



PRELIMINARY DRAFT
No. 3586

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 29-3-2-7; IC 31-14; IC 31-17-2-26.

Synopsis: Petitions to modify custody and visitation. Provides that if a person files a petition to modify a guardianship, visitation, or child custody, the person shall state whether the person has been the subject of a department of child services (DCS) investigation, whether the child has been the subject of a DCS investigation, or if the child has been determined to be a child in need of services.

Effective: July 1, 2013.



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 29-3-2-7 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 7. (a) A person who files a petition to modify a
4 guardianship of a person less than eighteen (18) years of age must
5 set forth in the petition whether:**

6 (1) the person filing the petition or the person under the
7 guardianship has been investigated by the department of child
8 services; and

9 (2) the person under the guardianship has been determined to
10 be a child in need of services under IC 31-34.

11 (b) If a person has been the subject of an investigation as
12 described in subsection (a)(1), the petition must set forth:

13 (1) when the investigation occurred; and

14 (2) the results of the investigation.

15 (c) If the person under the guardianship has been determined to
16 be a child in need of services as described in subsection (a)(2), the
17 petition must set forth:

18 (1) the date of the child in need of services determination;

19 (2) the court that determined the child in need of services
20 determination;

21 (3) under which statute the court determined the child to be
22 a child in need of services; and

23 (4) whether the person is a child in need of services at the time
24 of the filing of the petition.

25 (d) A court reviewing a petition to modify a guardianship may
26 request information regarding the department of child services
27 case or the child in need of services case of the person filing the
28 petition or the person under the guardianship. The department
29 shall answer the court's request for information not later than ten
30 (10) days after the court requests the information.

31 SECTION 2. IC 31-14-13-12 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 12. (a) A parent who files a**
 3 **petition to modify the custody of a child or parenting time with a**
 4 **child must set forth in the petition whether:**

5 (1) the person filing the petition or the child has been
 6 investigated by the department of child services; and

7 (2) the child has been determined to be a child in need of
 8 services under IC 31-34.

9 (b) If a person has been the subject of an investigation as
 10 described in subsection (a)(1), the petition must set forth:

11 (1) when the investigation occurred; and

12 (2) the results of the investigation.

13 (c) If the child has been determined to be a child in need of
 14 services as described in subsection (a)(2), the petition must set
 15 forth:

16 (1) the date of the child in need of services determination;

17 (2) the court that determined the child in need of services
 18 determination;

19 (3) under which statute the court determined the child to be
 20 a child in need of services; and

21 (4) whether the person is a child in need of services at the time
 22 of the filing of the petition.

23 (d) A court reviewing a petition to modify the custody of a child
 24 or parenting time with a child may request information regarding
 25 the department of child services case or the child in need of
 26 services case of the person filing the petition or the child. The
 27 department shall answer the court's request for information not
 28 later than ten (10) days after the court requests the information.

29 SECTION 3. IC 31-14-14-6 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2013]: **Sec. 6. (a) A parent who files a petition to modify**
 32 **parenting time must set forth in the petition whether:**

33 (1) the person filing the petition or the child has been
 34 investigated by the department of child services; and

35 (2) the child has been determined to be a child in need of
 36 services under IC 31-34.

37 (b) If a person has been the subject of an investigation as
 38 described in subsection (a)(1), the petition must set forth:

39 (1) when the investigation occurred; and

40 (2) the results of the investigation.

41 (c) If the child has been determined to be a child in need of
 42 services as described in subsection (a)(2), the petition must set
 43 forth:

44 (1) the date of the child in need of services determination;

45 (2) the court that determined the child in need of services
 46 determination;



1 **(3) under which statute the court determined the child to be**
 2 **a child in need of services; and**

3 **(4) whether the person is a child in need of services at the time**
 4 **of the filing of the petition.**

5 **(d) A court reviewing a petition to modify parenting time may**
 6 **request information regarding the department of child services**
 7 **case or the child in need of services case of the person filing the**
 8 **petition or the child. The department shall answer the court's**
 9 **request for information not later than ten (10) days after the court**
 10 **requests the information.**

11 SECTION 4. IC 31-17-2-26 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2013]: **Sec. 26. (a) A parent who files a petition to modify custody**
 14 **of a child must set forth in the petition whether:**

15 **(1) the person filing the petition or the child has been**
 16 **investigated by the department of child services; and**

17 **(2) the child has been determined to be a child in need of**
 18 **services under IC 31-34.**

19 **(b) If a person has been the subject of an investigation as**
 20 **described in subsection (a)(1), the petition must set forth:**

21 **(1) when the investigation occurred; and**

22 **(2) the results of the investigation.**

23 **(c) If the child has been determined to be a child in need of**
 24 **services as described in subsection (a)(2), the petition must set**
 25 **forth:**

26 **(1) the date of the child in need of services determination;**

27 **(2) the court that determined the child in need of services**
 28 **determination;**

29 **(3) under which statute the court determined the child to be**
 30 **a child in need of services; and**

31 **(4) whether the person is a child in need of services at the time**
 32 **of the filing of the petition.**

33 **(d) A court reviewing a petition to modify custody of a child**
 34 **may request information regarding the department of child**
 35 **services case or the child in need of services case of the person**
 36 **filing the petition or the child. The department shall answer the**
 37 **court's request for information not later than ten (10) days after**
 38 **the court requests the information.**

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