



February 13, 2026

ENGROSSED HOUSE BILL No. 1389

DIGEST OF HB 1389 (Updated February 11, 2026 3:06 pm - DI 149)

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

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, unless the discriminatory act as applied to the person is required to advance a compelling government interest and is the least restrictive means of advancing the interest. Specifies that a governmental entity may consider whether a person involved in adoption or foster care matters shares the same religion or faith tradition as a child or the child's parent when considering placement of a child. 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.

Lindauer, Jeter, DeVon, Heaton

(SENATE SPONSORS — JOHNSON T, WALKER G, BUCHANAN, DEERY,
BYRNE, BROWN L)

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

January 27, 2026, reported — Do Pass.

January 29, 2026, read second time, ordered engrossed.

January 30, 2026, engrossed.

February 2, 2026, read third time, passed. Yeas 69, nays 29.

SENATE ACTION

February 5, 2026, read first time and referred to Committee on Judiciary.

February 12, 2026, amended, reported favorably — Do Pass.

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February 13, 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.

ENGROSSED 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**

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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, except for the**
25 **reasons set forth in IC 31-10-3.5-1.**

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

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

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

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

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

34 **(A) A monetary fine.**

35 **(B) A fee.**

36 **(C) A penalty.**

37 **(D) A damages award.**

38 **(E) An injunction.**

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

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

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

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



- 1 **(D) Altering the terms or conditions of the person's**
 2 **employment.**
 3 **(E) Retaliating against the person.**
 4 **(F) Taking any other adverse employment action against**
 5 **the person.**

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

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

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

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

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

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

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

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

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

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



1 **(G) society; or**
 2 **(H) entity, regardless of whether the entity is integrated or**
 3 **affiliated with a house of worship.**
 4 **(3) Any officer, owner, employee, manager, religious leader,**
 5 **clergy, or minister of an entity described in this section.**
 6 SECTION 5. IC 31-9-2-119.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: **Sec. 119.5. "State benefit", for**
 9 **purposes of section 40.9 of this chapter, means any program**
 10 **administered, controlled, or funded by the state that provides any**
 11 **one (1) or more of the following:**
 12 **(1) Cash.**
 13 **(2) Payments.**
 14 **(3) Grants.**
 15 **(4) Contracts.**
 16 **(5) Loans.**
 17 **(6) In-kind assistance.**
 18 SECTION 6. IC 31-10-3.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2026]:
 21 **Chapter 3.5. Antidiscrimination in Adoption and Foster**
 22 **Proceedings**
 23 **Sec. 1. (a) Except as provided in subsection (b), a governmental**
 24 **entity may not discriminate against any of the following:**
 25 **(1) A person that provides, or declines to provide, an adoption**
 26 **or foster care service in a manner consistent with the person's**
 27 **sincerely held religious belief.**
 28 **(2) An adoptive parent (as defined in IC 31-9-2-6) who raises,**
 29 **or intends to raise, a child in a manner consistent with the**
 30 **adoptive parent's sincerely held religious belief.**
 31 **(3) A foster parent (as defined in IC 31-9-2-47) who raises, or**
 32 **intends to raise, a child in a manner consistent with the foster**
 33 **parent's sincerely held religious belief.**
 34 **(4) A person that in a matter concerning adoption or foster**
 35 **care service:**
 36 **(A) maintains any policy and procedure; or**
 37 **(B) otherwise acts;**
 38 **consistent with the person's sincerely held religious belief.**
 39 **(b) A governmental entity may consider whether a person**
 40 **described in subsection (a) shares the same religion or faith**
 41 **tradition as:**
 42 **(1) a child when considering placement of the child to**



1 prioritize the child's placement with a person of the same
 2 religion or faith tradition; or
 3 (2) the child's parent or parents when considering placement
 4 of the child to prioritize the child's placement with a person
 5 who shares the same religion or faith tradition of the parent
 6 or parents of the child.

7 (c) A governmental entity may not discriminate against a person
 8 described in subsection (a) unless the discriminatory act:

- 9 (1) as applied to the person described in subsection (a), is
 10 required to advance a compelling governmental interest; and
 11 (2) is the least restrictive means of advancing the
 12 governmental interest.

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

- 15 (1) bring a cause of action against a governmental entity for
 16 a violation of section 1 of this chapter; or
 17 (2) assert the violation of section 1 of this chapter as a claim
 18 or defense in a judicial proceeding.

19 (b) A person may not bring a cause of action against any court
 20 under this section.

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

23 Sec. 3. Relief against the governmental entity may include any
 24 of the following:

- 25 (1) Declaratory relief.
 26 (2) Injunctive relief.
 27 (3) Compensatory damages.
 28 (4) Reasonable attorney's fees and costs.

29 Sec. 4. This chapter does not:

- 30 (1) prohibit the department from taking an action authorized
 31 by state law to prevent child abuse or neglect as defined in
 32 IC 31-9-2-14(c); or
 33 (2) limit the department from enforcing licensing
 34 requirements under IC 31-27 that are consistent with this
 35 chapter.

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1389 as introduced.)

JETER

Committee Vote: Yeas 8, Nays 4

COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1389, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 24, delete "person." and insert "**person, except for the reasons set forth in IC 31-10-3.5-1.**"

Page 4, delete lines 38 through 42, begin a new paragraph and insert:

"(b) A governmental entity may consider whether a person described in subsection (a) shares the same religion or faith tradition as:

- (1) a child when considering placement of the child to prioritize the child's placement with a person of the same religion or faith tradition; or**
- (2) the child's parent or parents when considering placement of the child to prioritize the child's placement with a person who shares the same religion or faith tradition of the parent or parents of the child.**

(c) A governmental entity may not discriminate against a person described in subsection (a) unless the discriminatory act:

- (1) as applied to the person described in subsection (a), is required to advance a compelling governmental interest; and**
- (2) is the least restrictive means of advancing the governmental interest."**

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 4. This chapter does not:

- (1) prohibit the department from taking an action authorized by state law to prevent child abuse or neglect as defined in IC 31-9-2-14(c); or**

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(2) limit the department from enforcing licensing requirements under IC 31-27 that are consistent with this chapter."

and when so amended that said bill do pass.

(Reference is to HB 1389 as printed January 27, 2026.)

CARRASCO, Chairperson

Committee Vote: Yeas 8, Nays 2.

