HOUSE BILL No. 1355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-4-3; IC 31-17-2-3; IC 31-30-1-13.

Synopsis: Paternity and child custody actions. Amends the circumstances under which the department of child services (DCS), or a prosecuting attorney on behalf of DCS, may file a paternity action as next friend of a child. Provides that a child who is the subject of: (1) a petition alleging that the child is a child in need of services (CHINS); or (2) a proceeding to terminate parental rights; may initiate a paternity action on the child's own behalf through the child's next friend. Specifies the basis for survival of orders of a court in a CHINS or delinquency action when a separate court has reciprocal jurisdiction over the child in a concurrent paternity action.

Effective: July 1, 2022.

DeVon

January 11, 2022, read first time and referred to Committee on Judiciary.

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1355

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 31-14-4-3, AS AMENDED BY P.L.206-2015,
2　SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3　JULY 1, 2022]: Sec. 3. **(a)** The department or a prosecuting attorney
4　operating under an agreement or contract described in IC 31-25-4-13.1,
5　may file a paternity action **as next friend of a child** if:
6　　　　(1) the mother;
7　　　　**(2) the alleged father;**
8　　　　~~(2)~~ **(3)** the person with whom the child resides; or
9　　　　~~(3)~~ **(4)** the department;
10　has executed an assignment of support rights **or applied for Title**
11　**IV-D services** under Title IV-D of the federal Social Security Act (42
12　U.S.C. 651 through 669).
13　　　**(b) An action filed under subsection (a) is subject to the filing**
14　**date limitations under IC 31-14-5-2 that would apply if the child**
15　**were filing for the action on the child's own behalf.**
16　　　SECTION 2. IC 31-17-2-3 IS AMENDED TO READ AS
17　FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. A child custody

1   proceeding is commenced in the court by:
2   (1) a parent by filing a petition under IC 31-15-2-4, IC 31-15-3-4,
3   or IC 31-16-2-3; ~~or~~
4   (2) a person other than a parent by filing a petition seeking a
5   determination of custody of the child; **or**
6   **(3) a child, by the child's next friend, if the child is the subject**
7   **of:**
8   **(A) a petition alleging that the child is a child in need of**
9   **services under IC 31-34; or**
10   **(B) a proceeding for termination of the parent-child**
11   **relationship with regard to the child under IC 31-35.**
12   SECTION 3. IC 31-30-1-13, AS AMENDED BY P.L.183-2017,
13   SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14   JULY 1, 2022]: Sec. 13. (a) Subject to subsection ~~(b),~~ **(c),** a court
15   having jurisdiction under IC 31-14 over establishment or modification
16   of paternity, child custody, parenting time, or child support in a
17   paternity proceeding has concurrent original jurisdiction with another
18   juvenile court for the purpose of establishing or modifying paternity,
19   custody, parenting time, or child support of a child who is under the
20   jurisdiction of the other juvenile court because:
21   (1) the child is the subject of a child in need of services
22   proceeding; or
23   (2) the child is the subject of a juvenile delinquency proceeding
24   that does not involve an act described under IC 31-37-1-2.
25   **(b) Subject to subsection (d), a court having jurisdiction in:**
26   **(1) a child in need of services proceeding; or**
27   **(2) a juvenile delinquency proceeding that does not involve an**
28   **act described under IC 31-37-1-2;**
29   **regarding a child has concurrent original jurisdiction for the**
30   **purpose of establishing or modifying paternity, custody, parenting**
31   **time, or child support with a court having jurisdiction over an**
32   **action under IC 31-14 regarding the child.**
33   ~~(b)~~ **(c)** Whenever the court having child custody jurisdiction under
34   IC 31-14 in a paternity proceeding modifies child custody as provided
35   by this section, the modification is effective only when the juvenile
36   court with jurisdiction over the child in need of services proceeding or
37   juvenile delinquency proceeding:
38   (1) enters an order adopting and approving the child custody
39   modification; or
40   (2) terminates the child in need of services proceeding or the
41   juvenile delinquency proceeding.
42   ~~(c)~~ **(d)** If, under this section, a juvenile court **having jurisdiction in**

1   **a child in need of services proceeding or juvenile delinquency**
2   **proceeding regarding a child:**
3   (1) establishes or modifies paternity, custody, child support, or
4   parenting time of ~~a~~ **the** child; and
5   (2) terminates ~~a~~ **the** child in need of services proceeding or ~~a~~
6   juvenile delinquency proceeding regarding the child;
7   the order establishing or modifying paternity, custody, child support,
8   or parenting time survives the termination of the child in need of
9   services proceeding or the juvenile delinquency proceeding until the
10   court having concurrent original jurisdiction under subsection ~~(a)~~ **(b)**
11   assumes or reassumes primary jurisdiction of the case to address all
12   other issues.
13   ~~(d)~~ **(e)** A court that assumes or reassumes jurisdiction of a case
14   under subsection ~~(c)~~ **(d)** may modify child custody, child support, or
15   parenting time in accordance with applicable modification statutes.