

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 ENROLLED ACT No. 1389

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:

SECTION 1. IC 31-9-2-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5.2. "Adoption or foster care service", for purposes of IC 31-10-3.5, refers to any one (1) or more of the following:**

- (1) Promoting foster parenting.**
- (2) Coordinating placement of a child in a home or facility licensed under IC 31-27.**
- (3) Recruiting a foster parent or an adoptive parent.**
- (4) Licensing or certifying a foster family home.**
- (5) Promoting adoption.**
- (6) Assisting with an adoption or supporting an adoptive parent.**
- (7) Performing or assisting with a home study.**
- (8) Assisting with a kinship guardianship or a kinship caregiver.**
- (9) Providing any family preservation service.**
- (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,**

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includes any one (1) or more of the following acts when done wholly or partially 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, except for the reasons set forth in IC 31-10-3.5-1.
- (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.
- (7) Taking any of the following actions:
 - (A) Refusing to hire or promote the person.
 - (B) Forcing the person to resign.
 - (C) Firing, demoting, or disciplining the person.
 - (D) Altering the terms or conditions of the person's employment.
 - (E) Retaliating against the person.
 - (F) Taking any other adverse employment action against



the person.

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;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

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

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

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

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

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

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

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

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

- (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.

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

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

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

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

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

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

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

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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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