
HOUSE BILL No. 1085

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-21-5.6.

Synopsis: Disposition of certain children in need of services (CHINS). Provides that reasonable efforts to reunify a child with the child's parent, guardian, or custodian or to preserve a child's family are not required with respect to a child who has been adjudicated a child in need of services (CHINS) if the court finds that the child has, on three separate occasions, been adjudicated a child in need of services because of an act or omission by the child's parent, guardian, or custodian.

Effective: July 1, 2010.

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January 5, 2010, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1085



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 31-34-21-5.6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.6. (a) A court may
3 make a finding described in this section at any phase of a child in need
4 of services proceeding.

5 (b) Reasonable efforts to reunify a child with the child's parent,
6 guardian, or custodian or preserve a child's family as described in
7 section 5.5 of this chapter are not required if the court finds any of the
8 following:

9 (1) A parent, guardian, or custodian of a child who is a child in
10 need of services has been convicted of:

11 (A) an offense described in IC 31-35-3-4(1)(B) or
12 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
13 victim who is:

14 (i) a child described in IC 31-35-3-4(2); or

15 (ii) a parent of the child; or

16 (B) a comparable offense as described in clause (A) in any
17 other state, territory, or country by a court of competent



- 1 jurisdiction.
- 2 (2) A parent, guardian, or custodian of a child who is a child in
- 3 need of services:
- 4 (A) has been convicted of:
- 5 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
- 6 (IC 35-42-1-3) of a victim who is a child described in
- 7 IC 31-35-3-4(2)(B) or a parent of the child; or
- 8 (ii) a comparable offense described in item (i) in any other
- 9 state, territory, or country; or
- 10 (B) has been convicted of:
- 11 (i) aiding, inducing, or causing another person;
- 12 (ii) attempting; or
- 13 (iii) conspiring with another person;
- 14 to commit an offense described in clause (A).
- 15 (3) A parent, guardian, or custodian of a child who is a child in
- 16 need of services has been convicted of:
- 17 (A) battery (IC 35-42-2-1(a)(5)) as a Class A felony;
- 18 (B) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;
- 19 (C) battery (IC 35-42-2-1(a)(3)) as a Class C felony;
- 20 (D) aggravated battery (IC 35-42-2-1.5);
- 21 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony;
- 22 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony;
- 23 or
- 24 (G) a comparable offense described in clauses (A) through (F)
- 25 in another state, territory, or country;
- 26 against a child described in IC 31-35-3-4(2)(B).
- 27 (4) The parental rights of a parent with respect to a biological or
- 28 adoptive sibling of a child who is a child in need of services have
- 29 been involuntarily terminated by a court under:
- 30 (A) IC 31-35-2 (involuntary termination involving a
- 31 delinquent child or a child in need of services);
- 32 (B) IC 31-35-3 (involuntary termination involving a
- 33 individual convicted of a criminal offense); or
- 34 (C) any comparable law described in clause (A) or (B) in any
- 35 other state, territory, or country.
- 36 (5) The child is an abandoned infant, provided that the court:
- 37 (A) has appointed a guardian ad litem or court appointed
- 38 special advocate for the child; and
- 39 (B) after receiving a written report and recommendation from
- 40 the guardian ad litem or court appointed special advocate, and
- 41 after a hearing, finds that reasonable efforts to locate the
- 42 child's parents or reunify the child's family would not be in the

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1 best interests of the child.
2 **(6) The child has, on three (3) separate occasions, been**
3 **adjudicated a child in need of services because of an act or**
4 **omission by the child's parent, guardian, or custodian.**

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