

# PROPOSED AMENDMENT

## HB 1389 # 3

### DIGEST

Adoption. Allows a governmental entity to consider whether a foster or adoptive parent shares the same religion or faith tradition as: (1) a child being placed for adoption or foster services; or (2) the parent or parents of a child being placed for adoption or foster services. Specifies that a governmental entity may not discriminate against a foster or adoptive parent unless the discriminatory act is required to advance a compelling governmental interest and is the least restrictive means of advancing the governmental interest. Provides that the new chapter concerning anti-discrimination in adoption and foster proceedings does not prohibit the department of child services from taking action to prevent child abuse or neglect or limit the department from enforcing certain licensing requirements.

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- 1           Page 2, line 24, delete "person." and insert "**person, except for the**  
2 **reasons set forth in IC 31-10-3.5-1.**"
- 3           Page 4, delete lines 38 through 42, begin a new paragraph and  
4 insert:
- 5           "**(b) A governmental entity may consider whether a person**  
6 **described in subsection (a) shares the same religion or faith**  
7 **tradition as:**
- 8                 **(1) a child when considering placement of the child to**  
9                 **prioritize the child's placement with a person of the same**  
10                **religion or faith tradition; or**
- 11                **(2) the child's parent or parents when considering placement**  
12                **of the child to prioritize the child's placement with a person**  
13                **who shares the same religion or faith tradition of the parent**  
14                **or parents of the child.**
- 15           **(c) A governmental entity may not discriminate against a person**  
16 **described in subsection (a) unless the discriminatory act:**
- 17                **(1) as applied to the person described in subsection (a), is**  
18                **required to advance a compelling governmental interest; and**  
19                **(2) is the least restrictive means of advancing the**  
20                **governmental interest."**
- 21           Page 5, between lines 16 and 17, begin a new paragraph and insert:  
22 "**Sec. 4. This chapter does not:**
- 23                **(1) prohibit the department from taking an action authorized**

1           **by state law to prevent child abuse or neglect as defined in**  
2           **IC 31-9-2-14(c); or**  
3           **(2) limit the department from enforcing licensing**  
4           **requirements under IC 31-27 that are consistent with this**  
5           **chapter."**

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