



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1531 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 29-3-5-4, AS AMENDED BY P.L.194-2017,  
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2021]: Sec. 4. **(a) As used in this section, "disability" has**  
6 **the meaning set forth in 42 U.S.C. 12102.**  
7           **(b) In considering the qualifications and suitability of a person**  
8 **with a disability for appointment as a guardian under this section,**  
9 **a court shall:**  
10           **(1) not discriminate against; and**  
11           **(2) take into consideration the provision of reasonable**  
12 **accommodation to the person as provided under Section 504**  
13 **of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title II of**  
14 **the Americans with Disabilities Act of 1990 (42 U.S.C. 12131**  
15 **through 42 U.S.C. 12134), and other applicable state and**  
16 **federal laws.**  
17           **(c) The court shall appoint as guardian a qualified person or persons**  
18 **most suitable and willing to serve, having due regard to the following:**  
19           **(1) Any request made by a person alleged to be an incapacitated**  
20 **person, including designations in a durable power of attorney**  
21 **under IC 30-5-3-4(a).**  
22           **(2) Any request made for a minor by:**  
23           **(A) a parent of the minor; or**  
24           **(B) a de facto custodian of the minor, including a designation**  
25 **in a power of attorney under IC 30-5-3-4(b) or IC 30-5-3-4(c).**  
26           **(3) Any request contained in a will or other written instrument.**  
27           **(4) A designation of a standby guardian under IC 29-3-3-7.**

- 1 (5) Any request made by a minor who is at least fourteen (14)
- 2 years of age.
- 3 (6) Any request made by the spouse of the alleged incapacitated
- 4 person.
- 5 (7) The relationship of the proposed guardian to the individual for
- 6 whom guardianship is sought.
- 7 (8) Any person acting for the incapacitated person under a
- 8 durable power of attorney.
- 9 (9) The best interest of the incapacitated person or minor and the
- 10 property of the incapacitated person or minor."

11 Page 2, between lines 16 and 17, begin a new paragraph and insert:  
 12 "SECTION 4. IC 31-10-2-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. It is the policy of this  
 14 state and the purpose of this title to:

- 15 (1) recognize the importance of family and children in our society,
- 16 **including the parenting rights of a parent, regardless of**
- 17 **whether the parent has a disability;**
- 18 (2) recognize the responsibility of the state to enhance the
- 19 viability of children and family in our society;
- 20 (3) acknowledge the responsibility each person owes to the other;
- 21 (4) strengthen family life by assisting parents to fulfill their
- 22 parental obligations;
- 23 (5) ensure that children within the juvenile justice system are
- 24 treated as persons in need of care, protection, treatment, and
- 25 rehabilitation;
- 26 (6) remove children from families only when it is in the child's
- 27 best interest or in the best interest of public safety;
- 28 (7) provide for adoption as a viable permanency plan for children
- 29 who are adjudicated children in need of services;
- 30 (8) provide a juvenile justice system that protects the public by
- 31 enforcing the legal obligations that children have to society and
- 32 society has to children;
- 33 (9) use diversionary programs when appropriate;
- 34 (10) provide a judicial procedure that:
- 35 (A) ensures fair hearings;
- 36 (B) recognizes and enforces the legal rights of children and
- 37 their parents; and
- 38 (C) recognizes and enforces the accountability of children and
- 39 parents;
- 40 (11) promote public safety and individual accountability by the
- 41 imposition of appropriate sanctions; and
- 42 (12) provide a continuum of services developed in a cooperative
- 43 effort by local governments and the state.

44 SECTION 5. IC 31-10-2-3 IS ADDED TO THE INDIANA CODE  
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 46 1, 2021]: **Sec. 3. (a) The right of a person with a disability to parent**

1       **the person's child may not be denied or restricted solely because**  
2       **the person has a disability.**  
3       **(b) The department shall collaborate with the Indiana Statewide**  
4       **Independent Living Council, Self-Advocates of Indiana, and The**  
5       **Arc of Indiana, and may collaborate with other organizations**  
6       **representing people with disabilities, to provide appropriate**  
7       **training programs conducted by a person with a disability to**  
8       **educate departmental employees on the rights and capabilities of**  
9       **persons with disabilities."**  
10       Renumber all SECTIONS consecutively.  
      (Reference is to EHB 1531 as printed March 31, 2021.)

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Senator NIEZGODSKI