

# HOUSE BILL No. 1389

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2; IC 31-10-3.5; IC 34-11-2-17.1.

**Synopsis:** Adoption and foster care matters. 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 bring a cause of action against a governmental entity for discriminating against the person, or raise a violation as a claim or defense in a judicial proceeding, and allows for certain remedies. Provides that there is a two year statute of limitation for a discrimination claim.

**Effective:** July 1, 2026.

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**Lindauer**

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January 8, 2026, read first time and referred to Committee on Judiciary.

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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. 1389

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**



1           **family reunification service.**

2           SECTION 2. IC 31-9-2-40.9 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2026]: **Sec. 40.9. "Discriminate", for purposes of IC 31-10-3.5,**  
5 **includes any one (1) or more of the following acts when done**  
6 **wholly or partially based on a person's sincerely held religious**  
7 **belief:**

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

10           **(A) a state grant;**

11           **(B) a loan;**

12           **(C) a scholarship;**

13           **(D) a guarantee; or**

14           **(E) an entitlement or a state benefit.**

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

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

20           **(A) license;**

21           **(B) certificate;**

22           **(C) custody award or agreement; or**

23           **(D) any other similar status.**

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

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

26           **(A) imposing a tax penalty;**

27           **(B) denying or otherwise making unavailable an exemption**  
28 **from taxation; or**

29           **(C) disallowing or otherwise making unavailable a**  
30 **deduction for state tax purposes of any charitable donation**  
31 **made by or to the person.**

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

33           **(A) A monetary fine.**

34           **(B) A fee.**

35           **(C) A penalty.**

36           **(D) A damages award.**

37           **(E) An injunction.**

38           **(7) Taking any of the following actions:**

39           **(A) Refusing to hire or promote the person.**

40           **(B) Forcing the person to resign.**

41           **(C) Firing, demoting, or disciplining the person.**

42           **(D) Altering the terms or conditions of the person's**



1           **employment.**

2           **(E) Retaliating against the person.**

3           **(F) Taking any other adverse employment action against**  
 4           **the person.**

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

- 9           (1) a human being;  
 10           (2) a corporation;  
 11           (3) a limited liability company;  
 12           (4) a partnership;  
 13           (5) an unincorporated association; or  
 14           (6) a governmental entity.

15           (b) "Person", for purposes of section 44.5 of this chapter, means an  
 16           adult or a minor.

17           (c) "Person", for purposes of IC 31-27, means an individual who is  
 18           at least twenty-one (21) years of age, a corporation, a partnership, a  
 19           voluntary association, or other entity.

20           (d) "Person", for purposes of the Uniform Child Custody  
 21           Jurisdiction Act under IC 31-21, has the meaning set forth in  
 22           IC 31-21-2-13.

23           (e) "Person", for purposes of the Uniform Interstate Family Support  
 24           Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

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

- 26           **(1) an individual; or**  
 27           **(2) a legal entity, including a religious organization.**

28           SECTION 4. IC 31-9-2-107.2 IS ADDED TO THE INDIANA  
 29           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30           [EFFECTIVE JULY 1, 2026]: **Sec. 107.2. "Religious organization",**  
 31           **for purposes of section 89 of this chapter, refers to any of the**  
 32           **following:**

- 33           **(1) A house of worship, including a church, synagogue, shrine,**  
 34           **mosque, or temple.**  
 35           **(2) A religious:**  
 36           **(A) group;**  
 37           **(B) corporation;**  
 38           **(C) association;**  
 39           **(D) school or educational institution;**  
 40           **(E) ministry;**  
 41           **(F) order;**  
 42           **(G) society; or**



(H) entity, regardless of whether the entity is integrated or affiliated with a house of worship.

(3) Any officer, owner, employee, manager, religious leader, clergy, or minister of an entity described in this section.

SECTION 5. IC 31-9-2-119.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 119.5. "State benefit", for purposes of section 40.9 of this chapter, means any program administered, controlled, or funded by the state that provides any one (1) or more of the following:

(1) Cash.

(2) Payments.

(3) Grants.

(4) Contracts.

(5) Loans.

(6) In-kind assistance.

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

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

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

(1) A person that provides, or declines to provide, an adoption or foster care service in a manner consistent with the person's sincerely held religious belief.

(2) An adoptive parent (as defined in IC 31-9-2-6) who raises, or intends to raise, a child in a manner consistent with the adoptive parent's sincerely held religious belief.

(3) A foster parent (as defined in IC 31-9-2-47) who raises, or intends to raise, a child in a manner consistent with the foster parent's sincerely held religious belief.

(4) A person that in a matter concerning adoption or foster care service:

(A) maintains any policy and procedure; or

(B) otherwise acts;

consistent with the person's sincerely held religious belief.

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



1        **Sec. 2. (a) Notwithstanding IC 34-13-3-3 and subject to**  
 2        **subsection (b), a person may:**

3            **(1) bring a cause of action against a governmental entity for**  
 4            **a violation of section 1 of this chapter; or**

5            **(2) assert the violation of section 1 of this chapter as a claim**  
 6            **or defense in a judicial proceeding.**

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

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

11        **Sec. 3. Relief against the governmental entity may include any**  
 12        **of the following:**

13            **(1) Declaratory relief.**

14            **(2) Injunctive relief.**

15            **(3) Compensatory damages.**

16            **(4) Reasonable attorney's fees and costs.**

17        **SECTION 7. IC 34-11-2-17.1 IS ADDED TO THE INDIANA**  
 18        **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 19        **[EFFECTIVE JULY 1, 2026]: Sec. 17.1. An action against a**  
 20        **governmental entity for discrimination under IC 31-10-3.5-2 must**  
 21        **be commenced not more than two (2) years after the date of the act**  
 22        **complained of.**

