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# HOUSE BILL No. 1035

Proposed Changes to introduced printing by AM103501

## DIGEST OF PROPOSED AMENDMENT

Independent activity. Amends the definition of "independent activity".

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, ~~includes any of the following when~~  
5 done means an age-appropriate activity that, to the parent's best  
6 information and belief, a reasonable person 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~~as~~

16 ~~(1) Traveling on foot, by bicycle, or by public transportation;~~

17 ~~(2) Playing outdoors;~~

18 ~~(3) Remaining~~ [ ].

19 The term includes independent travel, playing outdoors,  
20 remaining at home~~as~~

21 ~~(4) Remaining~~ [ ], or temporarily remaining in a stationary vehicle.

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

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

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

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

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

16 (A) the child is not receiving; and

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

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

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

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

34 (1) "Dependent" means:

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

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

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

41 **11(3)11 "Independent activity" ~~includes any of the~~ means an age-appropriate activity**



1 that, to the parent's best information and belief, a reasonable  
 2 person would conclude:

3 (A) based on:

4       (i) the child's maturity;  
 5       (ii) the child's condition;  
 6       (iii) the environment; and  
 7       (iv) the child's abilities;

8       does not pose an unreasonable risk to the child's health  
 9       or safety; and

10      (B) can be undertaken] by a child without the[ direct]  
 11      supervision of a parent, guardian, or custodian←

12      ~~(A) Traveling on foot, by bicycle, or by public~~  
 13      ~~transportation:~~

14      ~~(B) Playing outdoors:~~

15      ~~(C) Remaining>[.~~

16      The term includes independent travel, playing outdoors,  
 17      remaining] at home←

18      ~~(D) R>[, or temporarily r]emaining in a stationary~~  
 19      ~~vehicle.~~

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

21      (5) "Tobacco and vaping business" means a sole proprietorship,  
 22      partnership, or other enterprise in which:

23      (1) (A) the primary activity is the sale of:

24       (A) (i) e-liquids;  
 25       (B) (ii) e-liquid accessories;  
 26       (C) (iii) electronic cigarettes;  
 27       (D) (iv) tobacco;  
 28       (E) (v) tobacco products;  
 29       (F) (vi) tobacco accessories; or  
 30       (G) (vii) any combination of the products listed in  
 31       clauses (A) through (F); items (i) through (vi); and

32      (2) (B) the sale of other products is incidental.

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

35      (1) (A) the primary activity is the sale of tobacco, tobacco  
 36      products, and tobacco accessories; and

37      (2) (B) the sale of other products is incidental.

38      SECTION 5. IC 35-46-1-4, AS AMENDED BY P.L.170-2021,

39      SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

40      JULY 1, 2026]: Sec. 4. (a) A person having the care of a dependent,

41      whether assumed voluntarily or because of a legal obligation, who

42      knowingly or intentionally:

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7 (b) However, the offense is:

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

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

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

22 (3) a Level 1 felony if it is committed under subsection (a)(1),  
23 (a)(2), or (a)(3) by a person at least eighteen (18) years of age  
24 and results in the death or catastrophic injury of a dependent  
25 who is less than fourteen (14) years of age or in the death or  
26 catastrophic injury of a dependent of any age who has a mental  
27 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:

30 (A) deprives a dependent of necessary food, water, or  
31 sanitary facilities;  
32 (B) consists of confinement in an area not intended for  
33 human habitation; or  
34 (C) involves the unlawful use of handcuffs, a rope, a cord,  
35 tape, or a similar device to physically restrain a dependent.

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

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

41 (A) in a newborn safety device described in  
42 IC 31-34-2.5-1(a)(2), IC 31-34-2.5-1(a)(3),



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