SENATE ENROLLED ACT No. 27

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:

SECTION 1. IC 31-19-2-13, AS AMENDED BY P.L.145-2006, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Except for a child who is under the care and supervision of the department, a petitioner for adoption may file a separate, ex parte, verified petition requesting temporary custody of a child sought to be adopted at the time of or any time after the filing of a petition for adoption. The petition for temporary custody must be signed by each petitioner for adoption.

(b) A court may grant a petition for temporary custody filed under subsection (a) if the court finds that:

(1) the petition for adoption is in proper form; and

(2) placing the child with the petitioner or petitioners for adoption pending the hearing on the petition for adoption is in the best interests of the child.

(c) If temporary custody is granted under this section, the petitioner or petitioners for adoption are legally and financially responsible for the child until otherwise ordered by the court.

(d) To the extent that a temporary custody order issued under this section conflicts with a custody order issued by any other court except a court having appellate jurisdiction over the child, a temporary order under this section controls.

(e) A:
    (1) party to the adoption; or
    (2) person who had:
        (A) custody of; or
        (B) parenting time or visitation with;
    the child before a temporary custody order was issued under this section;
may file a petition to suspend, modify, or revoke the temporary custody order granted under this section.

    (f) Upon receipt of a petition described in subsection (e), the court shall set the matter for hearing.

    (g) The court may suspend, modify, or revoke the temporary custody order if the court determines suspension, modification, or revocation of the temporary custody order is in the best interests of the child.

    SECTION 2. IC 31-19-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) If a petition for adoption and a ~~petition to establish~~ paternity **action** are pending at the same time for a child sought to be adopted, the court in which the petition for adoption has been filed has exclusive jurisdiction over the child, and the paternity proceeding must be consolidated with the adoption proceeding.

    (b) If the petition for adoption is dismissed, the court hearing the consolidated adoption and paternity proceeding shall determine who has custody of the child under IC 31-19-11-5.

    (c) Following a dismissal of the adoption petition under subsection (b), the court may:
        (1) retain jurisdiction over the paternity proceeding; or
        (2) return the paternity proceeding to the court in which it was originally filed.
If the paternity proceeding is returned to the court in which it was originally filed, the court assumes jurisdiction over the child, subject to any provisions of the consolidated court's order under IC 31-19-11-5.

    SECTION 3. IC 31-19-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The court may **not** ~~hear and~~ grant a petition for adoption ~~even if an appeal of a decision regarding the termination of the parent-child relationship is pending.~~ **of a child if:**
    (1) the parent-child relationship between the child and a parent has been terminated; and
    (2) one (1) or more of the following apply with respect to the termination described in subdivision (1):

SEA 27 — Concur

(A) The time for filing an appeal (including a request for transfer or certiorari) has not elapsed.
(B) An appeal is pending.
(C) An appellate court is considering a request for transfer or certiorari.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee the task of studying whether a father who has abandoned a birth mother during pregnancy should be required to consent to the adoption of the child.**

(b) If the appropriate committee is assigned the topic described in subsection (a), the commission or committee shall issue to the legislative council a final report containing the commission's or committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(c) This SECTION expires December 31, 2014.

SECTION 5. **An emergency is declared for this act.**

SEA 27 — Concur

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

_____

Governor of the State of Indiana

Date: _____ Time: _____

SEA 27 — Concur