
HOUSE BILL No. 1035

AM103501 has been incorporated into introduced printing.

Synopsis: Permissible unsupervised activity.

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Introduced

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 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
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 58.1. "Independent activity"**, for
4 purposes of IC 31-34-1-1, means an age-appropriate activity that,
5 to the parent's best information and belief, a reasonable person
6 would conclude:

7 (1) based on:
8 (A) the child's maturity;
9 (B) the child's condition;
10 (C) the environment; and
11 (D) the child's abilities;
12 does not pose an unreasonable risk to the child's health or
13 safety; and
14 (2) can be undertaken by a child without the direct
15 supervision of a parent, guardian, or custodian.

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1 **The term includes independent travel, playing outdoors, remaining**
 2 **at home, or temporarily remaining in a stationary vehicle.**

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

7 (1) the child's physical or mental condition is seriously impaired
 8 or seriously endangered as a result of the inability, refusal, or
 9 neglect of the child's parent, guardian, or custodian to supply the
 10 child with necessary food, clothing, shelter, medical care,
 11 education, or supervision:

12 (A) when the parent, guardian, or custodian is financially
 13 able to do so; or

14 (B) due to the failure, refusal, or inability of the parent,
 15 guardian, or custodian to seek financial or other reasonable
 16 means to do so; and

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

18 (A) the child is not receiving; and

19 (B) is unlikely to be provided or accepted without the
 20 coercive intervention of the court.

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

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

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

35 **(1) "Dependent" means:**

36 **(1) (A) an unemancipated person who is under eighteen**
 37 **(18) years of age; or**

38 **(2) (B) a person of any age who has a mental or physical**
 39 **disability.**

40 **(2) "Endangered adult" has the meaning set forth in**
 41 **IC 12-10-3-2.**



(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 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

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1 provider (as defined in IC 16-41-10-1) who took custody of
2 the child under IC 31-34-2.5;
3 when the prosecution is based solely on the alleged act of
4 leaving the child in the newborn safety device or with the
5 emergency medical services provider and the alleged act did not
6 result in bodily injury or serious bodily injury to the child; **or**
7 (2) the accused person, in the legitimate practice of the accused
8 person's religious belief, provided treatment by spiritual means
9 through prayer, in lieu of medical care, to the accused person's
10 dependent; **or**
11 **(3) the accused person reasonably believed that an**
12 **independent activity was not dangerous.**
13 (d) Except for property transferred or received:
14 (1) under a court order made in connection with a proceeding
15 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
16 or IC 31-6-5 before their repeal); or
17 (2) under section 9(d) of this chapter;
18 a person who transfers or receives any property in consideration for the
19 termination of the care, custody, or control of a person's dependent
20 child commits child selling, a Level 6 felony.

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