

HOUSE BILL No. 1014

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-15-2; IC 34-57-5-9.

Synopsis: Dissolution in cases of domestic violence. Allows a court, in a dissolution of marriage case, to: (1) conduct a final hearing; or (2) enter a summary dissolution decree; at any time after a petition or counter petition for dissolution has been filed if a party to the action has been convicted of a crime of domestic violence against the other party or against any child living in the same household as a party. (Current law prohibits a court from conducting a final hearing or entering a summary dissolution decree earlier than 60 days after a petition or counter petition has been filed.) Requires the court to: (1) conduct the final hearing; or (2) enter a summary dissolution; as soon as practicable. Allows a family law arbitrator to enter a summary dissolution decree at any time after a petition for dissolution has been filed if a party to the action has been convicted of a crime of domestic violence against the other party or against any child living in the same household as a party. (Current law prohibits a family law arbitrator from entering a summary dissolution decree earlier than 60 days after a petition has been filed.)

Effective: July 1, 2014.

Kubacki

January 7, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1014

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 31-9-2-13, AS AMENDED BY P.L.48-2012,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 13. (a) "Child", for purposes of IC 31-15
4 **(excluding IC 31-15-2-13.5)**, IC 31-16 (excluding IC 31-16-12.5), and
5 IC 31-17, means a child or children of both parties to the marriage. The
6 term includes the following:
7 (1) Children born out of wedlock to the parties.
8 (2) Children born or adopted during the marriage of the parties.
9 (b) "Child", for purposes of the Uniform Interstate Family Support
10 Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.
11 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
12 (d) Except as otherwise provided in this section, "child", for
13 purposes of the juvenile law and IC 31-27, means:
14 (1) a person who is less than eighteen (18) years of age;
15 (2) a person:
16 (A) who is eighteen (18), nineteen (19), or twenty (20) years



- 1 of age; and
 2 (B) who either:
 3 (i) is charged with a delinquent act committed before the
 4 person's eighteenth birthday; or
 5 (ii) has been adjudicated a child in need of services before
 6 the person's eighteenth birthday; or
 7 (3) a person:
 8 (A) who is alleged to have committed an act that would have
 9 been murder if committed by an adult;
 10 (B) who was less than eighteen (18) years of age at the time of
 11 the alleged act; and
 12 (C) who is less than twenty-one (21) years of age.
 13 (e) "Child", for purposes of **IC 31-15-2-13.5** and IC 31-36-3, means
 14 a person who is less than eighteen (18) years of age.
 15 (f) "Child", for purposes of the Interstate Compact on Juveniles
 16 under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
 17 (g) "Child", for purposes of IC 31-16-12.5, means an individual to
 18 whom child support is owed under:
 19 (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
 20 or
 21 (2) any other child support order that is enforceable under
 22 IC 31-16-12.5.
 23 (h) "Child", for purposes of IC 31-32-5, means an individual who is
 24 less than eighteen (18) years of age.
 25 (i) "Child", for purposes of the Uniform Child Custody Jurisdiction
 26 Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.
 27 SECTION 2. IC 31-9-2-29.8 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 29 1, 2014]: **Sec. 29.8. "Crime of domestic violence", for purposes of**
 30 **IC 31-15-2-13.5, means an offense or the attempt to commit an**
 31 **offense that has as an element the:**
 32 **(1) use of physical force; or**
 33 **(2) threatened use of a deadly weapon.**
 34 SECTION 3. IC 31-15-2-10 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. Except as provided
 36 in sections 13, **13.5**, and 14 of this chapter, in an action for a
 37 dissolution of marriage under section 2 of this chapter, a final hearing
 38 shall be conducted not earlier than sixty (60) days after the filing of the
 39 petition.
 40 SECTION 4. IC 31-15-2-11 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **Except as**
 42 **provided in section 13.5 of this chapter**, if a petition has been filed



1 in an action for legal separation under IC 31-15-3-2 (or
 2 IC 31-1-11.5-3(c) before its repeal), a final hearing on a petition or
 3 counter petition subsequently filed in an action for dissolution of
 4 marriage under section 2 of this chapter (or IC 31-1-11.5-3(a) before
 5 its repeal) may be held at any time after sixty (60) days after the
 6 petition in an action for legal separation under IC 31-15-3-2 has been
 7 filed.

8 SECTION 5. IC 31-15-2-12 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section
 10 applies if a party who filed an action for dissolution of marriage under
 11 section 2 of this chapter (or IC 31-1-11.5-3(a) before its repeal) files a
 12 motion to dismiss the action.

13 (b) A party that files an action shall serve each other party to the
 14 action with a copy of the motion.

15 (c) A party to the action may file a counter petition under section 2
 16 of this chapter not later than five (5) days after the filing of the motion
 17 to dismiss. **Except as provided in section 13.5 of this chapter**, if a
 18 party files a counter petition under this subsection, the court shall set
 19 the petition and counter petition for final hearing not earlier than sixty
 20 (60) days after the initial petition was filed.

21 SECTION 6. IC 31-15-2-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **Except as**
 23 **provided in section 13.5 of this chapter**, at least sixty (60) days after
 24 a petition is filed in an action for dissolution of marriage under section
 25 2 of this chapter, the court may enter a summary dissolution decree
 26 without holding a final hearing under this chapter if there have been
 27 filed with the court verified pleadings, signed by both parties,
 28 containing:

29 (1) a written waiver of final hearing; and

30 (2) either:

31 (A) a statement that there are no contested issues in the action;
 32 or

33 (B) a written agreement made in accordance with section 17
 34 of this chapter that settles any contested issues between the
 35 parties.

36 SECTION 7. IC 31-15-2-13.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. If a party to an action for**
 39 **dissolution of marriage has been convicted of a crime of domestic**
 40 **violence against the other party or against a child living in the**
 41 **same household as a party to the action for dissolution of marriage,**
 42 **the court:**



- 1 **(1) may:**
 2 **(A) conduct a final hearing under section 10, 11, or 12 of**
 3 **this chapter; or**
 4 **(B) enter a summary dissolution decree under section 13 of**
 5 **this chapter;**
 6 **at any time after a petition or counter petition for dissolution**
 7 **of marriage has been filed; and**
 8 **(2) shall:**
 9 **(A) conduct a final hearing under section 10, 11, or 12 of**
 10 **this chapter; or**
 11 **(B) enter a summary dissolution decree under section 13 of**
 12 **this chapter;**
 13 **as soon as practicable after a petition or counter petition for**
 14 **dissolution of marriage has been filed.**
 15 SECTION 8. IC 34-57-5-9, AS ADDED BY P.L.112-2005,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 9. **(a) As used in this section, "child" means a**
 18 **person who is less than eighteen (18) years of age.**
 19 **(b) Except as provided in subsection (c),** in a dissolution of
 20 marriage case, at least sixty (60) days after the petition or cause of
 21 action is filed, the family law arbitrator may enter a summary
 22 dissolution decree without holding a hearing if verified pleadings have
 23 been filed with the family law arbitrator, signed by both parties,
 24 containing:
 25 (1) a written waiver of hearing; and
 26 (2) either:
 27 (A) a statement that there are no contested issues in the action;
 28 or
 29 (B) a written agreement made in accordance with IC 31-15-2-7
 30 that settles any contested issues between the parties.
 31 **(c) A family law arbitrator may enter a summary dissolution**
 32 **decree under subsection (b) at any time after the petition or cause**
 33 **of action is filed if a party to the action for dissolution of marriage**
 34 **has been convicted of a crime of domestic violence (as defined in**
 35 **IC 31-9-2-29.8) against the other party or against a child living in**
 36 **the same household as a party to the action for dissolution of**
 37 **marriage.**

