

HOUSE BILL No. 1307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-19.

Synopsis: Department of child services ombudsman. Provides that the office of the department of child services ombudsman (ombudsman office) shall (rather than may, under current law): (1) employ technical experts and other employees to carry out the purposes of the ombudsman office; (2) receive, investigate, and attempt to resolve complaints alleging that the department of child services failed to protect the physical or mental health or safety of a child or failed to follow specific laws, rules, or written policies; (3) issue recommendations if: (A) the ombudsman office determines that a complaint has merit; or (B) an investigation by the ombudsman office reveals a problem with an agency, facility, or program; and (4) take other specified actions and undertake other specified initiatives. Provides that if a local child protection team is involved in the initial investigation of a matter, a different local child protection team shall (rather than may, under current law) assist the ombudsman office in the ombudsman office's investigation of the matter.

Effective: July 1, 2026.

Burton

January 6, 2026, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1307

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 4-13-19-4, AS AMENDED BY P.L.48-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 4. (a) The governor shall appoint the ombudsman.
4 The ombudsman serves at the pleasure of the governor. An individual
5 may not be appointed as ombudsman if the individual has been
6 employed by the department of child services at any time during the
7 preceding twelve (12) months. The governor shall appoint a successor
8 ombudsman not later than thirty (30) days after a vacancy occurs in the
9 position of the ombudsman.
10 (b) The office of the department of child services ombudsman:
11 (1) shall employ at least two (2) full time employees to assist the
12 ombudsman with receiving, investigating, and attempting to
13 resolve complaints described in section 5 of this chapter; and
14 (2) ~~may~~ **shall** employ technical experts and other employees to
15 carry out the purposes of this chapter.
16 (c) The office of the department of child services ombudsman may
17 not hire an individual to serve as an ombudsman if the individual has



1 been employed by the department of child services during the
 2 preceding twelve (12) months.

3 (d) The ombudsman and any other person employed or authorized
 4 by the ombudsman:

5 (1) are subject to the same criminal history and background
 6 checks, to be performed by the department of child services, that
 7 are required for department of child services family case
 8 managers; and

9 (2) are subject to the same disqualification for employment
 10 criteria as department of child services family case managers.

11 SECTION 2. IC 4-13-19-5, AS AMENDED BY P.L.128-2012,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 5. (a) The office of the department of child
 14 services ombudsman ~~may~~ **shall** receive, investigate, and attempt to
 15 resolve a complaint alleging that the department of child services, by
 16 an action or omission occurring on or after January 11, 2005, failed to
 17 protect the physical or mental health or safety of any child or failed to
 18 follow specific laws, rules, or written policies.

19 (b) The office of the department of child services ombudsman ~~may~~
 20 **shall** also do the following:

21 (1) Take action, including the establishing of a program of public
 22 education, to secure and ensure the legal rights of children.

23 (2) Periodically review relevant policies and procedures with a
 24 view toward the safety and welfare of children.

25 (3) When appropriate, refer a person making a report of child
 26 abuse or neglect to the department of child services and, if
 27 appropriate, to an appropriate law enforcement agency.

28 (4) Recommend changes in procedures for investigating reports
 29 of abuse and neglect and overseeing the welfare of children who
 30 are under the jurisdiction of a juvenile court.

31 (5) Make the public aware of the services of the ombudsman, the
 32 purpose of the office, and information concerning contacting the
 33 office.

34 (6) Examine policies and procedures and evaluate the
 35 effectiveness of the child protection system, specifically the
 36 respective roles of the department of child services, the court, the
 37 medical community, service providers, guardians ad litem, court
 38 appointed special advocates, and law enforcement agencies.

39 (7) Review and make recommendations concerning investigative
 40 procedures and emergency responses contained in the report
 41 prepared under section 10 of this chapter.

42 (c) Upon request of the office of the department of child services



1 ombudsman, the local child protection team shall assist the office of the
 2 department of child services ombudsman by investigating and making
 3 recommendations on a matter. If a local child protection team was
 4 involved in an initial investigation, a different local child protection
 5 team ~~may~~ **shall** assist in the investigation under this subsection.

6 (d) At the end of an investigation of a complaint, the office of the
 7 department of child services ombudsman shall provide an appropriate
 8 report as follows:

9 (1) If the complainant is a parent, guardian, custodian, court
 10 appointed special advocate, guardian ad litem, or court, the
 11 ombudsman may provide the same report to the complainant and
 12 the department of child services.

13 (2) If the complainant is not a person described in subdivision (1),
 14 the ombudsman shall provide a redacted version of its findings to
 15 the complainant stating in general terms that the actions of the
 16 department of child services were or were not appropriate.

17 (e) The department of child services ombudsman shall provide a
 18 copy of the report and recommendations to the department of child
 19 services. The office of the department of child services ombudsman
 20 may not disclose to:

21 (1) a complainant;

22 (2) another person who is not a parent, guardian, or custodian of
 23 the child who was the subject of the department of child services'
 24 action or omission; or

25 (3) the court, court appointed special advocate, or guardian ad
 26 litem of the child in a case that was filed as a child in need of
 27 services or a termination of parental rights action;

28 any information that the department of child services could not, by law,
 29 reveal to the complainant, parent, guardian, custodian, person, court,
 30 court appointed special advocate, or guardian ad litem.

31 (f) If, after reviewing a complaint or conducting an investigation and
 32 considering the response of an agency, facility, or program and any
 33 other pertinent material, the office of the department of child services
 34 ombudsman determines that the complaint has merit or the
 35 investigation reveals a problem, the ombudsman ~~may~~ **shall** recommend
 36 that the agency, facility, or program:

37 (1) consider the matter further;

38 (2) modify or cancel its actions;

39 (3) alter a rule, order, or internal policy; or

40 (4) explain more fully the action in question.

41 (g) At the office of the department of child services ombudsman's
 42 request, the agency, facility, or program shall, within a reasonable time,



1 inform the office of the department of child services ombudsman about
2 the action taken on the recommendation or the reasons for not
3 complying with it.

4 (h) The office of the department of child services ombudsman may
5 not investigate the following:

6 (1) A complaint from an employee of the department of child
7 services that relates to the employee's employment relationship
8 with the department of child services.

9 (2) A complaint challenging a department of child services
10 substantiation of abuse or neglect that is currently the subject of
11 a pending administrative review procedure before the exhaustion
12 of administrative remedies provided by law, rule, or written
13 policy. Investigation of any such complaint received shall be
14 stayed until the administrative remedy has been exhausted.
15 However, if the administrative process is not completed or
16 terminated within six (6) months after initiation of the
17 administrative process, the office of child services ombudsman
18 may proceed with its investigation.

19 (i) If the office of the department of child services ombudsman does
20 not investigate a complaint, the office of the department of child
21 services ombudsman shall notify the complainant of the decision not
22 to investigate and the reasons for the decision.

