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# HOUSE BILL No. 1092

AM109209 has been incorporated into January 29, 2026 printing.

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**Synopsis:** Child services matters.

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Reprinted  
January 29, 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.

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## 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 (**as defined in IC 4-33-2-3.7**)  
4 shall provide information to a certificate holder **or vendor** concerning  
5 persons who are delinquent in child support.  
6 (b) Prior to:  
7 (1) a certificate holder disbursing a payout of six hundred dollars  
8 (\$600) or more; ~~in winnings; from sports wagering to a person~~  
9 ~~who is delinquent in child support and who is claiming the~~  
10 ~~winning sports wager in person at the certificate holder's facility;~~  
11 ~~the certificate holder; or~~  
12 (2) a vendor disbursing a payout that triggers the vendor's  
13 obligation to file Form W-2G or a substantially equivalent  
14 form with the United States Internal Revenue Service;  
15 the certificate holder or vendor shall check to determine if the  
16 person claiming the payout is delinquent in child support.  
17 (c) If the person claiming the payout described by subsection

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1       **(b) is delinquent in child support, the certificate holder or vendor:**  
2           (1) may deduct and retain an administrative fee in the amount of  
3           the lesser of:  
4               (A) three percent (3%) of the amount of delinquent child  
5               support withheld under subdivision (2)(A); or  
6               (B) one hundred dollars (\$100); and  
7           (2) shall:  
8               (A) withhold the amount of delinquent child support owed  
9               from winnings;  
10              (B) transmit to the bureau:  
11                  (i) the amount withheld for delinquent child support;  
12                  and  
13                  (ii) identifying information, including the full name,  
14                  address, and Social Security number of the obligor and  
15                  the child support case identifier, the date and amount  
16                  of the payment, and the name and location of the  
17                  licensed owner, operating agent, **vendor**, or trustee;  
18                  and  
19                  (C) issue the obligor a receipt in a form prescribed by the  
20                  bureau with the total amount withheld for delinquent child  
21                  support and the administrative fee.  
22           ~~(c)~~ **(d)** The bureau shall notify the obligor at the address provided  
23           by the certificate holder **or vendor** that the bureau intends to offset the  
24           obligor's delinquent child support with the winnings.  
25           ~~(d)~~ **(e)** The bureau shall hold the amount withheld from the  
26           winnings of an obligor for ten (10) business days before applying the  
27           amount as payment to the obligor's delinquent child support.  
28           ~~(e)~~ **(f)** The delinquent child support required to be withheld under  
29           this section and an administrative fee described under subsection ~~(b)(1)~~  
30           **(c)(1)** have priority over any secured or unsecured claim on winnings  
31           except claims for federal or state taxes that are required to be withheld  
32           under federal or state law.  
33           SECTION 2. IC 31-14-11-1 IS AMENDED TO READ AS  
34           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. If:  
35               (1) a paternity affidavit is executed under IC 16-37-2-2.1; and  
36               (2) ~~the man who executed the paternity affidavit fails to set forth~~  
37               ~~evidence at a child support hearing that rebuts the man's~~  
38               ~~paternity~~; **the paternity affidavit has not been set aside under**  
39               **IC 16-37-2-2.1(k) or IC 16-37-2-2.1(l);**  
40           an order establishing paternity and child support for the child named  
41           in the paternity affidavit ~~may~~ **must** be obtained at a child support  
42           hearing without any further proceedings to establish the child's

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1 paternity.

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

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

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

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

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

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

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

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

- 33 (1) The:  
34 (A) name if known;  
35 (B) sex, race, and age if known, or if unknown, the  
36 approximate age; and  
37 (C) place of birth;  
38 of the child sought to be adopted.  
39 (2) The new name to be given the child if a change of name is  
40 desired.  
41 (3) Whether or not the child possesses real or personal property  
42 and, if so, the value and full description of the property.

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

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- 1 Title IV-D child support program under IC 31-25-4.  
 2 SECTION 5. IC 31-19-2-17 IS ADDED TO THE INDIANA  
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2026]: **Sec. 17. The department has a right**  
 5 **to intervene as a party in a proceeding under this article if the child**  
 6 **who is the subject of a petition for adoption is:**  
 7 (1) **alleged to be or has been adjudicated a child in need of**  
 8 **services; and**  
 9 (2) **the subject of a pending child in need of services**  
 10 **proceeding under IC 31-34.**  
 11 SECTION 6. IC 31-27-3-3, AS AMENDED BY P.L.81-2025,  
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 3. (a) An applicant must apply for a child caring  
 14 institution license on forms provided by the department.  
 15 (b) An applicant must submit the required information as part of  
 16 the application.  
 17 (c) The applicant must submit with the application a statement  
 18 attesting the following:  
 19 (1) Whether the applicant has been convicted of:  
 20 (A) a felony; or  
 21 (B) a misdemeanor relating to the health and safety of  
 22 children.  
 23 (2) Whether the applicant has been charged with:  
 24 (A) a felony; or  
 25 (B) a misdemeanor relating to the health and safety of  
 26 children;  
 27 during the pendency of the application.  
 28 (d) The department, on behalf of an applicant, or, at the discretion  
 29 of the department, an applicant, shall conduct a criminal history check  
 30 of the following:  
 31 (1) Each individual who is an applicant.  
 32 (2) The director or manager of a facility where children will be  
 33 placed.  
 34 (3) Each employee or ~~volunteer~~ of the applicant.  
 35 (4) Each contractor or individual working in the child caring  
 36 institution who is likely to have unsupervised contact with  
 37 children in the child caring institution.  
 38 (5) **Each volunteer of the applicant who is likely to have:**  
 39 (A) **unsupervised contact with children in the child**  
 40 **caring institution; or**  
 41 (B) **access to a child's electronic or physical medical**  
 42 **records.**

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

3 (1) maintain records of the information it receives concerning  
4 each individual who is the subject of a criminal history check;  
5 and

6 (2) submit to the department a copy of the information it receives  
7 concerning each person described in subsection (d)(1) through  
8 ~~(d)(4)~~. **(d)(5)**.

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

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

13 (A) a conviction for a felony;

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

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

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

20 (1) without identifying a specific offense or other identifying  
21 information concerning a conviction or juvenile adjudication  
22 contained in the national criminal history record information;

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

26 (4) maintain a record of every report and all information the  
27 department receives concerning a person described in subsection  
28 (d).

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

32 (h) Except as provided in subsection (i), a criminal history check  
33 of each person described in subsection (d)(2) ~~(d)(3)~~, or ~~(d)(4)~~ **through**  
34 **(d)(5)** must be completed on or before the date the person:

35 (1) is employed;

36 (2) is assigned as a volunteer; or

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

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

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- 1 (1) The following checks have been completed regarding the  
 2 individual:
- 3 (A) A fingerprint based check of national crime information  
 4 data bases under IC 31-9-2-22.5(1).  
 5 (B) A national sex offender registry check under  
 6 IC 31-9-2-22.5(3).  
 7 (C) An in-state local criminal records check under  
 8 IC 31-9-2-22.5(4).  
 9 (D) An in-state child protection index check under  
 10 IC 31-33-26.
- 11 (2) If the individual has resided outside Indiana at any time  
 12 during the five (5) years preceding the individual's date of hiring  
 13 by the child caring institution, the following checks have been  
 14 requested regarding the individual:
- 15 (A) An out-of-state child abuse registry check under  
 16 IC 31-9-2-22.5(2).  
 17 (B) An out-of-state local criminal records check under  
 18 IC 31-9-2-22.5(4).
- 19 (3) The individual's employment before the completion of the  
 20 criminal history check required under subsection (h) is limited  
 21 to training during which the individual:
- 22 (A) does not have contact with children who are under the  
 23 care and control of the child caring institution; and  
 24 (B) does not have access to records containing information  
 25 regarding children who are under the care and control of the  
 26 child caring institution.
- 27 (4) The individual completes an attestation, under penalty of  
 28 perjury, disclosing:
- 29 (A) any abuse or neglect complaints made against the  
 30 individual with the child welfare agency of a state other  
 31 than Indiana in which the individual resided within the five  
 32 (5) years preceding the date of the attestation; and  
 33 (B) any contact the individual had with a law enforcement  
 34 agency in connection with the individual's suspected or  
 35 alleged commission of a crime in a state other than Indiana  
 36 in which the individual resided within the five (5) years  
 37 preceding the date of the attestation.
- 38 (j) The applicant or facility is responsible for any fees associated  
 39 with a criminal history check.
- 40 (k) The department shall, at the applicant's request, inform the  
 41 applicant whether the department has or does not have a record of the  
 42 person who is the subject of a criminal history check and if the

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1 department has identified the person as an alleged perpetrator of abuse  
2 or neglect. The department may not provide to the applicant any details  
3 or personally identifying information contained in any child protective  
4 services investigation report.

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

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

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

15 (A) the applicant; or  
16 (B) an employee, volunteer, or contractor of the applicant.

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

20 (A) a felony;

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

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

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

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

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

33 (5) A determination by the department that:

34 (A) the applicant; or  
35 (B) an employee, volunteer, or contractor of the applicant;

36 previously operated a home or facility without a license required  
37 under any applicable provision of this article (or IC 12-17.4  
38 before its repeal) or IC 12-17.2.

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

42 (7) A determination by the department that the applicant

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1           **was previously licensed under this article and the license was**  
 2           **revoked within one (1) year of the current application.**  
 3           (b) An application for a license may also be denied if an employee,  
 4           volunteer, or contractor of the applicant has had any of the following:  
 5           (1) A conviction of a nonwaivable offense, as defined in  
 6           IC 31-9-2-84.8.  
 7           (2) A conviction of any other felony or a misdemeanor relating  
 8           to the health and safety of a child, unless the applicant is granted  
 9           a waiver by the department with regard to the employee,  
 10          volunteer, or contractor.  
 11          (3) A juvenile adjudication for a nonwaivable offense, as defined  
 12          in IC 31-9-2-84.8 that, if committed by an adult, would be a  
 13          felony, unless the applicant is granted a waiver by the  
 14          department with regard to the employee, volunteer, or contractor.  
 15          (c) In determining whether to grant a waiver under subsection (b),  
 16          the department shall consider the following factors:  
 17          (1) The length of time that has passed since the disqualifying  
 18          conviction.  
 19          (2) The severity, nature, and circumstances of the offense.  
 20          (3) Evidence of rehabilitation.  
 21          (4) The duties and qualifications required for the proposed  
 22          employment positions, volunteer assignment, or contract.  
 23          (d) Notwithstanding subsection (a) or (b), if:  
 24          (1) a license application could be denied due to a criminal  
 25          conviction of, or a determination of child abuse or neglect by, an  
 26          employee, volunteer, or contractor of the applicant; and  
 27          (2) the department determines that the employee, volunteer, or  
 28          contractor has been dismissed by the applicant within a  
 29          reasonable time after the applicant became aware of the  
 30          conviction or determination;  
 31          the criminal conviction of, or determination of child abuse or neglect  
 32          by, the former employee, former volunteer, or former contractor does  
 33          not constitute a sufficient basis for the denial of a license application.  
 34          (e) The department may adopt rules to implement this section.  
 35          SECTION 7. IC 31-27-5-6, AS AMENDED BY P.L.243-2019,  
 36          SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37          JULY 1, 2026]: Sec. 6. (a) The following constitute sufficient grounds  
 38          for a denial of a license application:  
 39          (1) A determination by the department of child abuse or neglect  
 40          by:  
 41                  (A) the applicant; or  
 42                  (B) an employee, volunteer, or contractor of the applicant.

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- 1 (2) A criminal conviction of the applicant, or the director or
- 2 manager of a facility where children will be placed by the
- 3 applicant, for any of the following:
- 4 (A) A felony.
- 5 (B) A misdemeanor related to the health and safety of a
- 6 child.
- 7 (C) A misdemeanor for operating a child caring institution,
- 8 foster family home, group home, or child placing agency
- 9 without a license under this article (or IC 12-17.4 before its
- 10 repeal).
- 11 (D) A misdemeanor for operating a child care center or
- 12 child care home without a license under IC 12-17.2.
- 13 (3) A determination by the department that the applicant made
- 14 false statements in the applicant's application for licensure.
- 15 (4) A determination by the department that the applicant made
- 16 false statements in the records required by the department.
- 17 (5) A determination by the department that:
- 18 (A) the applicant; or
- 19 (B) an employee, volunteer, or contractor of the applicant;
- 20 previously operated a home or facility without a license required
- 21 under any applicable provision of this article (or IC 12-17.4
- 22 before its repeal) or IC 12-17.2.
- 23 (6) A juvenile adjudication of the applicant for a nonwaivable
- 24 offense, as defined in IC 31-9-2-84.8 that, if committed by an
- 25 adult, would be a felony.
- 26 **(7) A determination by the department that the applicant**
- 27 **was previously licensed under this article and the license was**
- 28 **revoked within one (1) year of the current application.**
- 29 (b) An application for a license may also be denied if an employee,
- 30 volunteer, or contractor of the applicant has had any of the following:
- 31 (1) A conviction of a nonwaivable offense, as defined in
- 32 IC 31-9-2-84.8.
- 33 (2) A conviction of any other felony or a misdemeanor relating
- 34 to the health and safety of a child, unless the applicant is granted
- 35 a waiver by the department to employ or assign the person as a
- 36 volunteer in a position described in this subsection.
- 37 (3) A juvenile adjudication for a nonwaivable offense, as defined
- 38 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 39 felony, unless the applicant is granted a waiver by the
- 40 department to employ or assign the person as a volunteer in a
- 41 position described in this subsection.
- 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. IC 31-27-6-3, AS AMENDED BY P.L.243-2019,
- 21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2026]: Sec. 3. (a) The following constitute sufficient grounds
- 23 for 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 licensee, 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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1 false statements in the records required by the department.  
 2 (5) A determination by the department that:  
 3 (A) the applicant; or  
 4 (B) an employee, volunteer, or contractor of the applicant;  
 5 previously operated a home or facility without a license required  
 6 under any applicable provision of this article (or IC 12-17.4  
 7 before its repeal) or IC 12-17.2.  
 8 (6) A juvenile adjudication of the applicant for a nonwaivable  
 9 offense, as defined in IC 31-9-2-84.8 that, if committed by an  
 10 adult, would be a felony.  
 11 **(7) A determination by the department that the applicant**  
 12 **was previously licensed under this article and the license was**  
 13 **revoked within one (1) year of the current application.**  
 14 (b) An application for a license may also be denied if an employee,  
 15 volunteer, or contractor of the applicant has had any of the following:  
 16 (1) A conviction of a nonwaivable offense, as defined in  
 17 IC 31-9-2-84.8.  
 18 (2) A conviction of any other felony or a misdemeanor relating  
 19 to the health and safety of a child, unless the applicant is granted  
 20 a waiver by the department with regard to the employee,  
 21 volunteer, or contractor.  
 22 (3) A juvenile adjudication for a nonwaivable offense, as defined  
 23 in IC 31-9-2-84.8 that, if committed by an adult, would be a  
 24 felony, unless the applicant is granted a waiver by the  
 25 department with regard to the employee, volunteer, or contractor.  
 26 (c) In determining whether to grant a waiver under subsection (b),  
 27 the department shall consider the following factors:  
 28 (1) The length of time that has passed since the disqualifying  
 29 conviction.  
 30 (2) The severity, nature, and circumstances of the offense.  
 31 (3) Evidence of rehabilitation.  
 32 (4) The duties and qualifications required for the proposed  
 33 employment positions, volunteer assignment, or contract.  
 34 (d) Notwithstanding subsection (a) or (b), if:  
 35 (1) a license application could be denied due to a criminal  
 36 conviction of, or a determination of child abuse or neglect by, an  
 37 employee, volunteer, or contractor of the applicant; and  
 38 (2) the department determines that the employee, volunteer, or  
 39 contractor has been dismissed by the applicant within a  
 40 reasonable time after the applicant became aware of the  
 41 conviction or determination;  
 42 the criminal conviction of, or determination of child abuse or neglect

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1 by, the former employee, former volunteer, or former contractor does  
2 not constitute a sufficient basis for the denial of a license application.

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

4 SECTION 9. IC 31-33-8-7, AS AMENDED BY P.L.213-2021,  
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 7. (a) The department's assessment, to the extent  
7 that is reasonably possible, must include the following:

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

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

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

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

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

18 (6) All other data considered pertinent.

19 (b) The assessment may include the following:

20 (1) A visit to the child's home.

21 (2) An interview with the subject child:

22 (A) upon receiving parental consent;

23 (B) upon receiving a court order; or

24 (C) if there are exigent circumstances as defined by  
25 IC 31-9-2-44.1.

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

28 (c) If:

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

31 (2) permission of the parent, guardian, custodian, or other  
32 persons responsible for the child for the physical, psychological,  
33 or psychiatric examination;

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

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

42 (e) If the court finds that:

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1 (1) a custodial parent, a guardian, or a custodian has been  
 2 informed of the hearing on a petition described under subsection  
 3 (d); and  
 4 (2) the department has made reasonable and unsuccessful efforts  
 5 to obtain the consent of the custodial parent, guardian, or  
 6 custodian to interview the child;  
 7 the court shall specify in the order the efforts the department made to  
 8 obtain the consent of the custodial parent, guardian, or custodian and  
 9 may grant the motion to interview the child, either with or without the  
 10 custodial parent, guardian, or custodian being present.  
 11 (f) If the department requests to interview a child at the child's  
 12 school, the school, except a nonaccredited nonpublic school that has  
 13 less than one (1) employee, shall grant access to the department to  
 14 interview the child alone, if the department employee presents:  
 15 (1) their ~~credentials as a department case worker~~, **department**  
 16 **issued credential**, or other proof of employment with the  
 17 department, for inspection upon arrival at the school; and  
 18 (2) a written statement that the department "has parental consent  
 19 or a court order, or exigent circumstances exist as defined by  
 20 IC 31-9-2-44.1 to interview [insert child's name]". The written  
 21 statement under this subdivision shall not disclose any of the  
 22 facts of the allegations or evidence and may be transmitted to the  
 23 school electronically.  
 24 (g) If the department provides a written statement under  
 25 subsection (f)(2), the school shall:  
 26 (1) not maintain the written statement in the child's file; and  
 27 (2) protect the child and the child's family's confidentiality  
 28 regarding the written statement and the interview.  
 29 (h) If a parent, guardian, or custodian of a child who is the subject  
 30 of a substantiated investigation of abuse or neglect is an active duty  
 31 member of the military, the department shall notify the United States  
 32 Department of Defense Family Advocacy Program of the assessment  
 33 concerning the child of the active duty member of the military upon  
 34 request.

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