

PROPOSED AMENDMENT

HB 1092 # 2

DIGEST

Juvenile law matters. Deletes the bill's provision that a juvenile court has concurrent original jurisdiction over adoption proceedings for a child who: (1) is alleged to be or has been adjudicated a child in need of services (CHINS); and (2) is the subject of a pending CHINS proceeding. Deletes the bill's provision that if a child is the subject of: (1) an adoption proceeding in a probate court; and (2) a CHINS proceeding in a juvenile court; the parties to the proceedings may participate in communications between the courts or be given the opportunity to testify regarding jurisdiction. Requires a petition for adoption to include the case number of a CHINS or delinquency proceeding regarding the child only if the case number is known to the petitioner. Adds a provision requiring the clerk of a court in a proceeding regarding adoption of a child who is under the care and custody of the department of child services (DCS) to forward a copy of the adoption petition to DCS. Modifies the bill's provisions regarding allocation of jurisdiction between a probate court in an adoption proceeding regarding a child and a juvenile court in a CHINS petition regarding the child. Provides that a DCS 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.

- 1 Page 3, delete lines 20 through 30.
- 2 Page 3, line 35, after "Sec. 1." insert "(a)".
- 3 Page 3, line 38, delete "article." and insert "**article, including:**
4 **(1) dates of scheduled hearings and the purpose of each**
5 **hearing;**
6 **(2) any placement order regarding the child; and**
7 **(3) any permanency plan for the child.**
8 **(b) Any communication between the courts under this section is**
9 **for the purpose of ensuring the best interest of the child."**
- 10 Page 3, delete lines 39 through 42.
- 11 Page 4, delete lines 1 through 2.
- 12 Page 4, line 3, delete "Sec. 3." and insert "**Sec. 2.**".
- 13 Page 4, line 3, delete "sections" and insert "**section**".
- 14 Page 4, line 4, delete "and 2".
- 15 Page 5, line 8, delete "number." and insert "**number, if known.**".
- 16 Page 5, between lines 19 and 20, begin a new paragraph and insert:
17 "SECTION 7. IC 31-19-2-12, AS AMENDED BY P.L.128-2012,
18 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 12. As soon as a petition for adoption is found to

1 be in proper form, the clerk of the court shall:
2 **(1)** forward one (1) copy of the petition for adoption to a licensed
3 child placing agency as described in IC 31-9-2-17.5, with
4 preference to be given to the agency, if any, sponsoring the
5 adoption, as shown by the petition for adoption; **and**
6 **(2) if the child is in the care and custody of the department,**
7 **forward an additional copy of the petition to the**
8 **department.**".

9 Page 6, delete lines 5 through 7.
10 Page 14, line 16, delete "(a) Subject to subsections (b)".
11 Page 14, delete lines 17 through 19.
12 Page 14, line 20, delete "(b)".
13 Page 14, run in lines 16 through 20.
14 Page 14, line 33, delete ":".
15 Page 14, delete lines 34 through 35.
16 Page 14, line 36, delete "(B)".
17 Page 14, run in lines 33 through 36.
18 Page 14, delete lines 38 through 41, begin a new paragraph and
19 insert:

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

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

35 (b) The assessment may include the following:
36 (1) A visit to the child's home.
37 (2) An interview with the subject child:
38 (A) upon receiving parental consent;
39 (B) upon receiving a court order; or
40 (C) if there are exigent circumstances as defined by

1 IC 31-9-2-44.1.

2 (3) A physical, psychological, or psychiatric examination of any
3 child in the home.

4 (c) If:

5 (1) admission to the home, the school, or any other place that the
6 child may be; or

7 (2) permission of the parent, guardian, custodian, or other persons
8 responsible for the child for the physical, psychological, or
9 psychiatric examination;

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

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

18 (e) If the court finds that:

19 (1) a custodial parent, a guardian, or a custodian has been
20 informed of the hearing on a petition described under subsection
21 (d); and

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

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

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

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

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

1 school electronically.

4 (1) not maintain the written statement in the child's file; and
5 (2) protect the child and the child's family's confidentiality
6 regarding the written statement and the interview.

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

13 Renumber **SECTIONS** consecutively.

(Reference is to HB 1092 as introduced.)