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HOUSE BILL No. 1357

Proposed Changes to January 14, 2026 printing by AM135701

DIGEST OF PROPOSED AMENDMENT

Background checks. Provides that the department of child services may not require an employee to take a separate federally required background check within four years of the employee's most recent federally required background check to provide additional child welfare services.

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 31-26-3.5-5.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.5. An employee of a**
4 **preventative provider that operates a child welfare program shall**
5 **undergo a background check to which the employee is required by**
6 **federal law to submit for purposes of the employee's provision of**
7 **child welfare services:**

8 (1) not later than four (4) years after the individual's date of
9 hire; and

10 (2) one (1) time every four (4) years thereafter.

11 SECTION 2. IC 31-26-5-7 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2026]: **Sec. 7. An employee of a provider of home based family**
14 **preservation services shall undergo a background check to which**
15 **the employee is required by federal law to submit for purposes of**
16 **the employee's provision of child welfare services:**

17 (1) not later than four (4) years after the individual's date of
18 hire; and

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- 1 **(2) one (1) time every four (4) years thereafter.**
 2 [SECTION 3. IC 31-27-2-14 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2026]: Sec. 14. If an employee of a:
 5 (1) child placing agency (as defined in IC 31-9-2-17.5);
 6 (2) home based provider of family preservation services (as
 7 defined in IC 31-9-2-44.8);
 8 (3) child caring institution (as defined in IC 31-9-2-16.7);
 9 (4) private secure facility (as defined in IC 31-9-2-96.5);
 10 (5) group home (as defined in IC 31-9-2-48.5); or
 11 (6) preventative provider;
 12 has completed a federally required background check to provide
 13 child welfare services, the department may not require the
 14 employee to complete a separate background check for providing
 15 additional child welfare services within four (4) years of the date
 16 on which the employee's most recent federally required
 17 background check to provide child welfare services was completed.
 18] SECTION ~~4~~[4]. IC 31-27-3-3, AS AMENDED BY
 19 P.L.81-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) An applicant must apply for
 21 a child caring 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 contractor or individual working in the child caring

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- 1 institution who is likely to have unsupervised contact with
 2 children in the child caring institution.
- 3 (e) If the applicant conducts a criminal history check under
 4 subsection (d), the applicant shall:
- 5 (1) maintain records of the information it receives concerning
 6 each individual who is the subject of a criminal history check;
 7 and
 8 (2) submit to the department a copy of the information it receives
 9 concerning each person described in subsection (d)(1) through
 10 (d)(4).
- 11 (f) If the department conducts a criminal history check on behalf
 12 of an applicant under subsection (d), the department shall:
- 13 (1) determine whether the subject of a national fingerprint based
 14 criminal history check has a record of:
- 15 (A) a conviction for a felony;
 16 (B) a conviction for a misdemeanor relating to the health
 17 and safety of a child; or
 18 (C) a juvenile adjudication for a nonwaivable offense, as
 19 defined in IC 31-9-2-84.8 that, if committed by an adult,
 20 would be a felony;
- 21 (2) notify the applicant of the determination under subdivision
 22 (1) without identifying a specific offense or other identifying
 23 information concerning a conviction or juvenile adjudication
 24 contained in the national criminal history record information;
 25 (3) submit to the applicant a copy of any state limited criminal
 26 history report that the department receives on behalf of any
 27 person described in subsection (d); and
 28 (4) maintain a record of every report and all information the
 29 department receives concerning a person described in subsection
 30 (d).
- 31 (g) Except as provided in subsection (h) **and section 3.5 of this**
 32 **chapter**, a criminal history check described in subsection (d) is
 33 required only at the time an application for a new license or the renewal
 34 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

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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.

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1 (k) The department shall, at the applicant's request, inform the
2 applicant whether the department has or does not have a record of the
3 person who is the subject of a criminal history check and if the
4 department has identified the person as an alleged perpetrator of abuse
5 or neglect. The department may not provide to the applicant any details
6 or personally identifying information contained in any child protective
7 services investigation report.

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

12 SECTION ~~4~~[5]. IC 31-27-3-3.5 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. An employee of a child caring
15 institution shall undergo a background check to which the
16 employee is required by federal law to submit for purposes of the
17 employee's provision of child welfare services:**

18 (1) not later than four (4) years after the individual's date of
19 hire; and

20 (2) one (1) time every four (4) years thereafter.

21 SECTION ~~5~~[6]. IC 31-27-5-4, AS AMENDED BY
22 P.L.81-2025, SECTION 5, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) An applicant must apply for
24 a group home license on forms provided by the department.

25 (b) An applicant must submit the required information as part of
26 the application.

27 (c) An applicant must submit with the application a statement
28 attesting the following:

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

30 (A) a felony; or

31 (B) a misdemeanor relating to the health and safety of
32 children.

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

34 (A) a felony; or

35 (B) a misdemeanor relating to the health and safety of
36 children;

37 during the pendency of the application.

38 (d) The department on behalf of an applicant, or, at the discretion
39 of the department, an applicant, shall conduct a criminal history check
40 of the following:

41 (1) Each individual who is an applicant.

42 (2) The director or manager of a facility where children will be

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- 1 placed.
- 2 (3) Each employee or volunteer of the applicant.
- 3 (4) Each contractor or individual working in the group home
- 4 who is likely to have unsupervised contact with children in the
- 5 group home.
- 6 (e) If the applicant conducts a criminal history check under
- 7 subsection (d), the applicant shall:
- 8 (1) maintain records of the information it receives concerning
- 9 each individual who is the subject of a criminal history check;
- 10 and
- 11 (2) submit to the department a copy of the information the
- 12 applicant receives concerning each person described in
- 13 subsection (d)(1) through (d)(4).
- 14 (f) If the department conducts a criminal history check on behalf
- 15 of an applicant under subsection (d), the department shall:
- 16 (1) determine whether the subject of a national fingerprint based
- 17 criminal history check has a record of a:
- 18 (A) conviction for a felony;
- 19 (B) conviction for a misdemeanor relating to the health and
- 20 safety of a child; or
- 21 (C) juvenile adjudication for a nonwaivable offense, as
- 22 defined in IC 31-9-2-84.8 that, if committed by an adult,
- 23 would be a felony;
- 24 (2) notify the applicant of the determination under subdivision
- 25 (1) without identifying a specific offense or other identifying
- 26 information concerning a conviction or juvenile adjudication
- 27 contained in the national criminal history record information;
- 28 (3) submit to the applicant a copy of any state limited criminal
- 29 history report that the department receives on behalf of any
- 30 person described in subsection (d); and
- 31 (4) maintain a record of every report and all information it
- 32 receives concerning a person described in subsection (d).
- 33 (g) Except as provided in subsection (h) **and section 4.5 of this**
- 34 **chapter**, a criminal history check described in subsection (d) is
- 35 required only at the time an application for a new license or the renewal
- 36 of an existing license is submitted.
- 37 (h) Except as provided in subsection (i), a criminal history check
- 38 of each person described in subsection (d)(2), (d)(3), or (d)(4) must be
- 39 completed on or before the date the person:
- 40 (1) is employed;
- 41 (2) is assigned as a volunteer; or
- 42 (3) enters into, or the person's employing entity enters into, a

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

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1 (j) The applicant is responsible for any fees associated with a
2 criminal history check.

3 (k) The department shall, at the applicant's request, inform the
4 applicant as to whether the department has or does not have a record of
5 the person who is the subject of a criminal history check and whether
6 the department has identified the person as an alleged perpetrator of
7 abuse or neglect. The department may not provide to the applicant any
8 details or personally identifying information contained in any child
9 protective services investigation report.

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

14 SECTION ~~6~~[7]. IC 31-27-5-4.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. An employee of a group home
17 shall undergo a background check to which the employee is
18 required by federal law to submit for purposes of the employee's
19 provision of child welfare services:**

20 (1) not later than four (4) years after the individual's date of
21 hire; and

22 (2) one (1) time every four (4) years thereafter.

23 SECTION ~~8~~[8]. IC 31-27-6-2, AS AMENDED BY
24 P.L.173-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) An applicant must apply for
26 a child placing agency license on forms provided by the department.

27 (b) An applicant must submit the required information as part of
28 the application.

29 (c) The applicant must submit with the application a statement
30 attesting the following:

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

32 (A) a felony; or

33 (B) a misdemeanor relating to the health and safety of
34 children.

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

36 (A) a felony; or

37 (B) a misdemeanor relating to the health and safety of
38 children;

39 during the pendency of the application.

40 (d) The department on behalf of an applicant, or, at the discretion
41 of the department, an applicant, shall conduct a criminal history check
42 of the following:

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- 1 (1) Each individual who is an applicant.
 2 (2) The director or manager of a facility where children will be
 3 placed.
 4 (3) Each employee, volunteer, or contractor of the applicant.
 5 (e) If the applicant conducts a criminal history check under
 6 subsection (d), the applicant shall:
 7 (1) maintain records of the information it receives concerning
 8 each individual who is the subject of a criminal history check;
 9 and
 10 (2) submit to the department a copy of the information it receives
 11 concerning each person described in subsection (d)(1) through
 12 (d)(3).
 13 (f) If the department conducts a criminal history check on behalf
 14 of an applicant under subsection (d), the department shall:
 15 (1) determine whether the subject of a national fingerprint based
 16 criminal history check has a record of a:
 17 (A) conviction for a felony;
 18 (B) conviction for a misdemeanor relating to the health and
 19 safety of a child; or
 20 (C) juvenile adjudication for a nonwaivable offense, as
 21 defined in IC 31-9-2-84.8 that, if committed by an adult,
 22 would be a felony;
 23 (2) notify the applicant of the determination under subdivision
 24 (1) without identifying a specific offense or other identifying
 25 information concerning a conviction or juvenile adjudication
 26 contained in the national criminal history record information;
 27 (3) submit to the applicant a copy of any state limited criminal
 28 history report that the department receives on behalf of any
 29 person described in subsection (d); and
 30 (4) maintain a record of every report and all information the
 31 department receives concerning a person described in subsection
 32 (d).
 33 (g) Except as provided in subsection (h) **and section 2.5 of this**
 34 **chapter**, a criminal history check described in subsection (d) is
 35 required only at the time an application for a new license or the renewal
 36 of an existing license is submitted.
 37 (h) Except as provided in subsection (i), a criminal history check
 38 of each person described in subsection (d)(2) or (d)(3) must be
 39 completed on or before the date the person:
 40 (1) is employed;
 41 (2) is assigned as a volunteer; or
 42 (3) enters into, or the person's employing entity enters into, a

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

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1 (j) The applicant or facility is responsible for any fees associated
2 with a criminal history check.

3 (k) The department shall, at the applicant's request, inform the
4 applicant whether the department has or does not have a record of the
5 person who is the subject of a criminal history check and if the
6 department has identified the person as an alleged perpetrator of abuse
7 or neglect. The department may not provide to the applicant any details
8 or personally identifying information contained in any child protective
9 investigation report.

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

14 SECTION ~~8~~[9]. IC 31-27-6-2.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. An employee of a child
17 placing agency shall undergo a background check to which the
18 employee is required by federal law to submit for purposes of the
19 employee's provision of child welfare services:**

20 (1) not later than four (4) years after the individual's date of
21 hire; and

22 (2) one (1) time every four (4) years thereafter.

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