



January 13, 2026

SENATE BILL No. 171

DIGEST OF SB 171 (Updated January 12, 2026 11:39 am - DI 148)

Citations Affected: IC 31-19; IC 31-34; IC 31-35.

Synopsis: Family and children matters. Provides that a court may grant postadoption contact privileges if the child is at least 12 months of age. (Current law requires the child to be at least two years of age.) Requires the department of child services (department) to consider certain factors when evaluating an out-of-home placement for a child in a child in need of services (CHINS) case. Provides that a relative who a child has resided with for at least 12 months is presumed to be an individual who has a significant relationship with the child. Requires a court to write formal opinions in certain circumstances and include specific information in its opinions. Provides that the department may not request a change of placement in certain circumstances.

Effective: July 1, 2026.

Johnson T

January 5, 2026, read first time and referred to Committee on Family and Children Services.
January 12, 2026, amended, reported favorably — Do Pass.

SB 171—LS 6404/DI 148



January 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.

SENATE BILL No. 171

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 31-19-16-2, AS AMENDED BY P.L.128-2012,
2 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. A court may grant postadoption contact
4 privileges if:

5 (1) the court determines that the best interests of the child would
6 be served by granting postadoption contact privileges;
7 (2) the child is at least ~~two (2)~~ **years twelve (12) months** of age
8 and the court finds that there is a significant emotional attachment
9 between the child and the birth parent;
10 (3) each adoptive parent consents to the granting of postadoption
11 contact privileges;
12 (4) the adoptive parents and the birth parents:
13 (A) execute a postadoption contact agreement; and
14 (B) file the agreement with the court;
15 (5) the licensed child placing agency sponsoring the adoption and
16 the child's court appointed special advocate or guardian ad litem
17 appointed under IC 31-32-3 recommends to the court the

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1 postadoption contact agreement, or if there is no licensed child
2 placing agency sponsoring the adoption, the local office or other
3 agency that prepared an adoption report under IC 31-19-8-5 is
4 informed of the contents of the postadoption contact agreement
5 and comments on the agreement in the agency's report to the
6 court;

7 (6) consent to postadoption contact is obtained from the child if
8 the child is at least twelve (12) years of age; and

9 (7) the postadoption contact agreement is approved by the court.

10 SECTION 2. IC 31-19-16-9, AS AMENDED BY P.L.113-2017,
11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 9. Postadoption contact privileges are permissible
13 without court approval in an adoption of a child who is less than ~~two~~
14 ~~(2)~~ years **twelve (12) months** of age upon the agreement of the
15 adoptive parents and a birth parent. However, postadoption contact
16 privileges under this section may not include visitation. A postadoption
17 contact agreement under this section:

18 (1) is not enforceable;

19 (2) may include contact through photographs, written and verbal
20 updates, and other forms of communication;

21 (3) does not have to be in writing; and

22 (4) does not affect the:

23 (A) validity of a:

24 (i) consent to an adoption; or

25 (ii) waiver of notice; or

26 (B) finality of the adoption.

27 SECTION 3. IC 31-34-4-2, AS AMENDED BY P.L.186-2025,
28 SECTION 159, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If a child alleged to be a child
30 in need of services is taken into custody under an order of the court
31 under this chapter and the court orders out-of-home placement, the
32 department is responsible for that placement and care and must
33 consider placing the child with a:

34 (1) suitable and willing relative; or

35 (2) de facto custodian;

36 before considering any other out-of-home placement.

37 (b) The department shall consider placing a child described in
38 subsection (a) with a relative related by blood, marriage, or adoption
39 before considering any other placement of the child.

40 (c) Before the department places a child in need of services with a
41 relative or a de facto custodian, the department shall complete an
42 evaluation based on a home visit of the relative's home.



8 (1) committed an act resulting in a substantiated report of child
9 abuse or neglect; or

10 (2) been convicted of a nonwaivable offense, as defined in
11 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
12 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
13 committed by an adult.

14 (f) The department is not required to conduct a criminal history
15 check under subsection (d) if the department makes an out-of-home
16 placement to an entity or a facility that is not a residence (as defined in
17 IC 3-5-2.1-90) or that is licensed by the state.

18 (g) A court may order or the department may approve an
19 out-of-home placement if:

20 (1) a person described in subsection (d) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;
(B) been convicted of:

(i) battery (JC 35-42)

- (i) battery (IC 35-42-1);
- (ii) criminal recklessness (IC 35-42-2-2) as a felony;
- (iii) criminal confinement (IC 35-42-3-3) as a felony;
- (iv) arson (IC 35-43-1-1) as a felony;
- (v) nonsupport of a dependent child (IC 35-46-1-5);
- (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
- (vii) a felony involving a weapon under IC 35-47;
- (viii) a felony relating to controlled substances under IC 35-48-4; or

38 would be a irony, and
39 (2) the person's commission of the offense, delinquent act, or act
40 of abuse or neglect described in subdivision (1) is not relevant to
41 the person's present ability to care for a child, and the placement
42 is in the best interest of the child.



1 However, a court or the department shall not make an out-of-home
2 placement if the person has been convicted of a nonwaivable offense,
3 as defined in IC 31-9-2-84.8 that is not specifically excluded under
4 subdivision (1)(B).

5 (h) In considering the placement under subsection (g), the court or
6 the department shall consider the following:

7 (1) The length of time since the person committed the offense,
8 delinquent act, or abuse or neglect.
9 (2) The severity of the offense, delinquent act, or abuse or neglect.
10 (3) Evidence of the person's rehabilitation, including the person's
11 cooperation with a treatment plan, if applicable.

12 **(i) In considering any out-of-home placement, the department
13 shall consider the following to determine whether a particular
14 out-of-home placement is in the child's best interest:**

15 **(1) The caregiver is interested in providing permanence for
16 the child if reunification efforts ultimately fail.**
17 **(2) The expressed wishes of the child's birth parent and the
18 child, if applicable, unless the wishes are contrary to law.**
19 **(3) The relationship of the caregiver with the child and the
20 child's family.**
21 **(4) The proximity of the placement home to the birth parents'
22 home and the child's current school or school district.**
23 **(5) The strengths and parenting style of the caregiver in
24 relation to the child's behavior and needs.**
25 **(6) The caregiver's willingness to interact with the birth
26 family to support visitation and the reunification process.**
27 **(7) The caregiver's ability and willingness to accept placement
28 of the child and any of the child's siblings.**
29 **(8) If any sibling will be placed separately, the caregiver's
30 ability and willingness to provide or assist in maintaining
31 frequent visitation or other ongoing contact between the child
32 and the child's siblings.**
33 **(9) The child's fit with the family with regard to age, gender,
34 and sibling relationships.**
35 **(10) If the child has chronic behavioral health needs:**
36 **(A) whether the child's behavior will place other children
37 in the home at risk; and**
38 **(B) the caregiver's ability to provide the necessary level of
39 supervision to prevent harm to the child or others by the
40 child.**
41 **(11) Whether placement in the home would comply with the
42 placement preferences prescribed by federal law.**



1 SECTION 4. IC 31-34-6-2, AS AMENDED BY P.L.123-2014,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. (a) A juvenile court or the department shall
4 consider placing a child alleged to be a child in need of services with
5 a suitable and willing relative or de facto custodian of the child before
6 considering any other placement for the child.

7 (b) A juvenile court or the department shall consider placing a child
8 described in subsection (a) with a relative related by blood, marriage,
9 or adoption before considering any other placement of the child.

10 (c) Before a child is placed with a relative or de facto custodian, a
11 home evaluation and background checks described in IC 31-34-4-2 are
12 required.

13 **(d) A relative who a child has resided with for at least twelve
14 (12) months is presumed to be an individual who has a significant
15 relationship with the child.**

16 SECTION 5. IC 31-34-18-2, AS AMENDED BY P.L.210-2019,
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: Sec. 2. (a) In addition to providing the court with a
19 recommendation for the care, treatment, or rehabilitation of the child,
20 the person preparing the report shall consider the necessity, nature, and
21 extent of the participation by a parent, guardian, or custodian in a
22 program of care, treatment, or rehabilitation for the child.

23 (b) If the department or caseworker believes that an out-of-home
24 placement would be appropriate for a child in need of services, the
25 department or caseworker shall:

26 (1) exercise due diligence to identify all adult relatives of the
27 child and adult siblings; and
28 (2) consider whether the child should be placed with the child's
29 suitable and willing blood or adoptive relative caretaker,
30 including a grandparent, an aunt, an uncle, or an adult sibling,
31 before considering other out-of-home placements for the child.

32 **(c) In considering any out-of-home placement, the department
33 shall consider the following to determine whether a particular
34 out-of-home placement is in the child's best interest:**

35 **(1) The caregiver is interested in providing permanence for
36 the child if reunification efforts ultimately fail.**
37 **(2) The expressed wishes of the child's birth parent and the
38 child, if applicable, unless the wishes are contrary to law.**
39 **(3) The relationship of the caregiver with the child and the
40 child's family.**
41 **(4) The proximity of the placement home to the birth parents'
42 home and the child's current school or school district.**



(5) The strengths and parenting style of the caregiver in relation to the child's behavior and needs.

(6) The caregiver's willingness to interact with the birth family to support visitation and the reunification process.

(7) The caregiver's ability and willingness to accept placement of the child and any of the child's siblings.

(8) If any sibling will be placed separately, the caregiver's ability and willingness to provide or assist in maintaining frequent visitation or other ongoing contact between the child and the child's siblings.

(9) The child's fit with the family with regard to age, gender, and sibling relationships.

(10) If the child has chronic behavioral health needs:

- (A) whether the child's behavior will place other children in the home at risk; and
- (B) the caregiver's ability to provide the necessary level of supervision to prevent harm to the child or others by the child.

(11) Whether placement in the home would comply with the placement preferences prescribed by federal law.

SECTION 6. IC 31-34-19-6, AS AMENDED BY P.L.65-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian;
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian; and
- (6) provides a reasonable opportunity for the child's parent who:
 - (A) is incarcerated; and
 - (B) has maintained a meaningful role in the child's life; to maintain a relationship with the child.

(b) In determining whether reunification of a child with a parent, guardian, or custodian from whom the child has been removed is in the



1 child's best interest, a court shall do the following:

2 (1) The court shall determine whether reunifying the child with
 3 the parent, guardian, or custodian will result in separation of the
 4 child from a sibling of the child.
 5 (2) If the court determines under subdivision (1) that reunifying
 6 the child with the parent, guardian, or custodian will result in
 7 separation of the child from a sibling of the child, the court shall
 8 consider whether separating the child from the child's sibling is in
 9 the child's best interest.

10 **(c) If a dispositional decree is entered under this section, the**
 11 **court shall write a formal opinion with the court's findings and**
 12 **conclusions, including any specific factors used to determine the**
 13 **child's best interest.**

14 SECTION 7. IC 31-34-19-10, AS AMENDED BY P.L.66-2015,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 10. (a) The juvenile court shall accompany the
 17 court's dispositional decree with written findings and conclusions upon
 18 the record concerning the following:

19 (1) The needs of the child for care, treatment, rehabilitation, or
 20 placement, **including any specific factors used to determine the**
 21 **child's best interest.**
 22 (2) The need for participation by the parent, guardian, or
 23 custodian in the plan of care for the child.
 24 (3) Efforts made, if the child is a child in need of services, to:

25 (A) prevent the child's removal from; or
 26 (B) reunite the child with;
 27 the child's parent, guardian, or custodian in accordance with
 28 federal law.
 29 (4) Family services that were offered and provided to:
 30 (A) a child in need of services; or
 31 (B) the child's parent, guardian, or custodian;
 32 in accordance with federal law.
 33 (5) The court's reasons for the disposition.
 34 (6) Whether the child is a dual status child under IC 31-41.

35 (b) The juvenile court may incorporate a finding or conclusion from
 36 a predispositional report as a written finding or conclusion upon the
 37 record in the court's dispositional decree.

38 SECTION 8. IC 31-34-23-8 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2026]: Sec. 8. (a) **Except as provided in subsection (b), the**
 41 **department may not request a change in placement under this**
 42 **chapter for a child who:**



1 **(1) is placed in an out-of-home placement during a child in**
2 **need of services proceeding;**
3 **(2) has been in the child's current placement for at least**
4 **twelve (12) months; and**
5 **(3) is the subject of a pending adoption proceeding;**
6 **until an adoption decree is entered for the pending adoption**
7 **proceeding.**

8 **(b) If a child's life or health is in imminent danger in the child's**
9 **current placement, the department may request a change of**
10 **placement under section 3 of this chapter.**

11 SECTION 9. IC 31-35-2-8, AS AMENDED BY P.L.128-2012,
12 SECTION 173, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in section
14 4.5(d) of this chapter, if the court finds that the allegations in a petition
15 described in section 4 of this chapter are true, the court shall terminate
16 the parent-child relationship.

17 (b) If the court does not find that the allegations in the petition are
18 true, the court shall dismiss the petition.

19 (c) The court shall ~~enter~~ write a formal opinion with:
20 **(1) findings of fact that support the entry of the conclusions**
21 **required by subsections (a) and (b); and**
22 **(2) any specific factors used to determine the child's best**
23 **interest.**



COMMITTEE REPORT

Mr. President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 171, 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 8, delete lines 24 through 29.

and when so amended that said bill do pass.

(Reference is to SB 171 as introduced.)

WALKER G, Chairperson

Committee Vote: Yeas 8, Nays 0.

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