

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.

## HOUSE ENROLLED ACT No. 1035

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

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

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

- (1) the child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision:
  - (A) when the parent, guardian, or custodian is financially able to do so; or
  - (B) due to the failure, refusal, or inability of the parent,

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guardian, or custodian to seek financial or other reasonable means to do so; and

- (2) the child needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

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

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

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

- (1) "Dependent" means:
- (+) (A) an unemancipated person who is under eighteen (18) years of age; or
  - (-) (B) a person of any age who has a mental or physical disability.
- (2) "Endangered adult" has the meaning set forth in IC 12-10-3-2.
- (3) **"Independent activity" includes any of the following when done by a child without the supervision of a parent, guardian, or custodian:**
- (A) **Traveling on foot, by bicycle, or by public transportation.**
  - (B) **Playing outdoors.**
  - (C) **Remaining at home.**
  - (D) **Remaining in a stationary vehicle.**
- (4) "Support" means food, clothing, shelter, or medical care.
- (5) "Tobacco and vaping business" means a sole proprietorship, partnership, or other enterprise in which:
- (+) (A) the primary activity is the sale of:
    - (-) (i) e-liquids;
    - (+) (ii) e-liquid accessories;
    - (-) (iii) electronic cigarettes;



- ~~(D)~~ (iv) tobacco;
- ~~(E)~~ (v) tobacco products;
- ~~(F)~~ (vi) tobacco accessories; or
- ~~(G)~~ (vii) any combination of the products listed in ~~clauses~~  
~~(A) through (F)~~; **items (i) through (vi)**; and
- ~~(2)~~ (B) the sale of other products is incidental.

**(6)** "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise in which:

- ~~(1)~~ (A) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and
- ~~(2)~~ (B) the sale of other products is incidental.

SECTION 5. IC 35-46-1-4, AS AMENDED BY P.L.170-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
  - (2) abandons or cruelly confines the dependent;
  - (3) deprives the dependent of necessary support; or
  - (4) deprives the dependent of education as required by law;
- commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

- (1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

- (i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine); or
- (ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine);

(2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(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

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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.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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