



January 22, 2026

HOUSE BILL No. 1092

DIGEST OF HB 1092 (Updated January 21, 2026 1:00 pm - DI 119)

Citations Affected: IC 4-38; IC 31-14; IC 31-16; IC 31-19; IC 31-27; IC 31-30; IC 31-33.

Synopsis: Child services matters. Requires a sports wagering operator to withhold winnings from a person who requests a withdrawal from the person's mobile sports wagering account if the person is delinquent in the person's child support payments. Requires an order establishing paternity to be obtained without further proceedings if certain conditions are met. Allows the state to approve additional payment facilities for purposes of accepting child support payments. Makes changes to the adoption code to facilitate communication between a probate court and a juvenile court when the subject of an adoption petition is also the subject of a pending child in need of services (CHINS) petition. Provides that if a child who is the subject of an adoption petition is also the subject of a CHINS petition: (1) the clerk of the court in the adoption proceeding shall forward a copy of the adoption petition to the department of child services (department) if the child is in the care and custody of the department; and (2) the department shall provide notice of the adoption proceeding to the court in the CHINS proceeding. Provides that the department has the right to intervene as a party to an adoption proceeding under certain

(Continued next page)

Effective: July 1, 2026.

DeVon, Olthoff

January 5, 2026, read first time and referred to Committee on Family, Children and Human Affairs.

January 22, 2026, amended, reported — Do Pass.

HB 1092—LS 6542/DI 148



Digest Continued

circumstances. Requires a volunteer of an applicant for licensure as a child caring institution to undergo a criminal background check if the volunteer is likely to have unsupervised contact with children in the child caring institution or will have access to a child's information. Provides that the department may deny an application for licensure as a child caring institution, group home, or child placing agency if the applicant was previously licensed as a residential child care provider and the license was revoked within one year of the application. Requires a probate court in an adoption proceeding to take certain actions if allegations in the petition for adoption or evidence produced at the adoption proceeding indicates that the child for whom the adoption decree is requested meets the definition of a child adjudicated or alleged to be a CHINS. Provides that a department caseworker who wishes to interview a child at the child's school must provide the caseworker's department issued credential in order to interview the child alone.



January 22, 2026

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. 1092

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 4-38-11-1, AS ADDED BY P.L.293-2019,
2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1. (a) The bureau shall provide information to a
4 certificate holder concerning persons who are delinquent in child
5 support.
6 (b) Prior to a certificate holder disbursing a payout of six hundred
7 dollars (\$600) or more, in winnings, from sports wagering to a person
8 who is delinquent in child support and who is claiming the winning
9 sports wager in person at the certificate holder's facility, **or is**
10 **requesting a withdrawal from the person's mobile sports wagering**
11 **account**, the certificate holder:
12 (1) may deduct and retain an administrative fee in the amount of
13 the lesser of:
14 (A) three percent (3%) of the amount of delinquent child
15 support withheld under subdivision (2)(A); or
16 (B) one hundred dollars (\$100); and
17 (2) shall:

HB 1092—LS 6542/DI 148



- 1 (A) withhold the amount of delinquent child support owed
- 2 from winnings;
- 3 (B) transmit to the bureau:
 - 4 (i) the amount withheld for delinquent child support; and
 - 5 (ii) identifying information, including the full name, address,
 - 6 and Social Security number of the obligor and the child
 - 7 support case identifier, the date and amount of the payment,
 - 8 and the name and location of the licensed owner, operating
 - 9 agent, or trustee; and
- 10 (C) issue the obligor a receipt in a form prescribed by the
- 11 bureau with the total amount withheld for delinquent child
- 12 support and the administrative fee.
- 13 (c) The bureau shall notify the obligor at the address provided by the
- 14 certificate holder that the bureau intends to offset the obligor's
- 15 delinquent child support with the winnings.
- 16 (d) The bureau shall hold the amount withheld from the winnings of
- 17 an obligor for ten (10) business days before applying the amount as
- 18 payment to the obligor's delinquent child support.
- 19 (e) The delinquent child support required to be withheld under this
- 20 section and an administrative fee described under subsection (b)(1)
- 21 have priority over any secured or unsecured claim on winnings except
- 22 claims for federal or state taxes that are required to be withheld under
- 23 federal or state law.

24 SECTION 2. IC 31-14-11-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. If:

- 26 (1) a paternity affidavit is executed under IC 16-37-2-2.1; and
- 27 (2) ~~the man who executed the paternity affidavit fails to set forth~~
- 28 ~~evidence at a child support hearing that rebuts the man's paternity;~~
- 29 **the paternity affidavit has not been set aside under**
- 30 **IC 16-37-2-2.1(k) or IC 16-37-2-2.1(l);**

31 an order establishing paternity and child support for the child named
 32 in the paternity affidavit ~~may~~ **must** be obtained at a child support
 33 hearing without any further proceedings to establish the child's
 34 paternity.

35 SECTION 3. IC 31-16-9-1, AS AMENDED BY P.L.150-2018,
 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 1. (a) This subsection applies before January 1,
 38 2007. Upon entering an order for support in:

- 39 (1) a dissolution of marriage decree under IC 31-15-2;
- 40 (2) a legal separation decree under IC 31-15-3; or
- 41 (3) a child support decree under IC 31-16-2;

42 the court shall require that support payments be made through the clerk



of the circuit court as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(b) Beginning January 1, 2007, except as provided in subsection (c), upon entering an order for support in:

- (1) a dissolution of marriage decree under IC 31-15-2;
- (2) a legal separation decree under IC 31-15-3; or
- (3) a child support decree under IC 31-14-11 or IC 31-16-2;

the court shall require that support payments be made through the clerk of ~~the a~~ circuit court, ~~or~~ the state central collection unit established by IC 31-25-3-1, **or a payment facility approved by the state**, as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(c) The clerk of ~~the a~~ circuit court may only accept child support payments that are paid in cash, and all noncash child support payments must be paid to the state central collection unit established within the child support bureau by IC 31-25-3-1 **or a payment facility approved by the state.**

SECTION 4. IC 31-19-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 1.5. Communication Between Courts

Sec. 1. (a) If a probate court has before it an adoption petition that alleges the child is subject to a child in need of services proceeding under IC 31-34, the probate court shall communicate with the juvenile court concerning the proceeding arising under this article, including:

- (1) dates of scheduled hearings and the purpose of each hearing;**
- (2) any placement order regarding the child; and**
- (3) any permanency plan for the child.**

(b) Any communication between the courts under this section is for the purpose of ensuring the best interest of the child.

Sec. 2. A record must be made of communication under section 1 of this chapter. The parties must be:

- (1) promptly informed of the communication; and**
- (2) granted access to the record.**

SECTION 5. IC 31-19-2-6, AS AMENDED BY P.L.206-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A petition for adoption must specify the following:



- 1 (1) The:
- 2 (A) name if known;
- 3 (B) sex, race, and age if known, or if unknown, the
- 4 approximate age; and
- 5 (C) place of birth;
- 6 of the child sought to be adopted.
- 7 (2) The new name to be given the child if a change of name is
- 8 desired.
- 9 (3) Whether or not the child possesses real or personal property
- 10 and, if so, the value and full description of the property.
- 11 (4) The:
- 12 (A) name, age, and place of residence of a petitioner for
- 13 adoption; and
- 14 (B) if married, place and date of their marriage.
- 15 (5) The name and place of residence, if known to the petitioner
- 16 for adoption, of:
- 17 (A) the parent or parents of the child;
- 18 (B) if the child is an orphan:
- 19 (i) the guardian; or
- 20 (ii) the nearest kin of the child if the child does not have a
- 21 guardian;
- 22 (C) the court or agency of which the child is a ward if the child
- 23 is a ward; or
- 24 (D) the agency sponsoring the adoption if there is a sponsor.
- 25 (6) The time, if any, during which the child lived in the home of
- 26 the petitioner for adoption.
- 27 (7) Whether the petitioner for adoption has been convicted of:
- 28 (A) a felony; or
- 29 (B) a misdemeanor relating to the health and safety of
- 30 children;
- 31 and, if so, the date and description of the conviction.
- 32 (8) Whether or not a current, ongoing child support order or
- 33 medical support order is in effect for the child sought to be
- 34 adopted.
- 35 **(9) If a child sought to be adopted is the subject of an open or**
- 36 **pending:**
- 37 **(A) child in need of services proceeding under IC 31-34; or**
- 38 **(B) delinquency proceeding under IC 31-37;**
- 39 **except an informal adjustment, the court in which the**
- 40 **proceeding is open or pending and the case number, if known.**
- 41 ~~(9)~~ **(10) Additional information consistent with the purpose and**
- 42 **provisions of this article that is considered relevant to the**



proceedings.

(b) If a current, ongoing child support order or medical support order is in effect for the child as described in subsection (a)(8), all of the following must be filed with the petition described under subsection (a):

- (1) A copy of the child support order or medical support order.
- (2) A statement as to whether the child support order or medical support order is enforced by the prosecuting attorney through the Title IV-D child support program under IC 31-25-4.

SECTION 6. IC 31-19-2-12, AS AMENDED BY P.L.128-2012, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall:

- (1) forward one (1) copy of the petition for adoption to a licensed child placing agency as described in IC 31-9-2-17.5, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and
- (2) if the child is in the care and custody of the department, forward an additional copy of the petition to the department.

SECTION 7. IC 31-19-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. The department has a right to intervene as a party in a proceeding under this article if the child who is the subject of a petition for adoption is:

- (1) alleged to be or has been adjudicated a child in need of services; and
- (2) the subject of a pending child in need of services proceeding under IC 31-34.

SECTION 8. IC 31-19-2.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Not more than fifteen (15) days after the date that the department receives:

- (1) notice under section 3 of this chapter; or
- (2) information from a probate court under IC 31-30-1-6.5; whichever occurs earlier, regarding a child who is the subject of an open or pending child in need of services proceeding under IC 31-34, the department shall file a notice with the juvenile court in which the child in need of services proceeding is pending. An open or pending proceeding under this subsection does not include an informal adjustment.

(b) The notice described in subsection (a) must contain the following information:



(1) The date on which the adoption was filed.

(2) The court in which the adoption was filed and the case number.

(c) Notice filed under this section does not violate IC 31-19-19-2.

SECTION 9. IC 31-19-19-2, AS AMENDED BY P.L.128-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

(1) the local office;

(2) the department; or

(3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, this chapter, or IC 31-19-20 through IC 31-19-25.5.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

(1) are open to the inspection of the court hearing the petition for adoption; ~~and~~

(2) on order of the court, may be:

(A) introduced into evidence; and

(B) made a part of the record;

in the adoption proceeding; **and**

(3) are open to inspection of the juvenile court in which notice has been filed under IC 31-19-2.5-7.

SECTION 10. IC 31-27-3-3, AS AMENDED BY P.L.81-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) An applicant must apply for a child caring institution license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting the following:

(1) Whether the applicant has been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) Whether the applicant has been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.



(d) The department, on behalf of an applicant, or, at the discretion of the department, an applicant, shall conduct a criminal history check of the following:

- (1) Each individual who is an applicant.
- (2) The director or manager of a facility where children will be placed.
- (3) Each employee ~~or volunteer~~ of the applicant.
- (4) Each **volunteer**, contractor, or individual working in the child caring institution who is likely to have unsupervised contact with children in the child caring institution **or will have access to the child's information.**

(e) If the applicant conducts a criminal history check under subsection (d), the applicant shall:

- (1) maintain records of the information it receives concerning each individual who is the subject of a criminal history check; and
- (2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(4).

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

- (1) determine whether the subject of a national fingerprint based criminal history check has a record of:
 - (A) a conviction for a felony;
 - (B) a conviction for a misdemeanor relating to the health and safety of a child; or
 - (C) a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony;
- (2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;
- (3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and
- (4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) Except as provided in subsection (i), a criminal history check of



each person described in subsection (d)(2), (d)(3), or (d)(4) must be completed on or before the date the person:

- (1) is employed;
- (2) is assigned as a volunteer; or
- (3) enters into, or the person's employing entity enters into, a contract with the applicant.

(i) An individual may be employed by a child caring institution as an employee, volunteer, or contractor before a criminal history check of the individual is completed as required under subsection (h) if all of the following conditions are satisfied:

(1) The following checks have been completed regarding the individual:

- (A) A fingerprint based check of national crime information data bases under IC 31-9-2-22.5(1).
- (B) A national sex offender registry check under IC 31-9-2-22.5(3).
- (C) An in-state local criminal records check under IC 31-9-2-22.5(4).
- (D) An in-state child protection index check under IC 31-33-26.

(2) If the individual has resided outside Indiana at any time during the five (5) years preceding the individual's date of hiring by the child caring institution, the following checks have been requested regarding the individual:

- (A) An out-of-state child abuse registry check under IC 31-9-2-22.5(2).
- (B) An out-of-state local criminal records check under IC 31-9-2-22.5(4).

(3) The individual's employment before the completion of the criminal history check required under subsection (h) is limited to training during which the individual:

- (A) does not have contact with children who are under the care and control of the child caring institution; and
- (B) does not have access to records containing information regarding children who are under the care and control of the child caring institution.

(4) The individual completes an attestation, under penalty of perjury, disclosing:

- (A) any abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and



(B) any contact the individual had with a law enforcement agency in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation.

(j) The applicant or facility is responsible for any fees associated with a criminal history check.

(k) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report.

(l) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history report concerning the person.

SECTION 11. IC 31-27-3-5, AS AMENDED BY P.L.243-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant; or

(B) an employee, volunteer, or contractor of the applicant.

(2) A criminal conviction of the applicant, or the director or manager of a facility where children will be placed by the applicant, of:

(A) a felony;

(B) a misdemeanor related to the health and safety of a child;

(C) a misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal); or

(D) a misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that:



- 1 (A) the applicant; or
- 2 (B) an employee, volunteer, or contractor of the applicant;
- 3 previously operated a home or facility without a license required
- 4 under any applicable provision of this article (or IC 12-17.4
- 5 before its repeal) or IC 12-17.2.
- 6 (6) A juvenile adjudication of the applicant for a nonwaivable
- 7 offense, as defined in IC 31-9-2-84.8 that, if committed by an
- 8 adult, would be a felony.
- 9 **(7) A determination by the department that the applicant was**
- 10 **previously licensed under this article and the license was**
- 11 **revoked within one (1) year of the current application.**
- 12 (b) An application for a license may also be denied if an employee,
- 13 volunteer, or contractor of the applicant has had any of the following:
- 14 (1) A conviction of a nonwaivable offense, as defined in
- 15 IC 31-9-2-84.8.
- 16 (2) A conviction of any other felony or a misdemeanor relating to
- 17 the health and safety of a child, unless the applicant is granted a
- 18 waiver by the department with regard to the employee, volunteer,
- 19 or contractor.
- 20 (3) A juvenile adjudication for a nonwaivable offense, as defined
- 21 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 22 felony, unless the applicant is granted a waiver by the department
- 23 with regard to the employee, volunteer, or contractor.
- 24 (c) In determining whether to grant a waiver under subsection (b),
- 25 the department shall consider the following factors:
- 26 (1) The length of time that has passed since the disqualifying
- 27 conviction.
- 28 (2) The severity, nature, and circumstances of the offense.
- 29 (3) Evidence of rehabilitation.
- 30 (4) The duties and qualifications required for the proposed
- 31 employment positions, volunteer assignment, or contract.
- 32 (d) Notwithstanding subsection (a) or (b), if:
- 33 (1) a license application could be denied due to a criminal
- 34 conviction of, or a determination of child abuse or neglect by, an
- 35 employee, volunteer, or contractor of the applicant; and
- 36 (2) the department determines that the employee, volunteer, or
- 37 contractor has been dismissed by the applicant within a
- 38 reasonable time after the applicant became aware of the
- 39 conviction or determination;
- 40 the criminal conviction of, or determination of child abuse or neglect
- 41 by, the former employee, former volunteer, or former contractor does
- 42 not constitute a sufficient basis for the denial of a license application.



(e) The department may adopt rules to implement this section.

SECTION 12. IC 31-27-5-6, AS AMENDED BY P.L.243-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant; or

(B) an employee, volunteer, or contractor of the applicant.

(2) A criminal conviction of the applicant, or the director or manager of a facility where children will be placed by the applicant, for any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency without a license under this article (or IC 12-17.4 before its repeal).

(D) A misdemeanor for operating a child care center or child care home without a license under IC 12-17.2.

(3) A determination by the department that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that:

(A) the applicant; or

(B) an employee, volunteer, or contractor of the applicant; previously operated a home or facility without a license required under any applicable provision of this article (or IC 12-17.4 before its repeal) or IC 12-17.2.

(6) A juvenile adjudication of the applicant for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony.

(7) A determination by the department that the applicant was previously licensed under this article and the license was revoked within one (1) year of the current application.

(b) An application for a license may also be denied if an employee, volunteer, or contractor of the applicant has had any of the following:

(1) A conviction of a nonwaivable offense, as defined in IC 31-9-2-84.8.

(2) A conviction of any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a



waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(3) A juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions, volunteer assignment, or contract.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license application could be denied due to a criminal conviction of, or a determination of child abuse or neglect by, an employee, volunteer, or contractor of the applicant; and

(2) the department determines that the employee, volunteer, or contractor has been dismissed by the applicant within a reasonable time after the applicant became aware of the conviction or determination;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former contractor does not constitute a sufficient basis for the denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 13. IC 31-27-6-3, AS AMENDED BY P.L.243-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The following constitute sufficient grounds for denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant; or

(B) an employee, volunteer, or contractor of the applicant.

(2) A criminal conviction of the applicant, or the director or manager of a facility where children will be placed by the licensee, for any of the following:

(A) A felony.

(B) A misdemeanor related to the health and safety of a child.

(C) A misdemeanor for operating a child caring institution, foster family home, group home, or child placing agency



- 1 without a license under this article (or IC 12-17.4 before its
2 repeal).
- 3 (D) A misdemeanor for operating a child care center or child
4 care home without a license under IC 12-17.2.
- 5 (3) A determination by the department that the applicant made
6 false statements in the applicant's application for licensure.
- 7 (4) A determination by the department that the applicant made
8 false statements in the records required by the department.
- 9 (5) A determination by the department that:
- 10 (A) the applicant; or
- 11 (B) an employee, volunteer, or contractor of the applicant;
12 previously operated a home or facility without a license required
13 under any applicable provision of this article (or IC 12-17.4
14 before its repeal) or IC 12-17.2.
- 15 (6) A juvenile adjudication of the applicant for a nonwaivable
16 offense, as defined in IC 31-9-2-84.8 that, if committed by an
17 adult, would be a felony.
- 18 **(7) A determination by the department that the applicant was**
19 **previously licensed under this article and the license was**
20 **revoked within one (1) year of the current application.**
- 21 (b) An application for a license may also be denied if an employee,
22 volunteer, or contractor of the applicant has had any of the following:
- 23 (1) A conviction of a nonwaivable offense, as defined in
24 IC 31-9-2-84.8.
- 25 (2) A conviction of any other felony or a misdemeanor relating to
26 the health and safety of a child, unless the applicant is granted a
27 waiver by the department with regard to the employee, volunteer,
28 or contractor.
- 29 (3) A juvenile adjudication for a nonwaivable offense, as defined
30 in IC 31-9-2-84.8 that, if committed by an adult, would be a
31 felony, unless the applicant is granted a waiver by the department
32 with regard to the employee, volunteer, or contractor.
- 33 (c) In determining whether to grant a waiver under subsection (b),
34 the department shall consider the following factors:
- 35 (1) The length of time that has passed since the disqualifying
36 conviction.
- 37 (2) The severity, nature, and circumstances of the offense.
- 38 (3) Evidence of rehabilitation.
- 39 (4) The duties and qualifications required for the proposed
40 employment positions, volunteer assignment, or contract.
- 41 (d) Notwithstanding subsection (a) or (b), if:
- 42 (1) a license application could be denied due to a criminal



conviction of, or a determination of child abuse or neglect by, an employee, volunteer, or contractor of the applicant; and

(2) the department determines that the employee, volunteer, or contractor has been dismissed by the applicant within a reasonable time after the applicant became aware of the conviction or determination;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former contractor does not constitute a sufficient basis for the denial of a license application.

(e) The department may adopt rules to implement this section.

SECTION 14. IC 31-30-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. If allegations in the petition for adoption or evidence produced at an adoption proceeding indicates that the child for whom the adoption decree is requested meets the definition of a child adjudicated or alleged to be a child in need of services under IC 31-34-1, the probate court shall do the following on its own motion or at the request of a party to the adoption matter:**

(1) Send the petition for adoption and current chronological case summary to the department in the county where the child in need of services matter is pending.

(2) Direct the department to determine whether the child for whom the adoption is requested is the subject of a pending child in need of services matter.

(3) If the child is the subject of a pending a child in need of services matter communicate with the juvenile court as required under IC 31-19-1.5-1.

SECTION 15. IC 31-33-8-7, AS AMENDED BY P.L.213-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The department's assessment, to the extent that is reasonably possible, must include the following:

(1) The nature, extent, and cause of the known or suspected child abuse or neglect.

(2) The identity of the person allegedly responsible for the child abuse or neglect.

(3) The names and conditions of other children in the home.

(4) An evaluation of the parent, guardian, custodian, or person responsible for the care of the child.

(5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.



- 1 (6) All other data considered pertinent.
- 2 (b) The assessment may include the following:
- 3 (1) A visit to the child's home.
- 4 (2) An interview with the subject child:
- 5 (A) upon receiving parental consent;
- 6 (B) upon receiving a court order; or
- 7 (C) if there are exigent circumstances as defined by
- 8 IC 31-9-2-44.1.
- 9 (3) A physical, psychological, or psychiatric examination of any
- 10 child in the home.
- 11 (c) If:
- 12 (1) admission to the home, the school, or any other place that the
- 13 child may be; or
- 14 (2) permission of the parent, guardian, custodian, or other persons
- 15 responsible for the child for the physical, psychological, or
- 16 psychiatric examination;
- 17 under subsection (b) cannot be obtained, the juvenile court, upon good
- 18 cause shown, shall follow the procedures under IC 31-32-12.
- 19 (d) If a custodial parent, a guardian, or a custodian of a child refuses
- 20 to allow the department to interview the child after the caseworker has
- 21 attempted to obtain the consent of the custodial parent, guardian, or
- 22 custodian to interview the child, the department may petition a court to
- 23 order the custodial parent, guardian, or custodian to make the child
- 24 available to be interviewed by the caseworker.
- 25 (e) If the court finds that:
- 26 (1) a custodial parent, a guardian, or a custodian has been
- 27 informed of the hearing on a petition described under subsection
- 28 (d); and
- 29 (2) the department has made reasonable and unsuccessful efforts
- 30 to obtain the consent of the custodial parent, guardian, or
- 31 custodian to interview the child;
- 32 the court shall specify in the order the efforts the department made to
- 33 obtain the consent of the custodial parent, guardian, or custodian and
- 34 may grant the motion to interview the child, either with or without the
- 35 custodial parent, guardian, or custodian being present.
- 36 (f) If the department requests to interview a child at the child's
- 37 school, the school, except a nonaccredited nonpublic school that has
- 38 less than one (1) employee, shall grant access to the department to
- 39 interview the child alone, if the department employee presents:
- 40 (1) their ~~credentials as a department case worker~~, **department**
- 41 **issued credential**, or other proof of employment with the
- 42 department, for inspection upon arrival at the school; and



1 (2) a written statement that the department "has parental consent
2 or a court order, or exigent circumstances exist as defined by
3 IC 31-9-2-44.1 to interview [insert child's name]". The written
4 statement under this subdivision shall not disclose any of the facts
5 of the allegations or evidence and may be transmitted to the
6 school electronically.

7 (g) If the department provides a written statement under subsection
8 (f)(2), the school shall:

9 (1) not maintain the written statement in the child's file; and

10 (2) protect the child and the child's family's confidentiality
11 regarding the written statement and the interview.

12 (h) If a parent, guardian, or custodian of a child who is the subject
13 of a substantiated investigation of abuse or neglect is an active duty
14 member of the military, the department shall notify the United States
15 Department of Defense Family Advocacy Program of the assessment
16 concerning the child of the active duty member of the military upon
17 request.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1092, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 20 through 30.

Page 3, line 35, after "Sec. 1." insert **"(a)"**.

Page 3, line 38, delete "article." and insert **"article, including:**

(1) dates of scheduled hearings and the purpose of each hearing;

(2) any placement order regarding the child; and

(3) any permanency plan for the child.

(b) Any communication between the courts under this section is for the purpose of ensuring the best interest of the child."

Page 3, delete lines 39 through 42.

Page 4, delete lines 1 through 2.

Page 4, line 3, delete "Sec. 3." and insert **"Sec. 2."**

Page 4, line 3, delete "sections" and insert **"section"**.

Page 4, line 4, delete "and 2".

Page 5, line 8, delete "number." and insert **"number, if known."**

Page 5, between lines 19 and 20, begin a new paragraph and insert:
"SECTION 7. IC 31-19-2-12, AS AMENDED BY P.L.128-2012, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall:

(1) forward one (1) copy of the petition for adoption to a licensed child placing agency as described in IC 31-9-2-17.5, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and

(2) if the child is in the care and custody of the department, forward an additional copy of the petition to the department."

Page 6, delete lines 5 through 7.

Page 14, line 16, delete "(a) Subject to subsections (b)".

Page 14, delete lines 17 through 19.

Page 14, line 20, delete "(b)".

Page 14, run in lines 16 through 20.

Page 14, line 33, delete ":".

Page 14, delete lines 34 through 35.

Page 14, line 36, delete "(B)".

Page 14, run in lines 33 through 36.



Page 14, delete lines 38 through 41, begin a new paragraph and insert:

"SECTION 15. IC 31-33-8-7, AS AMENDED BY P.L.213-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The department's assessment, to the extent that is reasonably possible, must include the following:

- (1) The nature, extent, and cause of the known or suspected child abuse or neglect.
- (2) The identity of the person allegedly responsible for the child abuse or neglect.
- (3) The names and conditions of other children in the home.
- (4) An evaluation of the parent, guardian, custodian, or person responsible for the care of the child.
- (5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.
- (6) All other data considered pertinent.

(b) The assessment may include the following:

- (1) A visit to the child's home.
- (2) An interview with the subject child:
 - (A) upon receiving parental consent;
 - (B) upon receiving a court order; or
 - (C) if there are exigent circumstances as defined by IC 31-9-2-44.1.
- (3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

- (1) admission to the home, the school, or any other place that the child may be; or
- (2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

(d) If a custodial parent, a guardian, or a custodian of a child refuses to allow the department to interview the child after the caseworker has attempted to obtain the consent of the custodial parent, guardian, or custodian to interview the child, the department may petition a court to order the custodial parent, guardian, or custodian to make the child available to be interviewed by the caseworker.

(e) If the court finds that:

- (1) a custodial parent, a guardian, or a custodian has been



informed of the hearing on a petition described under subsection (d); and

(2) the department has made reasonable and unsuccessful efforts to obtain the consent of the custodial parent, guardian, or custodian to interview the child;

the court shall specify in the order the efforts the department made to obtain the consent of the custodial parent, guardian, or custodian and may grant the motion to interview the child, either with or without the custodial parent, guardian, or custodian being present.

(f) If the department requests to interview a child at the child's school, the school, except a nonaccredited nonpublic school that has less than one (1) employee, shall grant access to the department to interview the child alone, if the department employee presents:

(1) their ~~credentials as a department case worker~~, **department issued credential**, or other proof of employment with the department, for inspection upon arrival at the school; and

(2) a written statement that the department "has parental consent or a court order, or exigent circumstances exist as defined by IC 31-9-2-44.1 to interview [insert child's name]". The written statement under this subdivision shall not disclose any of the facts of the allegations or evidence and may be transmitted to the school electronically.

(g) If the department provides a written statement under subsection (f)(2), the school shall:

(1) not maintain the written statement in the child's file; and

(2) protect the child and the child's family's confidentiality regarding the written statement and the interview.

(h) If a parent, guardian, or custodian of a child who is the subject of a substantiated investigation of abuse or neglect is an active duty member of the military, the department shall notify the United States Department of Defense Family Advocacy Program of the assessment concerning the child of the active duty member of the military upon request."

Renumber SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1092 as introduced.)

DEVON

Committee Vote: yeas 11, nays 0.

HB 1092—LS 6542/DI 148

