) Evidence of a pattern of domestic or family violence by the**
- 9           **child's grandparent or grandparents.**
- 10          **(7) Evidence that the child has been cared for by the child's**
- 11          **grandparent or grandparents.**
- 12          ~~(b)~~ **(d) In determining the best interests of the child under this**
- 13          **section for a grandparent seeking visitation under section 1(a)(1)**
- 14          **through 1(a)(3) of this chapter, the court may consider whether a**
- 15          **grandparent has had or has attempted to have meaningful contact with**
- 16          **the child.**
- 17          ~~(c)~~ **(e) The court may interview the child in chambers to assist the**
- 18          **court in determining the child's perception of whether visitation by a**
- 19          **grandparent is in the best interests of the child.**
- 20          ~~(d)~~ **(f) The court may permit counsel to be present at the interview.**
- 21          **If counsel is present:**
- 22                 **(1) a record may be made of the interview; and**
- 23                 **(2) the interview may be made part of the record for purposes of**
- 24                 **appeal."**
- 25          Page 5, delete lines 1 through 6.
- 26          Page 6, delete line 28.
- 27          Re-number all SECTIONS consecutively.
- (Reference is to ESB 59 as printed February 22, 2010.)

---

Representative Noe