

# HOUSE BILL No. 1050

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-19.

**Synopsis:** Concurrent jurisdiction of juvenile court. Provides concurrent jurisdiction over adoption proceedings to the juvenile court in which a child in need of services (CHINS) proceeding, termination of parental rights (TPR) proceeding, or a juvenile delinquency proceeding is open or pending. Requires notice of a pending adoption be given to the juvenile court if the child to be adopted is the subject of an open or pending CHINS, TPR, or juvenile delinquency proceeding. Provides that the juvenile court receiving notice of a pending adoption has 10 days after receiving notice to exercise jurisdiction over the adoption, decline jurisdiction over the adoption, or take matters under consideration pending a hearing. Requires a petition for adoption to include whether the child to be adopted is the subject of an open or pending CHINS, TPR, or juvenile delinquency proceeding. Requires the probate court to order the adoption proceeding with all papers and files to be transferred to the juvenile court exercising jurisdiction over the CHINS, TPR, or juvenile delinquency proceeding if the juvenile court elects to exercise jurisdiction over the adoption.

**Effective:** July 1, 2024.

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## Zimmerman

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January 8, 2024, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1050

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 31-19-1-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) **Except as**  
3 **provided in section 2.5 of this chapter**, this section applies to each  
4 Indiana county that has a separate probate court.

5 (b) The probate court has exclusive jurisdiction in all adoption  
6 matters.

7 SECTION 2. IC 31-19-1-2.5 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2024]: **Sec. 2.5. (a) This section applies to a juvenile court that**  
10 **has received notice as required by IC 31-19-2.5-3.**

11 (b) **If a child sought to be adopted is the subject of an open or**  
12 **pending:**

- 13 (1) **child in need of services proceeding under IC 31-34;**
- 14 (2) **termination of parental rights proceeding under IC 31-35;**
- 15 **or**
- 16 (3) **delinquency proceeding under IC 31-37;**
- 17 **the juvenile court in which the open or pending proceeding was**



1 filed may exercise jurisdiction over the adoption matter involving  
2 the child.

3 (c) The juvenile court has not more than ten (10) days after  
4 receiving notice of a pending adoption to:

5 (1) exercise jurisdiction over the adoption;

6 (2) decline jurisdiction over the adoption; or

7 (3) take the matter under advisement pending a hearing.

8 (d) If the juvenile court exercises jurisdiction over the adoption  
9 matter involving the child, the court where the petition to adopt  
10 was filed must order the proceedings with all papers and files  
11 pertaining to the petition to adopt transferred to the juvenile court.

12 SECTION 3. IC 31-19-2-6, AS AMENDED BY P.L.206-2015,  
13 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2024]: Sec. 6. (a) A petition for adoption must specify the  
15 following:

16 (1) The:

17 (A) name if known;

18 (B) sex, race, and age if known, or if unknown, the  
19 approximate age; and

20 (C) place of birth;

21 of the child sought to be adopted.

22 (2) The new name to be given the child if a change of name is  
23 desired.

24 (3) Whether or not the child possesses real or personal property  
25 and, if so, the value and full description of the property.

26 (4) The:

27 (A) name, age, and place of residence of a petitioner for  
28 adoption; and

29 (B) if married, place and date of their marriage.

30 (5) The name and place of residence, if known to the petitioner  
31 for adoption, of:

32 (A) the parent or parents of the child;

33 (B) if the child is an orphan:

34 (i) the guardian; or

35 (ii) the nearest kin of the child if the child does not have a  
36 guardian;

37 (C) the court or agency of which the child is a ward if the child  
38 is a ward; or

39 (D) the agency sponsoring the adoption if there is a sponsor.

40 (6) The time, if any, during which the child lived in the home of  
41 the petitioner for adoption.

42 (7) Whether the petitioner for adoption has been convicted of:



1 (A) a felony; or  
 2 (B) a misdemeanor relating to the health and safety of  
 3 children;  
 4 and, if so, the date and description of the conviction.  
 5 (8) Whether or not a current, ongoing child support order or  
 6 medical support order is in effect for the child sought to be  
 7 adopted.  
 8 **(9) Whether or not a child sought to be adopted is the subject**  
 9 **of an open or pending:**  
 10 (A) child in need of services proceeding under IC 31-34;  
 11 (B) termination of parental rights proceeding under  
 12 IC 31-35; or  
 13 (C) delinquency proceeding under IC 31-37;  
 14 and if so, identify the court where the proceeding is open or  
 15 pending.  
 16 ~~(9)~~ (10) Additional information consistent with the purpose and  
 17 provisions of this article that is considered relevant to the  
 18 proceedings.  
 19 (b) If a current, ongoing child support order or medical support  
 20 order is in effect for the child as described in subsection (a)(8), all of  
 21 the following must be filed with the petition described under subsection  
 22 (a):  
 23 (1) A copy of the child support order or medical support order.  
 24 (2) A statement as to whether the child support order or medical  
 25 support order is enforced by the prosecuting attorney through the  
 26 Title IV-D child support program under IC 31-25-4.  
 27 SECTION 4. IC 31-19-2.5-3, AS AMENDED BY P.L.203-2021,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2024]: Sec. 3. (a) Except as provided in section 4 of this  
 30 chapter, notice must be given to:  
 31 (1) a person whose consent to adoption is required under  
 32 IC 31-19-9-1;  
 33 (2) a putative father who is entitled to notice under IC 31-19-4;  
 34 (3) a grandparent described in IC 31-19-4.5-1(3) of a child sought  
 35 to be adopted;  
 36 (4) a licensed child placing agency of which the child is a ward;  
 37 (5) if the child is the subject of an open or pending child in need  
 38 of services proceeding under IC 31-34 the:  
 39 (A) local office of the department of child services in the  
 40 county in which the child in need of services proceeding was  
 41 filed; and



1           **(B) juvenile court in which the child in need of services**  
 2           **proceeding was filed;**  
 3           **(6) if the child is a subject of an open or pending termination**  
 4           **of parental rights proceeding under IC 31-35 the:**  
 5           **(A) local office of the department of child services in the**  
 6           **county in which the termination of parental rights**  
 7           **proceeding was filed; and**  
 8           **(B) juvenile court in which the termination of parental**  
 9           **rights proceeding was filed; and**  
 10          ~~(6)~~ **(7) if the child is a subject of an open or pending juvenile**  
 11          **delinquency proceeding under IC 31-37 the:**  
 12          **(A) entity, facility, or individual of which the child is a ward;**  
 13          **and**  
 14          **(B) juvenile court in which the juvenile delinquency**  
 15          **proceeding was filed.**  
 16          (b) Proof of notice to those under subsection (a) shall be filed with  
 17          the court in the adoption proceeding before the final adoption hearing  
 18          can be scheduled.  
 19          (c) Failure to provide notice under this section shall require setting  
 20          aside the adoption decree if challenged by an entity or individual who  
 21          did not receive notice as required by this section. An adoption decree  
 22          may be challenged under this subsection for a period of not more than  
 23          forty-five (45) days after the date the adoption decree is entered.

