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HOUSE BILL No. 1092

Proposed Changes to January 29, 2026 printing by AM109207

DIGEST OF PROPOSED AMENDMENT

Right to intervene. Removes a SECTION from the bill that allows the department of child services to intervene in certain adoption proceedings.

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:
 - 18 (A) withhold the amount of delinquent child support owed
 - 19 from winnings;
 - 20 (B) transmit to the bureau:

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- 1 (i) the amount withheld for delinquent child support;
- 2 and
- 3 (ii) identifying information, including the full name,
- 4 address, and Social Security number of the obligor and
- 5 the child support case identifier, the date and amount
- 6 of the payment, and the name and location of the
- 7 licensed owner, operating agent, or trustee; and
- 8 (C) issue the obligor a receipt in a form prescribed by the
- 9 bureau with the total amount withheld for delinquent child
- 10 support and the administrative fee.

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

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

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

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

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

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

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

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

40 the court shall require that support payments be made through the clerk
 41 of the circuit court as trustee for remittance to the person entitled to
 42 receive payments, unless the court has reasonable grounds for

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1 providing or approving another method of payment.

2 (b) Beginning January 1, 2007, except as provided in subsection

3 (c), upon entering an order for support in:

4 (1) a dissolution of marriage decree under IC 31-15-2;

5 (2) a legal separation decree under IC 31-15-3; or

6 (3) a child support decree under IC 31-14-11 or IC 31-16-2;

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

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

18 SECTION 4. IC 31-19-2-6, AS AMENDED BY P.L.206-2015,
19 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 6. (a) A petition for adoption must specify the
21 following:

22 (1) The:

23 (A) name if known;

24 (B) sex, race, and age if known, or if unknown, the
25 approximate age; and

26 (C) place of birth;

27 of the child sought to be adopted.

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

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

32 (4) The:

33 (A) name, age, and place of residence of a petitioner for
34 adoption; and

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

36 (5) The name and place of residence, if known to the petitioner
37 for adoption, of:

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

39 (B) if the child is an orphan:

40 (i) the guardian; or

41 (ii) the nearest kin of the child if the child does not
42 have a guardian;

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- 1 (C) the court or agency of which the child is a ward if the
- 2 child is a ward; or
- 3 (D) the agency sponsoring the adoption if there is a sponsor.
- 4 (6) The time, if any, during which the child lived in the home of
- 5 the petitioner for adoption.
- 6 (7) Whether the petitioner for adoption has been convicted of:
- 7 (A) a felony; or
- 8 (B) a misdemeanor relating to the health and safety of
- 9 children;
- 10 and, if so, the date and description of the conviction.
- 11 (8) Whether or not a current, ongoing child support order or
- 12 medical support order is in effect for the child sought to be
- 13 adopted.
- 14 **(9) If a child sought to be adopted is the subject of an open or**
- 15 **pending:**
- 16 **(A) child in need of services proceeding under IC 31-34;**
- 17 **or**
- 18 **(B) delinquency proceeding under IC 31-37;**
- 19 **except an informal adjustment, the court in which the**
- 20 **proceeding is open or pending and the case number, if**
- 21 **known.**
- 22 ~~(9)~~ **(10)** Additional information consistent with the purpose and
- 23 provisions of this article that is considered relevant to the
- 24 proceedings.
- 25 (b) If a current, ongoing child support order or medical support
- 26 order is in effect for the child as described in subsection (a)(8), all of
- 27 the following must be filed with the petition described under subsection
- 28 (a):
- 29 (1) A copy of the child support order or medical support order.
- 30 (2) A statement as to whether the child support order or medical
- 31 support order is enforced by the prosecuting attorney through the
- 32 Title IV-D child support program under IC 31-25-4.
- 33 ~~<— SECTION 5. IC 31-19-2-17 IS ADDED TO THE INDIANA~~
- 34 ~~CODE AS A NEW SECTION TO READ AS FOLLOWS~~
- 35 ~~[EFFECTIVE JULY 1, 2026]: Sec. 17. The department has a right~~
- 36 ~~to intervene as a party in a proceeding under this article if the child~~
- 37 ~~who is the subject of a petition for adoption is:~~
- 38 ~~— (1) alleged to be or has been adjudicated a child in need of~~
- 39 ~~services; and~~
- 40 ~~— (2) the subject of a pending child in need of services~~
- 41 ~~proceeding under IC 31-34.~~
- 42 > SECTION <6>[\[5\]](#). IC 31-27-3-3, AS AMENDED BY

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

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

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

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

9 (A) a felony; or

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

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

13 (A) a felony; or

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

16 during the pendency of the application.

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

20 (1) Each individual who is an applicant.

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

23 (3) Each employee ~~or volunteer~~ of the applicant.

24 (4) Each **volunteer**, contractor, or individual working in the
 25 child caring institution who is likely to have unsupervised
 26 contact with children in the child caring institution **or will have**
 27 **access to the child's information.**

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

30 (1) maintain records of the information it receives concerning
 31 each individual who is the subject of a criminal history check;
 32 and

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

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

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

40 (A) a conviction for a felony;

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

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- 1 (C) a juvenile adjudication for a nonwaivable offense, as
- 2 defined in IC 31-9-2-84.8 that, if committed by an adult,
- 3 would be a felony;
- 4 (2) notify the applicant of the determination under subdivision
- 5 (1) without identifying a specific offense or other identifying
- 6 information concerning a conviction or juvenile adjudication
- 7 contained in the national criminal history record information;
- 8 (3) submit to the applicant a copy of any state limited criminal
- 9 history report that the department receives on behalf of any
- 10 person described in subsection (d); and
- 11 (4) maintain a record of every report and all information the
- 12 department receives concerning a person described in subsection
- 13 (d).
- 14 (g) Except as provided in subsection (h), a criminal history check
- 15 described in subsection (d) is required only at the time an application
- 16 for a new license or the renewal of an existing license is submitted.
- 17 (h) Except as provided in subsection (i), a criminal history check
- 18 of each person described in subsection (d)(2), (d)(3), or (d)(4) must be
- 19 completed on or before the date the person:
- 20 (1) is employed;
- 21 (2) is assigned as a volunteer; or
- 22 (3) enters into, or the person's employing entity enters into, a
- 23 contract with the applicant.
- 24 (i) An individual may be employed by a child caring institution as
- 25 an employee, volunteer, or contractor before a criminal history check
- 26 of the individual is completed as required under subsection (h) if all of
- 27 the following conditions are satisfied:
- 28 (1) The following checks have been completed regarding the
- 29 individual:
- 30 (A) A fingerprint based check of national crime information
- 31 data bases under IC 31-9-2-22.5(1).
- 32 (B) A national sex offender registry check under
- 33 IC 31-9-2-22.5(3).
- 34 (C) An in-state local criminal records check under
- 35 IC 31-9-2-22.5(4).
- 36 (D) An in-state child protection index check under
- 37 IC 31-33-26.
- 38 (2) If the individual has resided outside Indiana at any time
- 39 during the five (5) years preceding the individual's date of hiring
- 40 by the child caring institution, the following checks have been
- 41 requested regarding the individual:
- 42 (A) An out-of-state child abuse registry check under

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- 1 IC 31-9-2-22.5(2).
- 2 (B) An out-of-state local criminal records check under
- 3 IC 31-9-2-22.5(4).
- 4 (3) The individual's employment before the completion of the
- 5 criminal history check required under subsection (h) is limited
- 6 to training during which the individual:
- 7 (A) does not have contact with children who are under the
- 8 care and control of the child caring institution; and
- 9 (B) does not have access to records containing information
- 10 regarding children who are under the care and control of the
- 11 child caring institution.
- 12 (4) The individual completes an attestation, under penalty of
- 13 perjury, disclosing:
- 14 (A) any abuse or neglect complaints made against the
- 15 individual with the child welfare agency of a state other
- 16 than Indiana in which the individual resided within the five
- 17 (5) years preceding the date of the attestation; and
- 18 (B) any contact the individual had with a law enforcement
- 19 agency in connection with the individual's suspected or
- 20 alleged commission of a crime in a state other than Indiana
- 21 in which the individual resided within the five (5) years
- 22 preceding the date of the attestation.
- 23 (j) The applicant or facility is responsible for any fees associated
- 24 with a criminal history check.
- 25 (k) The department shall, at the applicant's request, inform the
- 26 applicant whether the department has or does not have a record of the
- 27 person who is the subject of a criminal history check and if the
- 28 department has identified the person as an alleged perpetrator of abuse
- 29 or neglect. The department may not provide to the applicant any details
- 30 or personally identifying information contained in any child protective
- 31 services investigation report.
- 32 (l) A person who is the subject of a criminal history check
- 33 conducted in accordance with this section may request the state police
- 34 department to provide the person with a copy of any state or national
- 35 criminal history report concerning the person.
- 36 SECTION ~~6~~[6]. IC 31-27-3-5, AS AMENDED BY
- 37 P.L.243-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The following constitute
- 39 sufficient grounds for a denial of a license application:
- 40 (1) A determination by the department of child abuse or neglect
- 41 by:
- 42 (A) the applicant; or

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- 1 (B) an employee, volunteer, or contractor of the applicant.
- 2 (2) A criminal conviction of the applicant, or the director or
- 3 manager of a facility where children will be placed by the
- 4 applicant, of:
 - 5 (A) a felony;
 - 6 (B) a misdemeanor related to the health and safety of a
 - 7 child;
 - 8 (C) a misdemeanor for operating a child caring institution,
 - 9 foster family home, group home, or child placing agency
 - 10 without a license under this article (or IC 12-17.4 before its
 - 11 repeal); or
 - 12 (D) a misdemeanor for operating a child care center or child
 - 13 care home without a license under IC 12-17.2.
- 14 (3) A determination by the department that the applicant made
- 15 false statements in the applicant's application for licensure.
- 16 (4) A determination by the department that the applicant made
- 17 false statements in the records required by the department.
- 18 (5) A determination by the department that:
 - 19 (A) the applicant; or
 - 20 (B) an employee, volunteer, or contractor of the applicant;
 - 21 previously operated a home or facility without a license required
 - 22 under any applicable provision of this article (or IC 12-17.4
 - 23 before its repeal) or IC 12-17.2.
- 24 (6) A juvenile adjudication of the applicant for a nonwaivable
- 25 offense, as defined in IC 31-9-2-84.8 that, if committed by an
- 26 adult, would be a felony.
- 27 **(7) A determination by the department that the applicant**
- 28 **was previously licensed under this article and the license was**
- 29 **revoked within one (1) year of the current application.**
- 30 (b) An application for a license may also be denied if an employee,
- 31 volunteer, or contractor of the applicant has had any of the following:
 - 32 (1) A conviction of a nonwaivable offense, as defined in
 - 33 IC 31-9-2-84.8.
 - 34 (2) A conviction of any other felony or a misdemeanor relating
 - 35 to the health and safety of a child, unless the applicant is granted
 - 36 a waiver by the department with regard to the employee,
 - 37 volunteer, or contractor.
 - 38 (3) A juvenile adjudication for a nonwaivable offense, as defined
 - 39 in IC 31-9-2-84.8 that, if committed by an adult, would be a
 - 40 felony, unless the applicant is granted a waiver by the
 - 41 department with regard to the employee, volunteer, or contractor.
 - 42 (c) In determining whether to grant a waiver under subsection (b),

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- 1 the department shall consider the following factors:
- 2 (1) The length of time that has passed since the disqualifying
- 3 conviction.
- 4 (2) The severity, nature, and circumstances of the offense.
- 5 (3) Evidence of rehabilitation.
- 6 (4) The duties and qualifications required for the proposed
- 7 employment positions, volunteer assignment, or contract.
- 8 (d) Notwithstanding subsection (a) or (b), if:
- 9 (1) a license application could be denied due to a criminal
- 10 conviction of, or a determination of child abuse or neglect by, an
- 11 employee, volunteer, or contractor of the applicant; and
- 12 (2) the department determines that the employee, volunteer, or
- 13 contractor has been dismissed by the applicant within a
- 14 reasonable time after the applicant became aware of the
- 15 conviction or determination;
- 16 the criminal conviction of, or determination of child abuse or neglect
- 17 by, the former employee, former volunteer, or former contractor does
- 18 not constitute a sufficient basis for the denial of a license application.
- 19 (e) The department may adopt rules to implement this section.
- 20 SECTION ~~8~~ [7]. IC 31-27-5-6, AS AMENDED BY
- 21 P.L.243-2019, SECTION 11, IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The following
- 23 constitute sufficient grounds for a denial of a license application:
- 24 (1) A determination by the department of child abuse or neglect
- 25 by:
- 26 (A) the applicant; or
- 27 (B) an employee, volunteer, or contractor of the applicant.
- 28 (2) A criminal conviction of the applicant, or the director or
- 29 manager of a facility where children will be placed by the
- 30 applicant, for any of the following:
- 31 (A) A felony.
- 32 (B) A misdemeanor related to the health and safety of a
- 33 child.
- 34 (C) A misdemeanor for operating a child caring institution,
- 35 foster family home, group home, or child placing agency
- 36 without a license under this article (or IC 12-17.4 before its
- 37 repeal).
- 38 (D) A misdemeanor for operating a child care center or
- 39 child care home without a license under IC 12-17.2.
- 40 (3) A determination by the department that the applicant made
- 41 false statements in the applicant's application for licensure.
- 42 (4) A determination by the department that the applicant made

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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;

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

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

5 SECTION ~~9~~[8]. IC 31-27-6-3, AS AMENDED BY
6 P.L.243-2019, SECTION 14, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The following
8 constitute sufficient grounds for denial of a license application:

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

11 (A) the applicant; or

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

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

16 (A) A felony.

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

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

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

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

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

29 (5) A determination by the department that:

30 (A) the applicant; or

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

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

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

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

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- 1 (1) A conviction of a nonwaivable offense, as defined in
- 2 IC 31-9-2-84.8.
- 3 (2) A conviction of any other felony or a misdemeanor relating
- 4 to the health and safety of a child, unless the applicant is granted
- 5 a waiver by the department with regard to the employee,
- 6 volunteer, or contractor.
- 7 (3) A juvenile adjudication for a nonwaivable offense, as defined
- 8 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 9 felony, unless the applicant is granted a waiver by the
- 10 department with regard to the employee, volunteer, or contractor.
- 11 (c) In determining whether to grant a waiver under subsection (b),
- 12 the department shall consider the following factors:
- 13 (1) The length of time that has passed since the disqualifying
- 14 conviction.
- 15 (2) The severity, nature, and circumstances of the offense.
- 16 (3) Evidence of rehabilitation.
- 17 (4) The duties and qualifications required for the proposed
- 18 employment positions, volunteer assignment, or contract.
- 19 (d) Notwithstanding subsection (a) or (b), if:
- 20 (1) a license application could be denied due to a criminal
- 21 conviction of, or a determination of child abuse or neglect by, an
- 22 employee, volunteer, or contractor of the applicant; and
- 23 (2) the department determines that the employee, volunteer, or
- 24 contractor has been dismissed by the applicant within a
- 25 reasonable time after the applicant became aware of the
- 26 conviction or determination;
- 27 the criminal conviction of, or determination of child abuse or neglect
- 28 by, the former employee, former volunteer, or former contractor does
- 29 not constitute a sufficient basis for the denial of a license application.
- 30 (e) The department may adopt rules to implement this section.
- 31 SECTION ~~10~~ [9]. 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
- 41 responsible for the care of the child.
- 42 (5) The home environment and the relationship of the child to

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

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

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

11 (1) not maintain the written statement in the child's file; and
12 (2) protect the child and the child's family's confidentiality
13 regarding the written statement and the interview.

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

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