

## **IC 31-14-14**

### **Chapter 14. Parenting Time Following Determination of Paternity**

#### **IC 31-14-14-0.2**

##### **Application of certain amendments to prior law**

Sec. 0.2. The amendments made to IC 31-6-6.1-12 (before its repeal, now codified in this chapter) by P.L.270-1989 apply to adoptions in which a final order is issued by a trial court after May 5, 1989.

*As added by P.L.220-2011, SEC.497.*

#### **IC 31-14-14-1**

##### **Parenting time rights of noncustodial parent; in chambers interview of child; rebuttable presumption for supervised parenting time**

Sec. 1. (a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) In a hearing under subsection (a), there is a rebuttable presumption that a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b));

might endanger the child's physical health and well-being or significantly impair the child's emotional development.

(d) If a court grants parenting time rights to a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b));

there is a rebuttable presumption that the parenting time with the child must be supervised.

(e) The court may permit counsel to be present at the interview. If counsel is present:

- (1) a record may be made of the interview; and
- (2) the interview may be made part of the record for purposes of appeal.

*As added by P.L.1-1997, SEC.6. Amended by P.L.15-2004, SEC.1; P.L.68-2005, SEC.19; P.L.95-2009, SEC.4.*

#### **IC 31-14-14-2**

##### **Modification or denial of parenting time**

Sec. 2. The court may modify an order granting or denying parenting time rights whenever modification would serve the best

interests of the child.

*As added by P.L.1-1997, SEC.6. Amended by P.L.68-2005, SEC.20.*

#### **IC 31-14-14-2.5**

##### **Security, bond, or guarantee**

Sec. 2.5. The court may provide in:

- (1) a parenting time order; or
- (2) a modification of a parenting time order;

for the security, bond, or other guarantee that is satisfactory to secure enforcement of the parenting time order.

*As added by P.L.171-2001, SEC.5. Amended by P.L.68-2005, SEC.21.*

#### **IC 31-14-14-3**

##### **Grant or denial of visitation rights to noncustodial parent; effect on visitation rights of grandparent**

Sec. 3. An order granting or denying visitation rights to a noncustodial parent does not affect visitation rights granted to a grandparent under IC 31-17-5-1 or IC 31-17-5-10 (or IC 31-1-11.7-2 before its repeal).

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-14-4**

##### **Missed parenting time; noncustodial parent in military**

Sec. 4. A noncustodial parent who misses parenting time as the result of participation in an activity of:

- (1) the Indiana National Guard; or
- (2) a reserve component of the armed forces of the United States;

may make up the lost parenting time as provided in IC 10-16-7-22.

*As added by P.L.103-1997, SEC.3. Amended by P.L.2-2003, SEC.71; P.L.68-2005, SEC.22.*

#### **IC 31-14-14-5**

##### **Supervised parenting time; conviction of crime involving domestic or family violence; batterer's intervention program**

Sec. 5. (a) This section applies if a court finds that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed or heard by the noncustodial parent's child.

(b) There is created a rebuttable presumption that the court shall order that the noncustodial parent's parenting time with the child must be supervised:

- (1) for at least one (1) year and not more than two (2) years immediately following the crime involving domestic or family violence; or
- (2) until the child becomes emancipated;

whichever occurs first.

(c) As a condition of granting the noncustodial parent

unsupervised parenting time, the court may require the noncustodial parent to complete a batterer's intervention program certified by the Indiana coalition against domestic violence.

*As added by P.L.188-1999, SEC.1. Amended by P.L.243-1999, SEC.1; P.L.133-2002, SEC.25; P.L.68-2005, SEC.23; P.L.162-2011, SEC.11.*

#### **IC 31-14-14-6**

##### **Submissions to the court; court requests for information**

Sec. 6. (a) If a person files a petition to establish or modify parenting time with a child, any person who:

- (1) is a party to the parenting time proceeding; and
- (2) has knowledge that:
  - (A) a party to the parenting time proceeding has been determined to be a perpetrator of a substantiated report of child abuse or neglect;
  - (B) the child named in the petition has been the subject of a substantiated report of child abuse or neglect;
  - (C) the child named in the petition has been determined to be a child in need of services under IC 31-34; or
  - (D) the child named in the petition has been involved in an informal adjustment under IC 31-34-8;

shall submit to the court in writing under seal that a party to the parenting time proceeding is a person described in subdivision (2)(A) or the child named in the petition is a child described in subdivision (2)(B), (2)(C), or (2)(D).

(b) A court reviewing a petition to establish or modify parenting time may request information from the department of child services regarding a petition or proceeding described in subsection (a)(2). The department shall provide a response under seal to the court's request for information not later than ten (10) days after the department receives the court's request for the information.

*As added by P.L.239-2013, SEC.3.*