

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

HOUSE BILL No. 1092

Proposed Changes to introduced printing by AM109202

DIGEST OF PROPOSED AMENDMENT

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.

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

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 sports wager in person at the certificate holder's facility, **or is**
 2 **requesting a withdrawal from the person's mobile sports wagering**
 3 **account**, the certificate holder:

4 (1) may deduct and retain an administrative fee in the amount of
 5 the lesser of:

6 (A) three percent (3%) of the amount of delinquent child
 7 support withheld under subdivision (2)(A); or
 8 (B) one hundred dollars (\$100); and

9 (2) shall:

10 (A) withhold the amount of delinquent child support owed
 11 from winnings;

12 (B) transmit to the bureau:

13 (i) the amount withheld for delinquent child support;
 14 and

15 (ii) identifying information, including the full name,
 16 address, and Social Security number of the obligor and
 17 the child support case identifier, the date and amount
 18 of the payment, and the name and location of the
 19 licensed owner, operating agent, or trustee; and

20 (C) issue the obligor a receipt in a form prescribed by the
 21 bureau with the total amount withheld for delinquent child
 22 support and the administrative fee.

23 (c) The bureau shall notify the obligor at the address provided by
 24 the certificate holder that the bureau intends to offset the obligor's
 25 delinquent child support with the winnings.

26 (d) The bureau shall hold the amount withheld from the winnings
 27 of an obligor for ten (10) business days before applying the amount as
 28 payment to the obligor's delinquent child support.

29 (e) The delinquent child support required to be withheld under this
 30 section and an administrative fee described under subsection (b)(1)
 31 have priority over any secured or unsecured claim on winnings except
 32 claims for federal or state taxes that are required to be withheld under
 33 federal or state law.

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

36 (1) a paternity affidavit is executed under IC 16-37-2-2.1; and
 37 (2) ~~the man who executed the paternity affidavit fails to set forth~~
 38 ~~evidence at a child support hearing that rebuts the man's~~
 39 ~~paternity, the paternity affidavit has not been set aside under~~
 40 ~~IC 16-37-2-2.1(k) or IC 16-37-2-2.1(l);~~

41 an order establishing paternity and child support for the child named
 42 in the paternity affidavit **may must** be obtained at a child support

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 hearing without any further proceedings to establish the child's
 2 paternity.

3 SECTION 3. IC 31-16-9-1, AS AMENDED BY P.L.150-2018,
 4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2026]: Sec. 1. (a) This subsection applies before January 1,
 6 2007. Upon entering an order for support in:

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

10 the court shall require that support payments be made through the clerk
 11 of the circuit court as trustee for remittance to the person entitled to
 12 receive payments, unless the court has reasonable grounds for
 13 providing or approving another method of payment.

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

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

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

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

30 ~~SECTION 4. IC 31-19-1-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section
 32 applies to each Indiana county that has a separate probate court.~~

33 ~~(b) Except as provided in subsection (c), the probate court has
 34 exclusive jurisdiction in all adoption matters.~~

35 ~~(c) A juvenile court has concurrent original jurisdiction over
 36 adoption proceedings for a child who:~~

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

39 > SECTION ~~4~~ IC 31-19-1.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW CHAPTER TO READ AS FOLLOWS

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 [EFFECTIVE JULY 1, 2026]:

2 **Chapter 1.5. Communication Between Courts**

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

8 **~~Sec. 2. (a) A court may allow the parties to participate in the~~**
 9 **~~communication described in section 1 of this chapter.~~**

10 **~~(b) If the parties are not able to participate in the~~**
 11 **~~communication described in section 1 of this chapter, the parties~~**
 12 **~~must be given an opportunity to present facts and legal arguments~~**
 13 **~~before a decision on jurisdiction is made.~~**

14 **~~Sec. 3. [1, including:~~**

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

17 **(2) any placement order regarding the child; and**

18 **(3) any permanency plan for the child.**

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

21 **Sec. 2. A record must be made of communication under**
 22 **section 1~~and 2~~ of this chapter. The parties must be:**

23 **(1) promptly informed of the communication; and**

24 **(2) granted access to the record.**

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

29 (1) The:

30 (A) name if known;

31 (B) sex, race, and age if known, or if unknown, the
 32 approximate age; and

33 (C) place of birth;

34 of the child sought to be adopted.

35 (2) The new name to be given the child if a change of name is
 36 desired.

37 (3) Whether or not the child possesses real or personal property
 38 and, if so, the value and full description of the property.

39 (4) The:

40 (A) name, age, and place of residence of a petitioner for
 41 adoption; and

42 (B) if married, place and date of their marriage.



3 (A) the parent or parents of the child;

4 (B) if the child is an orphan:

5 (i) the guardian; or

9 child is a ward; or
10 (D) the agency sponsoring the adoption if there is a sponsor.

13 (7) Whether the petitioner for adoption has been convicted of:

17 and, if so, the date and description of the conviction.

18 (8) Whether or not a current, ongoing child support order or
19 medical support order is in effect for the child sought to be
20 adopted.

22 pending;
23 (A) child in need of services proceeding under IC 31-34;
24 or
25 (B) delinquency proceeding under IC 31-37;
26 except an informal adjustment, the court in which the
27 proceeding is open or pending and the case number 1, if
28

28 known].
29 (9) (10) Additional information consistent with the purpose and
30 provisions of this article that is considered relevant to the
31 proceedings.

(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.

40 [SECTION 6. IC 31-19-2-12, AS AMENDED BY P.L.128-2012,
41 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2026]: Sec. 12. As soon as a petition for adoption is found to

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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 department.

8 1 SECTION 7. IC 31-19-2-17 IS ADDED TO THE INDIANA

9 CODE AS A NEW SECTION TO READ AS FOLLOWS

10 [EFFECTIVE JULY 1, 2026]: Sec. 17. **The department has a right**

11 **to intervene as a party in a proceeding under this article if the child**

12 **who is the subject of a petition for adoption is:**

13 **(1) alleged to be or has been adjudicated a child in need of**

14 **services; and**

15 **(2) the subject of a pending child in need of services**

16 **proceeding under IC 31-34.**

17 SECTION 8. IC 31-19-2.5-7 IS ADDED TO THE INDIANA

18 CODE AS A NEW SECTION TO READ AS FOLLOWS

19 [EFFECTIVE JULY 1, 2026]: Sec. 7. **(a) Not more than fifteen (15)**

20 **days after the date that the department receives:**

21 **(1) notice under section 3 of this chapter; or**

22 **(2) information from a probate court under IC 31-30-1-6.5;**

23 **whichever occurs earlier, regarding a child who is the subject of an**

24 **open or pending child in need of services proceeding under**

25 **IC 31-34, the department shall file a notice with the juvenile court**

26 **in which the child in need of services proceeding is pending. An**

27 **open or pending proceeding under this subsection does not include**

28 **an informal adjustment.**

29 **(b) The notice described in subsection (a) must contain the**

30 **following information:**

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

32 **(2) The court in which the adoption was filed and the case**

33 **number.**

34 **(c) Notice filed under this section does not violate**

35 **IC 31-19-19-2.**

36 **← (d) The department shall request a hearing in the child in need**

37 **of services proceeding to determine whether the juvenile court will**

38 **assume jurisdiction under IC 31-30-1-6.5.**

39 **→ SECTION 9. IC 31-19-19-2, AS AMENDED BY P.L.128-2012,**

40 **SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**

41 **JULY 1, 2026]: Sec. 2. (a) All files and records pertaining to the**

42 **adoption proceedings in:**



6 IC 31-19-25.5.
7 (b) The files and records described in subsection (a), including
8 investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its
9 repeal);

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

12 (2) on order of the court, may be:
13 (A) introduced into evidence; and

14 (B) made a part of the record
15 in the adoption proceeding; and

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

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

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

26 (1) Whether the applicant has been convicted of:

27 (A) a felony; or

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

30 (2) Whether the applicant has been charged with:

31 (A) a felony; or

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

34 during the pendency of the application.

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

38 (1) Each individual who is an applicant.

39 (2) The director or manager of a facility where children will be
40 placed.

41 (3) Each employee or volunteer of the applicant.

42 (4) Each **volunteer**, contractor, or individual working in the



1 child caring institution who is likely to have unsupervised
 2 contact with children in the child caring institution **or will have**
 3 **access to the child's information.**

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

6 (1) maintain records of the information it receives concerning
 7 each individual who is the subject of a criminal history check;
 8 and

9 (2) submit to the department a copy of the information it receives
 10 concerning each person described in subsection (d)(1) through
 11 (d)(4).

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

14 (1) determine whether the subject of a national fingerprint based
 15 criminal history check has a record of:

16 (A) a conviction for a felony;

17 (B) a conviction for a misdemeanor relating to the health
 18 and safety of a child; or

19 (C) a juvenile adjudication for a nonwaivable offense, as
 20 defined in IC 31-9-2-84.8 that, if committed by an adult,
 21 would be a felony;

22 (2) notify the applicant of the determination under subdivision

23 (1) without identifying a specific offense or other identifying
 24 information concerning a conviction or juvenile adjudication
 25 contained in the national criminal history record information;

26 (3) submit to the applicant a copy of any state limited criminal
 27 history report that the department receives on behalf of any
 28 person described in subsection (d); and

29 (4) maintain a record of every report and all information the
 30 department receives concerning a person described in subsection
 31 (d).

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

35 (h) Except as provided in subsection (i), a criminal history check
 36 of each person described in subsection (d)(2), (d)(3), or (d)(4) must be
 37 completed on or before the date the person:

38 (1) is employed;

39 (2) is assigned as a volunteer; or

40 (3) enters into, or the person's employing entity enters into, a
 41 contract with the applicant.

42 (i) An individual may be employed by a child caring institution as



1 an employee, volunteer, or contractor before a criminal history check
2 of the individual is completed as required under subsection (h) if all of
3 the following conditions are satisfied:

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

6 (A) A fingerprint based check of national crime information
7 data bases under IC 31-9-2-22.5(1).

8 (B) A national sex offender registry check under
9 IC 31-9-2-22.5(3).

10 (C) An in-state local criminal records check under
11 IC 31-9-2-22.5(4).

12 (D) An in-state child protection index check under
13 IC 31-33-26.

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

18 (A) An out-of-state child abuse registry check under
19 IC 31-9-2-22.5(2).

20 (B) An out-of-state local criminal records check under
21 IC 31-9-2-22.5(4).

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

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

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

32 (A) any abuse or neglect complaints made against the
33 individual with the child welfare agency of a state other
34 than Indiana in which the individual resided within the five
35 (5) years preceding the date of the attestation; and
36 (B) any contact the individual had with a law enforcement
37 agency in connection with the individual's suspected or
38 alleged commission of a crime in a state other than Indiana
39 in which the individual resided within the five (5) years
40 preceding the date of the attestation.

41 (j) The applicant or facility is responsible for any fees associated
42 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

A determination by the

- (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

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 offense, as defined in IC 31-9-2-84.8 that, if committed by an
2 adult, would be a felony.

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

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

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

22 (2) The severity, nature, and circumstances of the offense.
23 (3) Evidence of rehabilitation.

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

25 employment positions, volunteer assignment, or contract.
26 (d) Notwithstanding subsection (a) or (b), if:
27 (1) a license application could be denied due to a criminal

27 (1) a license application could be denied due to a criminal
28 conviction of, or a determination of child abuse or neglect by, an
29 employee, volunteer, or contractor of the applicant; and
30 (2) the department determines that the employee, volunteer, or
31 contractor has been dismissed by the applicant within a
32 reasonable time after the applicant became aware of the
33 conviction or determination;

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

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

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

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

2026

IN 1092—LS 6542/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 by:

2 (A) the applicant; or

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

4 (2) A criminal conviction of the applicant, or the director or

5 manager of a facility where children will be placed by the

6 applicant, for any of the following:

7 (A) A felony.

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

9 child.

10 (C) A misdemeanor for operating a child caring institution,

11 foster family home, group home, or child placing agency

12 without a license under this article (or IC 12-17.4 before its

13 repeal).

14 (D) A misdemeanor for operating a child care center or

15 child care home without a license under IC 12-17.2.

16 (3) A determination by the department that the applicant made

17 false statements in the applicant's application for licensure.

18 (4) A determination by the department that the applicant made

19 false statements in the records required by the department.

20 (5) A determination by the department that:

21 (A) the applicant; or

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

23 previously operated a home or facility without a license required

24 under any applicable provision of this article (or IC 12-17.4

25 before its repeal) or IC 12-17.2.

26 (6) A juvenile adjudication of the applicant for a nonwaivable

27 offense, as defined in IC 31-9-2-84.8 that, if committed by an

28 adult, would be a felony.

29 **(7) A determination by the department that the applicant**

30 **was previously licensed under this article and the license was**

31 **revoked within one (1) year of the current application.**

32 (b) An application for a license may also be denied if an employee,

33 volunteer, or contractor of the applicant has had any of the following:

34 (1) A conviction of a nonwaivable offense, as defined in

35 IC 31-9-2-84.8.

36 (2) A conviction of any other felony or a misdemeanor relating

37 to the health and safety of a child, unless the applicant is granted

38 a waiver by the department to employ or assign the person as a

39 volunteer in a position described in this subsection.

40 (3) A juvenile adjudication for a nonwaivable offense, as defined

41 in IC 31-9-2-84.8 that, if committed by an adult, would be a

42 felony, unless the applicant is granted a waiver by the



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

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

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

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

8 (3) Evidence of rehabilitation.

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

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

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

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

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

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

23 SECTION 13. IC 31-27-6-3, AS AMENDED BY P.L.243-2019,

24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2026]: Sec. 3. (a) The following constitute sufficient grounds
 26 for denial of a license application:

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

29 (A) the applicant; or

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

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

34 (A) A felony.

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

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

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



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

5 (5) A determination by the department that:

6 (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.

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

19 (1) A conviction of a nonwaivable offense, as defined in
20 JC 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 with regard to the employee, volunteer, or contractor.

(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 with regard to the employee, volunteer, or contractor.

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

30 the department shall consider the following factors:
31 (1) The length of time that has passed since the disqualifying
32 conviction.

32 conviction.
33 (2) The severity, nature, and circumstances of the offense.
34 (3) Evidence of rehabilitation.

34 (3) Evidence of rehabilitation.

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

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

37 (d) Notwithstanding subsection (a) or (b), if:
38 (1) a license application could be denied due to a criminal

(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

41 (2) the department determines that the employee, volunteer, or
42 contractor has been dismissed by the applicant within a



1 reasonable time after the applicant became aware of the
 2 conviction or determination;

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

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

7 SECTION 14. IC 31-30-1-6.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2026]: Sec. 6.5.~~(a) Subject to subsections
 (b) and (c), this article does not prohibit a probate or juvenile court
 from exercising its jurisdiction over an adoption of a child who is
 the subject of a pending child in need of services matter.~~

10 ~~(b)~~ If allegations in the petition for adoption or evidence
 11 produced at an adoption proceeding indicates that the child for
 12 whom the adoption decree is requested meets the definition of a
 13 child adjudicated or alleged to be a child in need of services under
 14 IC 31-34-1, the probate court shall do the following on its own
 15 motion or at the request of a party to the adoption matter:

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

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

22 (3) If the child is the subject of a pending a child in need of
 23 services matter:
 24

25 ~~(A) direct the department to request a hearing with the
 26 juvenile court under IC 31-19-2.5-7(d); and~~

27 ~~(B)~~ communicate with the juvenile court as required
 28 under IC 31-19-1.5-1.

29 ~~(c) The probate or juvenile court in which the adoption
 30 petition was filed retains jurisdiction over the adoption matter
 31 unless~~ I SECTION 15. IC 31-33-8-7, AS AMENDED BY
 32 P.L.213-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The department's assessment,
 34 to the extent that is reasonably possible, must include the following:

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

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

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

40 (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 ~~with jurisdiction over the child in need of services~~ matter assumes jurisdiction under IC 31-19-1-2(c).¹² [, 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



1 school, the school, except a nonaccredited nonpublic school that has
2 less than one (1) employee, shall grant access to the department to
3 interview the child alone, if the department employee presents:

4 (1) their credentials as a department case worker; department
5 issued credential, or other proof of employment with the
6 department, for inspection upon arrival at the school; and
7 (2) a written statement that the department "has parental consent
8 or a court order, or exigent circumstances exist as defined by
9 IC 31-9-2-44.1 to interview [insert child's name]". The written
10 statement under this subdivision shall not disclose any of the
11 facts of the allegations or evidence and may be transmitted to the
12 school electronically.

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

15 (1) not maintain the written statement in the child's file; and
16 (2) protect the child and the child's family's confidentiality
17 regarding the written statement and the interview.

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

