

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in ~~this~~ ~~style~~ ~~type~~ or in this style type.

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;
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;
21 ~~— (4) R>], or temporarily r]emaining in a stationary vehicle.~~

2026

IN 1035—LS 6272/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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, 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>~~ means an age-appropriate activity



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

(A) based on:

(i) the child's maturity;

(ii) the child's condition;

(iii) the environment; and

(iv) the child's abilities;

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

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

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

~~(B) Playing outdoors:~~

~~(C) Remaining~~→ at

The term includes independent travel, playing outdoors, remaining at home~~←~~

~~(D) R~~→ or temporarily 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:

(A) (i) e-liquids;

(B) (ii) e-liquid accessories;

(C) (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

(-) (B) the sale of other products is incidental.

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

(+) (A) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and

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

7 (b) However, the offense is:

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

10 (A) results in bodily injury; or

11 (B) is:

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

28 (4) a Level 5 felony if it is committed under subsection (a)(2)
 29 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),



1 IC 31-34-2.5-1(a)(4), or IC 31-34-2.5-1(a)(5); or
 2 (B) with a person who is an emergency medical services
 3 provider (as defined in IC 16-41-10-1) who took custody of
 4 the child under IC 31-34-2.5;
 5 when the prosecution is based solely on the alleged act of
 6 leaving the child in the newborn safety device or with the
 7 emergency medical services provider and the alleged act did not
 8 result in bodily injury or serious bodily injury to the child; ~~or~~
 9 (2) the accused person, in the legitimate practice of the accused
 10 person's religious belief, provided treatment by spiritual means
 11 through prayer, in lieu of medical care, to the accused person's
 12 dependent; ~~or~~
 13 **(3) the accused person reasonably believed that an**
 14 **independent activity was not dangerous.**
 15 (d) Except for property transferred or received:
 16 (1) under a court order made in connection with a proceeding
 17 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
 18 or IC 31-6-5 before their repeal); or
 19 (2) under section 9(d) of this chapter;
 20 a person who transfers or receives any property in consideration for the
 21 termination of the care, custody, or control of a person's dependent
 22 child commits child selling, a Level 6 felony.
 23 [1](#)

M
 a
 r
 k
 u
 p

