



February 6, 2026

ENGROSSED HOUSE BILL No. 1035

DIGEST OF HB 1035 (Updated February 4, 2026 2:52 pm - DI 140)

Citations Affected: IC 31-9; IC 31-34; IC 35-31.5; IC 35-46.

Synopsis: Permissible unsupervised activity. Defines "independent activity". Provides that a child is not a child in need of services solely because a parent, guardian, or custodian allows the child to engage in an independent activity unless the parent, guardian, or custodian is so reckless in allowing the child to engage in the independent activity that it endangers the child's health or safety given the child's maturity, condition, and ability. Provides a defense for neglect of a dependent that the accused person reasonably believed that an independent activity was not dangerous.

Effective: July 1, 2026.

Teshka, Garcia Wilburn, Lauer, Meltzer

(SENATE SPONSOR — CARRASCO)

December 1, 2025, read first time and referred to Committee on Judiciary.

January 12, 2026, reported — Do Pass.

January 15, 2026, read second time, ordered engrossed.

January 16, 2026, engrossed.

January 20, 2026, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

January 26, 2026, read first time and referred to Committee on Judiciary.

February 5, 2026, reported favorably — Do Pass.

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Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1035

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 31-9-2-58.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: Sec. 58.1. "Independent activity", for purposes of
4 IC 31-34-1-1, includes any of the following when done by a child
5 without the supervision of a parent, guardian, or custodian:

6 (1) Traveling on foot, by bicycle, or by public transportation.
7 (2) Playing outdoors.
8 (3) Remaining at home.
9 (4) Remaining in a stationary vehicle.

10 SECTION 2. IC 31-34-1-1, AS AMENDED BY P.L.198-2019,
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 1. A child is a child in need of services if before
13 the child becomes eighteen (18) years of age:

14 (1) the child's physical or mental condition is seriously impaired
15 or seriously endangered as a result of the inability, refusal, or
16 neglect of the child's parent, guardian, or custodian to supply the
17 child with necessary food, clothing, shelter, medical care,

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1 education, or supervision:

2 (A) when the parent, guardian, or custodian is financially able

3 to do so; or

4 (B) due to the failure, refusal, or inability of the parent,

5 guardian, or custodian to seek financial or other reasonable

6 means to do so; and

7 (2) the child needs care, treatment, or rehabilitation that:

8 (A) the child is not receiving; and

9 (B) is unlikely to be provided or accepted without the coercive

10 intervention of the court.

11 However, a child is not a child in need of services under this section
12 solely because the child engages in an independent activity unless
13 the parent, guardian, or custodian is so reckless as to endanger the
14 health or safety of the child by allowing the child to engage in the
15 independent activity, given the child's maturity, condition, and
16 ability.

17 SECTION 3. IC 35-31.5-2-168.2 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2026]: **Sec. 168.2. "Independent activity", for**
20 **purposes of IC 35-46-1-4, has the meaning set forth in**
21 **IC 35-46-1-1.**

22 SECTION 4. IC 35-46-1-1, AS AMENDED BY P.L.49-2020,
23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 1. **As used in this chapter: The following**
25 **definitions apply to this chapter:**

26 (1) "Dependent" means:
27 (A) an unemancipated person who is under eighteen (18)
28 years of age; or
29 (B) a person of any age who has a mental or physical
30 disability.

34 or custodian.
35 (A) Traveling on foot, by bicycle, or by public
36 transportation.

37 (B) Playing outdoors.

38 (C) Remaining at home.

39 (D) Remaining in a stationary vehicle.

40 (4) "Support" means food, clothing, shelter, or medical care.



1 **(+) (A)** the primary activity is the sale of:
 2 **(A) (i)** e-liquids;
 3 **(B) (ii)** e-liquid accessories;
 4 **(C) (iii)** electronic cigarettes;
 5 **(D) (iv)** tobacco;
 6 **(E) (v)** tobacco products;
 7 **(F) (vi)** tobacco accessories; or
 8 **(G) (vii)** any combination of the products listed in clauses
 9 **(A) through (F); items (i) through (vi); and**
 10 **(2) (B)** the sale of other products is incidental.

11 **(6)** "Tobacco business" means a sole proprietorship, corporation,
 12 partnership, or other enterprise in which:
 13 **(+) (A)** the primary activity is the sale of tobacco, tobacco
 14 products, and tobacco accessories; and
 15 **(2) (B)** the sale of other products is incidental.

16 SECTION 5. IC 35-46-1-4, AS AMENDED BY P.L.170-2021,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2026]: Sec. 4. (a) A person having the care of a dependent, who
 19 knowingly or intentionally:
 20 (1) places the dependent in a situation that endangers the
 21 dependent's life or health;
 22 (2) abandons or cruelly confines the dependent;
 23 (3) deprives the dependent of necessary support; or
 24 (4) deprives the dependent of education as required by law;
 25 commits neglect of a dependent, a Level 6 felony.

26 (b) However, the offense is:
 27 (1) a Level 5 felony if it is committed under subsection (a)(1),
 28 (a)(2), or (a)(3) and:
 29 (A) results in bodily injury; or
 30 (B) is:
 31 (i) committed in a location where a person is violating
 32 IC 35-48-4-1 (dealing in cocaine or a narcotic drug),
 33 IC 35-48-4-1.1 (dealing in methamphetamine), or
 34 IC 35-48-4-1.2 (manufacturing methamphetamine); or
 35 (ii) the result of a violation of IC 35-48-4-1 (dealing in
 36 cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in
 37 methamphetamine), or IC 35-48-4-1.2 (manufacturing
 38 methamphetamine);
 39 (2) a Level 3 felony if it is committed under subsection (a)(1),
 40 (a)(2), or (a)(3) and results in serious bodily injury;
 41 (3) a Level 1 felony if it is committed under subsection (a)(1),



(a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death or catastrophic injury of a dependent who is less than fourteen (14) years of age or in the death or catastrophic injury of a dependent of any age who has a mental or physical disability; and

(4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age:

(A) in a newborn safety device described in IC 31-34-2.5-1(a)(2), IC 31-34-2.5-1(a)(3), IC 31-34-2.5-1(a)(4), or IC 31-34-2.5-1(a)(5); or

(B) with a person who is an emergency medical services provider (as defined in IC 16-41-10-1) who took custody of the child under IC 31-34-2.5;

when the prosecution is based solely on the alleged act of leaving the child in the newborn safety device or with the emergency medical services provider and the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent; or

(3) the accused person reasonably believed that an independent activity was not dangerous.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(d) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1035, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1035 as introduced.)

JETER

Committee Vote: Yeas 12, Nays 1

COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1035, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1035 as printed January 12, 2026.)

CARRASCO, Chairperson

Committee Vote: Yeas 10, Nays 0

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