

HOUSE BILL No. 1316

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-10-3.5; IC 34-11-2-17.

Synopsis: Child welfare provider protections. Prohibits a governmental entity from discriminating against a person in adoption and foster care matters based on the person's sincerely held religious belief. Allows a person to sue a governmental entity for discriminating against the person and allows for certain remedies. Provides that there is a two year statute of limitation for a discrimination claim.

Effective: July 1, 2026.

Heaton, DeVon

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



Introduced

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. 1316

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 31-9-2-5.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: **Sec. 5.2. "Adoption or foster care service", for purposes**
4 **of IC 31-10-3.5, refers to any one (1) or more of the following:**
5 **(1) Promoting foster parenting.**
6 **(2) Coordinating placement of a child in a home or facility**
7 **licensed under IC 31-27.**
8 **(3) Recruiting a foster parent or an adoptive parent.**
9 **(4) Licensing or certifying a foster family home.**
10 **(5) Promoting adoption.**
11 **(6) Assisting with an adoption or supporting an adoptive**
12 **parent.**
13 **(7) Performing or assisting with a home study.**
14 **(8) Assisting with a kinship guardianship or a kinship**
15 **caregiver.**
16 **(9) Providing any family preservation service.**
17 **(10) Providing any family support service or temporary**



family reunification service.

SECTION 2. IC 31-9-2-40.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 40.9. "Discriminate", for purposes of IC 31-10-3.5, includes any one (1) or more of the following acts when done solely based on a person's sincerely held religious belief:**

(1) Denying or otherwise making unavailable any funding to the person, including:

- (A) a state grant;
- (B) a loan;
- (C) a scholarship;
- (D) a guarantee; or
- (E) an entitlement or a state benefit.

(2) Terminating, altering the terms of, or refusing to enter into a contract with the person, including a subcontract or cooperative agreement.

(3) Refusing to recognize or taking any adverse action against a person's:

- (A) license;
- (B) certificate;
- (C) custody award or agreement; or
- (D) any other similar status.

(4) Refusing to place a child with the person.

(5) Altering in any way the person's tax treatment, including:

- (A) imposing a tax penalty;
- (B) denying or otherwise making unavailable an exemption from taxation; or
- (C) disallowing or otherwise making unavailable a deduction for state tax purposes of any charitable donation made by or to the person.

(6) Imposing on the person any of the following:

- (A) A monetary fine.
- (B) A fee.
- (C) A penalty.
- (D) A damages award.
- (E) An injunction.

SECTION 3. IC 31-9-2-89, AS AMENDED BY P.L.3-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, IC 31-19-25, and the juvenile law, means:

- (1) a human being;
- (2) a corporation;



15 (f) "Person", for purposes of IC 31-10-3.5, means:

16 (1) an individual; or

25 (2) A religious:

25 (2) A religious:
26 (A) group:

26 (A) group;
27 (B) corporation;

27 (B) corporation;
28 (C) association;

28 (C) association
29 (D) school or

30 (E) minister

30 (E) ministry,
31 (F) order:

31 (I) order,
32 (G) society: or

32 (G) society, or
33 (H) entity, reg.

(H) charity, regardless of whether the
affiliated with a house of worship.

35 (3) Any officer, owner, employee, manager, religious leader,

37 SECTION 3.1C 319.2 119.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2026]: Sec. 119.5. "State benefit", for
40 purposes of section 40.9 of this chapter, means any program
41 administered, controlled, or funded by the state that provides any
42 one (1) or more of the following:



- 1 **(1) Cash.**
- 2 **(2) Payments.**
- 3 **(3) Grants.**
- 4 **(4) Contracts.**
- 5 **(5) Loans.**
- 6 **(6) In-kind assistance.**

7 SECTION 6. IC 31-10-3.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]:

10 **Chapter 3.5. Antidiscrimination in Adoption and Foster
11 Proceedings**

12 **Sec. 1. (a) Except as provided in subsection (b), a governmental
13 entity may not discriminate against any of the following:**

- 14 **(1) A person that provides, or declines to provide, an adoption
15 or foster care service in a manner consistent with the person's
16 sincerely held religious belief.**
- 17 **(2) An adoptive parent (as defined in IC 31-9-2-6) who raises,
18 or intends to raise, a child in a manner consistent with the
19 adoptive parent's sincerely held religious belief.**
- 20 **(3) A foster parent (as defined in IC 31-9-2-47) who raises, or
21 intends to raise, a child in a manner consistent with the foster
22 parent's sincerely held religious belief.**
- 23 **(4) A person that in a matter concerning adoption or foster
24 care service:**

25 **(A) maintains any policy and procedure; or**

26 **(B) otherwise acts;**

27 **consistent with the person's sincerely held religious belief.**

28 **(b) A governmental entity may consider whether a person
29 described in subsection (a) shares the same religion or faith
30 tradition as a child when considering placement of the child to
31 prioritize the child's placement with a person of the same religion
32 or faith tradition.**

33 **Sec. 2. (a) Notwithstanding IC 34-13-3-3 and subject to
34 subsection (b), a person may bring a cause of action against a
35 governmental entity for a violation of section 1 of this chapter.**

36 **(b) A person may not bring a cause of action against any court
37 under this section.**

38 **(c) A person does not need to exhaust any administrative
39 remedy before commencing an action under this section.**

40 **Sec. 3. Relief against the governmental entity may include any
41 of the following:**

- 42 **(1) Declaratory relief.**



1 **(2) Injunctive relief.**
2 **(3) Compensatory damages.**
3 **(4) Reasonable attorney's fees and costs.**

4 SECTION 7. IC 34-11-2-17 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2026]: **Sec. 17. An action against a governmental entity for**
7 **discrimination under IC 31-10-3.5-2 must be commenced not more**
8 **than two (2) years after the date of the act complained of.**

