



February 16, 2026

**ENGROSSED
SENATE BILL No. 171**

DIGEST OF SB 171 (Updated February 16, 2026 12:46 pm - DI 151)

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

Synopsis: Family and children matters. Requires the local office of the department of child services to provide notice of an adoption petition to the court in which a CHINS proceeding is open or pending. Provides that the consent to adoption may be executed or acknowledged at any time after the birth of the child in the presence of an attorney, in person, or by video conferencing. 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.) Provides certain exceptions to confidentiality requirements. 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 placement with whom a child has resided with for at least 12 months, consecutively or nonconsecutively, is presumed to be an individual who has a significant
(Continued next page)

Effective: Upon passage.

**Johnson T, Walker G, Brown L,
Ford J.D., Donato,
Randolph Lonnie M**
(HOUSE SPONSOR — MCGUIRE)

January 5, 2026, read first time and referred to Committee on Family and Children Services.
January 12, 2026, amended, reported favorably — Do Pass.
January 20, 2026, read second time, amended, ordered engrossed.
January 21, 2026, engrossed.
January 22, 2026, read third time, passed. Yeas 43, nays 0.
HOUSE ACTION
January 28, 2026, read first time and referred to Committee on Judiciary.
February 16, 2026, amended, reported — Do Pass.

ES 171—LS 6404/DI 148



Digest Continued

relationship with the child. Requires a court to write a formal order in certain circumstances and include specific information in the order. Provides that the objectives of the dispositional decree are not considered met solely because a court is prohibited from changing a child's placement under IC 31-34-23-6(g) and prohibits the court from considering certain information when deciding whether the objectives of the dispositional decree are met. Requires any party seeking a change in placement for certain children to file a motion with the court, provide notice to all persons affected, and inform all persons affected of the right to file a written objection within 15 days. (Current law only allows the department to file the motion for a change of placement.) Allows a court to rule on a party's motion for the change in placement without delay if exigent circumstances are alleged in the party's motion. Provides that, with certain exceptions, if a child is the subject of an adoption petition, the adoption petitioner is the child's current placement, and the adoption petitioner has been the child's placement for at least 12 months, the court shall not change the child's placement until the adoption petition has been ruled on. Provides that if the party seeking a change of placement is a parent, guardian ad litem, or a court appointed special advocate, the party must provide notice to the department of child services, and the department shall then provide notice of the motion to the child's out-of-home placement.



February 16, 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 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 31-19-2.5-3, AS AMENDED BY P.L.203-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 4 of this
4 chapter, notice must be given to:
5 (1) a person whose consent to adoption is required under
6 IC 31-19-9-1;
7 (2) a putative father who is entitled to notice under IC 31-19-4;
8 (3) a grandparent described in IC 31-19-4.5-1(3) of a child sought
9 to be adopted;
10 (4) a licensed child placing agency of which the child is a ward;
11 (5) if the child is the subject of an open or pending child in need
12 of services proceeding under IC 31-34, the local office of the
13 department of child services in the county in which the child in
14 need of services proceeding was filed; and
15 (6) if the child is a subject of an open or pending juvenile
16 delinquency proceeding under IC 31-37, the entity, facility, or
17 individual of which the child is a ward.

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1 (b) Proof of notice to those under subsection (a) shall be filed with
 2 the court in the adoption proceeding before the final adoption hearing
 3 can be scheduled.

4 (c) Failure to provide notice under this section shall require setting
 5 aside the adoption decree if challenged by an entity or individual who
 6 did not receive notice as required by this section. An adoption decree
 7 may be challenged under this subsection for a period of not more than
 8 forty-five (45) days after the date the adoption decree is entered.

9 **(d) If notice is provided to the local office of the department of**
 10 **child services under subsection (a)(5), the local office of the**
 11 **department of child services shall provide notice to the court in**
 12 **which the child in need of services proceeding is open or pending.**
 13 **Notice under this subsection:**

14 **(1) is solely for the purpose of allowing the court to notify the**
 15 **parties:**

16 **(A) that an adoption petition has been filed; and**

17 **(B) of the cause number and name of the petitioner for the**
 18 **adoption petition; and**

19 **(2) must be provided to the court not later than seven (7)**
 20 **business days after the local office of the department of child**
 21 **services receives notice under subsection (a)(5).**

22 SECTION 2. IC 31-19-9-2, AS AMENDED BY P.L.89-2023,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 2. (a) The consent to adoption may be
 25 executed or acknowledged at any time after the birth of the child, either
 26 in the presence of:

27 (1) the court, in person or by video conferencing;

28 **(2) an attorney, in person or by video conferencing;**

29 ~~(2)~~ **(3) a notary public or other person authorized to take**
 30 **acknowledgments; or**

31 ~~(3)~~ **(4) an authorized agent of:**

32 (A) the department; or

33 (B) a licensed child placing agency.

34 (b) The child's mother may not execute a consent to adoption before
 35 the birth of the child.

36 (c) The child's father may execute a consent to adoption before the
 37 birth of the child if the consent to adoption:

38 (1) is in writing;

39 (2) is signed by the child's father in the presence of a notary
 40 public; and

41 (3) contains an acknowledgment that:

42 (A) the consent to adoption is irrevocable; and



1 (B) the child's father will not receive notice of the adoption
2 proceedings.

3 (d) A child's father who consents to the adoption of the child under
4 subsection (c) may not challenge or contest the child's adoption.

5 (e) Except as provided in subsection (f) or (g), a person who
6 executes a written consent to the adoption of a child may not execute
7 a second or subsequent written consent to have another person adopt
8 the child unless one (1) or more of the following apply:

9 (1) Each original petitioner provides a written statement that the
10 petitioner is not adopting the child.

11 (2) The person consenting to the adoption has been permitted to
12 withdraw the first consent to adoption under IC 31-19-10.

13 (3) The court dismisses the petition for adoption filed by the
14 original petitioner or petitioners for adoption based upon a
15 showing, by clear and convincing evidence, that it is not in the
16 best interests of the child that the petition for adoption be granted.

17 (4) The court denies the petition to adopt the child filed by the
18 original petitioner or petitioners for adoption.

19 (f) The department may execute more than one (1) written consent
20 to the adoption of a child if the department determines that the
21 execution of more than one (1) written consent is in the best interests
22 of the child.

23 (g) The parents of a child who is a ward of the department may
24 execute a second or subsequent consent if:

25 (1) the court with jurisdiction over the child in need of services
26 determines that adoption by the person to whom consents were
27 originally signed is not in the child's best interest; or

28 (2) if the child's placement with the person who has petitioned or
29 intends to petition to adopt the child is disrupted.

30 SECTION 3. IC 31-19-16-2, AS AMENDED BY P.L.128-2012,
31 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 2. A court may grant postadoption contact
33 privileges if:

34 (1) the court determines that the best interests of the child would
35 be served by granting postadoption contact privileges;

36 (2) the child is at least ~~two (2) years~~ **twelve (12) months** of age
37 and the court finds that there is a significant emotional attachment
38 between the child and the birth parent;

39 (3) each adoptive parent consents to the granting of postadoption
40 contact privileges;

41 (4) the adoptive parents and the birth parents:

42 (A) execute a postadoption contact agreement; and



- 1 (B) file the agreement with the court;
- 2 (5) the licensed child placing agency sponsoring the adoption and
- 3 the child's court appointed special advocate or guardian ad litem
- 4 appointed under IC 31-32-3 recommends to the court the
- 5 postadoption contact agreement, or if there is no licensed child
- 6 placing agency sponsoring the adoption, the local office or other
- 7 agency that prepared an adoption report under IC 31-19-8-5 is
- 8 informed of the contents of the postadoption contact agreement
- 9 and comments on the agreement in the agency's report to the
- 10 court;
- 11 (6) consent to postadoption contact is obtained from the child if
- 12 the child is at least twelve (12) years of age; and
- 13 (7) the postadoption contact agreement is approved by the court.
- 14 SECTION 4. IC 31-19-16-9, AS AMENDED BY P.L.113-2017,
- 15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 UPON PASSAGE]: Sec. 9. Postadoption contact privileges are
- 17 permissible without court approval in an adoption of a child who is less
- 18 than ~~two (2)~~ **years twelve (12) months** of age upon the agreement of
- 19 the adoptive parents and a birth parent. However, postadoption contact
- 20 privileges under this section may not include visitation. A postadoption
- 21 contact agreement under this section:
- 22 (1) is not enforceable;
- 23 (2) may include contact through photographs, written and verbal
- 24 updates, and other forms of communication;
- 25 (3) does not have to be in writing; and
- 26 (4) does not affect the:
- 27 (A) validity of a:
- 28 (i) consent to an adoption; or
- 29 (ii) waiver of notice; or
- 30 (B) finality of the adoption.
- 31 SECTION 5. IC 31-19-19-4, AS AMENDED BY P.L.186-2025,
- 32 SECTION 152, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE UPON PASSAGE]: Sec. 4. All papers, records, and
- 34 information pertaining to the adoption, whether part of:
- 35 (1) the permanent record of the court; or
- 36 (2) a file in:
- 37 (A) the division of vital records;
- 38 (B) the department or local office;
- 39 (C) a licensed child placing agency; or
- 40 (D) a professional health care provider (as defined in
- 41 IC 34-6-2.1-165);
- 42 are confidential and may be disclosed only in accordance with



- 1 **IC 31-19-2.5-3**, IC 31-19-17, this chapter, or IC 31-19-20 through
 2 IC 31-19-25.5.
- 3 SECTION 6. IC 31-34-4-2, AS AMENDED BY P.L.186-2025,
 4 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If a child alleged to be a
 6 child in need of services is taken into custody under an order of the
 7 court under this chapter and the court orders out-of-home placement,
 8 the department is responsible for that placement and care and must
 9 consider placing the child with a:
- 10 (1) suitable and willing relative; or
 11 (2) de facto custodian;
 12 before considering any other out-of-home placement.
- 13 (b) The department shall consider placing a child described in
 14 subsection (a) with a relative related by blood, marriage, or adoption
 15 before considering any other placement of the child.
- 16 (c) Before the department places a child in need of services with a
 17 relative or a de facto custodian, the department shall complete an
 18 evaluation based on a home visit of the relative's home.
- 19 (d) Except as provided in subsection (f), before placing a child in
 20 need of services in an out-of-home placement, the department shall
 21 conduct a criminal history check of each person who is currently
 22 residing in the location designated as the out-of-home placement.
- 23 (e) Except as provided in subsection (g), the department may not
 24 make an out-of-home placement if a person described in subsection (d)
 25 has:
- 26 (1) committed an act resulting in a substantiated report of child
 27 abuse or neglect; or
 28 (2) been convicted of a nonwaivable offense, as defined in
 29 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
 30 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 31 committed by an adult.
- 32 (f) The department is not required to conduct a criminal history
 33 check under subsection (d) if the department makes an out-of-home
 34 placement to an entity or a facility that is not a residence (as defined in
 35 IC 3-5-2.1-90) or that is licensed by the state.
- 36 (g) A court may order or the department may approve an
 37 out-of-home placement if:
- 38 (1) a person described in subsection (d) has:
- 39 (A) committed an act resulting in a substantiated report of
 40 child abuse or neglect;
 41 (B) been convicted of:
 42 (i) battery (IC 35-42-2-1);



- 1 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 2 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 3 (iv) arson (IC 35-43-1-1) as a felony;
 4 (v) nonsupport of a dependent child (IC 35-46-1-5);
 5 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 6 as a felony;
 7 (vii) a felony involving a weapon under IC 35-47;
 8 (viii) a felony relating to controlled substances under
 9 IC 35-48-4; or
 10 (ix) a felony under IC 9-30-5;
 11 if the conviction did not occur within the past five (5) years; or
 12 (C) had a juvenile adjudication for a nonwaivable offense, as
 13 defined in IC 31-9-2-84.8 that, if committed by an adult,
 14 would be a felony; and
 15 (2) the person's commission of the offense, delinquent act, or act
 16 of abuse or neglect described in subdivision (1) is not relevant to
 17 the person's present ability to care for a child, and the placement
 18 is in the best interest of the child.
- 19 However, a court or the department shall not make an out-of-home
 20 placement if the person has been convicted of a nonwaivable offense,
 21 as defined in IC 31-9-2-84.8 that is not specifically excluded under
 22 subdivision (1)(B).
- 23 (h) In considering the placement under subsection (g), the court or
 24 the department shall consider the following:
 25 (1) The length of time since the person committed the offense,
 26 delinquent act, or abuse or neglect.
 27 (2) The severity of the offense, delinquent act, or abuse or neglect.
 28 (3) Evidence of the person's rehabilitation, including the person's
 29 cooperation with a treatment plan, if applicable.
- 30 **(i) In considering any out-of-home placement, the department**
 31 **shall consider the following to determine whether a particular**
 32 **out-of-home placement is in the child's best interest:**
 33 **(1) The caregiver is interested in providing permanence for**
 34 **the child if reunification efforts ultimately fail.**
 35 **(2) The expressed wishes of the child's birth parent and the**
 36 **child, if applicable, unless the wishes are contrary to law,**
 37 **child safety, or stability.**
 38 **(3) The relationship of the caregiver with the child and the**
 39 **child's family.**
 40 **(4) The proximity of the placement home to the birth parents'**
 41 **home and the child's current school or school district.**
 42 **(5) The strengths and parenting style of the caregiver in**



1 **relation to the child's behavior and needs.**

2 **(6) The caregiver's willingness to interact with the birth**
3 **family, unless the caregiver has safety concerns.**

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

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

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

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

13 **(A) whether the child's behavior will place other children**
14 **in the home at risk; and**

15 **(B) the caregiver's ability to provide the necessary level of**
16 **supervision to prevent harm to the child or others by the**
17 **child.**

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

20 SECTION 7. IC 31-34-6-2, AS AMENDED BY P.L.123-2014,
21 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 2. (a) A juvenile court or the department shall
23 consider placing a child alleged to be a child in need of services with
24 a suitable and willing relative or de facto custodian of the child before
25 considering any other placement for the child.

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

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

32 **(d) A placement with whom a child has resided for at least**
33 **twelve (12) months, consecutively or nonconsecutively, is presumed**
34 **to be an individual who has a significant relationship with the**
35 **child.**

36 SECTION 8. IC 31-34-18-2, AS AMENDED BY P.L.210-2019,
37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 2. (a) In addition to providing the court with
39 a recommendation for the care, treatment, or rehabilitation of the child,
40 the person preparing the report shall consider the necessity, nature, and
41 extent of the participation by a parent, guardian, or custodian in a
42 program of care, treatment, or rehabilitation for the child.



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

4 (1) exercise due diligence to identify all adult relatives of the
 5 child and adult siblings; and

6 (2) consider whether the child should be placed with the child's
 7 suitable and willing blood or adoptive relative caretaker,
 8 including a grandparent, an aunt, an uncle, or an adult sibling,
 9 before considering other out-of-home placements for the child.

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

13 (1) **The caregiver is interested in providing permanence for**
 14 **the child if reunification efforts ultimately fail.**

15 (2) **The expressed wishes of the child's birth parent and the**
 16 **child, if applicable, unless the wishes are contrary to law,**
 17 **child safety, or stability.**

18 (3) **The relationship of the caregiver with the child and the**
 19 **child's family.**

20 (4) **The proximity of the placement home to the birth parents'**
 21 **home and the child's current school or school district.**

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

24 (6) **The caregiver's willingness to interact with the birth**
 25 **family, unless the caregiver has safety concerns.**

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

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

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

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

35 (A) **whether the child's behavior will place other children**
 36 **in the home at risk; and**

37 (B) **the caregiver's ability to provide the necessary level of**
 38 **supervision to prevent harm to the child or others by the**
 39 **child.**

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

42 SECTION 9. IC 31-34-19-6, AS AMENDED BY P.L.65-2023,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 6. (a) If consistent with the safety of the
3 community and the best interest of the child, the juvenile court shall
4 enter a dispositional decree that:

5 (1) is:

6 (A) in the least restrictive (most family like) and most
7 appropriate setting available; and

8 (B) close to the parents' home, consistent with the best interest
9 and special needs of the child;

10 (2) least interferes with family autonomy;

11 (3) is least disruptive of family life;

12 (4) imposes the least restraint on the freedom of the child and the
13 child's parent, guardian, or custodian;

14 (5) provides a reasonable opportunity for participation by the
15 child's parent, guardian, or custodian; and

16 (6) provides a reasonable opportunity for the child's parent who:

17 (A) is incarcerated; and

18 (B) has maintained a meaningful role in the child's life;

19 to maintain a relationship with the child.

20 (b) In determining whether reunification of a child with a parent,
21 guardian, or custodian from whom the child has been removed is in the
22 child's best interest, a court shall do the following:

23 (1) The court shall determine whether reunifying the child with
24 the parent, guardian, or custodian will result in separation of the
25 child from a sibling of the child.

26 (2) If the court determines under subdivision (1) that reunifying
27 the child with the parent, guardian, or custodian will result in
28 separation of the child from a sibling of the child, the court shall
29 consider whether separating the child from the child's sibling is in
30 the child's best interest.

31 **(c) If a dispositional decree is entered under this section, the**
32 **court shall write a formal order with the court's findings and**
33 **conclusions, including any specific factors used to determine the**
34 **child's best interest.**

35 SECTION 10. IC 31-34-19-10, AS AMENDED BY P.L.66-2015,
36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 10. (a) The juvenile court shall accompany the
38 court's dispositional decree with written findings and conclusions upon
39 the record concerning the following:

40 (1) The needs of the child for care, treatment, rehabilitation, or
41 placement, **including any specific factors used to determine the**
42 **child's best interest.**



- 1 (2) The need for participation by the parent, guardian, or
- 2 custodian in the plan of care for the child.
- 3 (3) Efforts made, if the child is a child in need of services, to:
- 4 (A) prevent the child's removal from; or
- 5 (B) reunite the child with;
- 6 the child's parent, guardian, or custodian in accordance with
- 7 federal law.
- 8 (4) Family services that were offered and provided to:
- 9 (A) a child in need of services; or
- 10 (B) the child's parent, guardian, or custodian;
- 11 in accordance with federal law.
- 12 (5) The court's reasons for the disposition.
- 13 (6) Whether the child is a dual status child under IC 31-41.
- 14 (b) The juvenile court may incorporate a finding or conclusion from
- 15 a predispositional report as a written finding or conclusion upon the
- 16 record in the court's dispositional decree.
- 17 SECTION 11. IC 31-34-21-11 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) When the
- 19 juvenile court finds that the objectives of the dispositional decree have
- 20 been met, the court shall discharge the child and the child's parent,
- 21 guardian, or custodian.
- 22 (b) **The objectives of the dispositional decree are not considered**
- 23 **met solely because a court is prohibited from changing a child's**
- 24 **placement under IC 31-34-23-6(g).**
- 25 (c) **If a child's placement has been stayed under**
- 26 **IC 31-34-23-6(g), the court may not consider:**
- 27 (1) **the existence of a pending adoption; or**
- 28 (2) **any pending matters or hearings in the adoption;**
- 29 **to determine whether the objectives of the dispositional decree**
- 30 **have been met under subsection (a).**
- 31 SECTION 12. IC 31-34-23-6, AS AMENDED BY P.L.105-2022,
- 32 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 UPON PASSAGE]: Sec. 6. (a) Except as provided in section 3 of this
- 34 chapter, before changing a child's out-of-home placement, the
- 35 department **or any other party seeking a change in placement** shall
- 36 file a motion requesting a change in placement if the child:
- 37 (1) has been in the same out-of-home placement for at least ~~one~~
- 38 ~~(1)~~ **year; twelve (12) months, consecutively or**
- 39 **nonconsecutively; and**
- 40 (2) is in:
- 41 (A) a foster family home; or
- 42 (B) the care of a relative.



- 1 (b) The person with whom the child is placed may:
 2 (1) indicate in writing that the person:
 3 (A) does not intend to contest the change of placement under
 4 subsection (a); and
 5 (B) waives the right to request a hearing under subsection (f);
 6 and
 7 (2) provide the writing to:
 8 (A) the department; or
 9 (B) the court.
- 10 (c) **Except as provided in subsection (i), if the department any**
 11 **party** files the motion described in subsection (a), the ~~department~~
 12 **party** shall give notice to all persons affected. The ~~department's~~
 13 **party's** notice must state that the person affected may file a written
 14 objection not later than ~~ten (10)~~ **fifteen (15)** days after service of the
 15 ~~department's~~ notice.
- 16 (d) If a writing described in subsection (b)(1) is provided to the
 17 department before the department files the motion described in
 18 subsection (a), the department may file the writing with the motion
 19 requesting a change in placement.
- 20 (e) ~~If the court receives the writing described in subsection (b); the~~
 21 ~~court may rule on the department's motion without delay. If the motion~~
 22 **filed by a party alleges substantiated exigent circumstances (as**
 23 **defined in IC 31-9-2-44.1) or the court receives the writing**
 24 **described in subsection (b), the court may rule on the party's**
 25 **motion without delay.**
- 26 (f) If the person affected files a timely objection to the ~~department's~~
 27 **party's** motion requesting a change in out-of-home placement, the
 28 juvenile court shall hold a hearing on the question.
- 29 (g) **Except as provided in subsection (e), if:**
 30 **(1) a child is the subject of an adoption petition filed under**
 31 **IC 31-19-2;**
 32 **(2) the adoption petitioner is the current placement for the**
 33 **child; and**
 34 **(3) the adoption petitioner has been the child's placement for**
 35 **at least twelve (12) months, consecutively or**
 36 **nonconsecutively;**
 37 **the court shall not change the child's placement until the adoption**
 38 **petition under IC 31-19-2 has been ruled on.**
- 39 ~~(g)~~ (h) The ~~department~~ **party** must show that the change in
 40 out-of-home placement is in the best interests of the child.
- 41 (i) **If the party seeking a change of placement is a:**
 42 **(1) parent (as defined in IC 31-9-2-88(a));**



1 **(2) guardian ad litem (as defined in IC 31-9-2-50); or**
 2 **(3) court appointed special advocate;**
 3 **the party must provide notice under subsection (c) to the**
 4 **department. The department shall provide notice of the motion**
 5 **requesting a change of placement to the child's out-of-home**
 6 **placement. The department's notice must state that the person**
 7 **affected may file a written objection not later than fifteen (15) days**
 8 **after service of the department's notice.**

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

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

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

22 SECTION 14. **An emergency is declared for this act.**



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.

 SENATE MOTION

Mr. President: I move that Senate Bill 171 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-19-2-13, AS AMENDED BY P.L.81-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) ~~Except for a child who is under the care and supervision of the department,~~ A petitioner for adoption may file a separate, ex parte, verified petition requesting temporary custody of a child sought to be adopted at the time of or any time after the filing of a petition for adoption. The petition for temporary custody must be signed by each petitioner for adoption.

(b) A court may grant a petition for temporary custody filed under subsection (a) for a child who is under the care and supervision of the department if the court finds that:

- (1) the petition for adoption is in proper form;**
- (2) the department:**
 - (A) is a party to the adoption; or**
 - (B) has been served with notice of the petition for adoption and the petition for temporary custody;**
- (3) the petitioner is the current placement for the child at the time the petition for temporary custody is filed;**
- (4) the petitioner has been the child's placement for at least**

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**twelve (12) months, consecutively or nonconsecutively; and
(5) the act of granting the petition filed under subsection (a)
is in the best interests of the child.**

~~(b)~~ **(c) For a child who is not under the care and supervision of
the department**, a court may grant a petition for temporary custody
filed under subsection (a) if the court finds that:

- (1) the petition for adoption is in proper form; ~~and~~
- (2) **the act of** placing the child with the petitioner or petitioners
for adoption pending the hearing on the petition for adoption is in
the best interests of the child; **and**
- (3) the petitioner for adoption is legally and financially
responsible for the child until otherwise ordered by the court.**

~~(c) If temporary custody is granted under this section, the petitioner
or petitioners for adoption are legally and financially responsible for
the child until otherwise ordered by the court.~~

(d) To the extent that a temporary custody order issued under this
section conflicts with a custody order issued by any other court except
a court having appellate jurisdiction over the child, a temporary order
under this section controls.

(e) A:

- (1) party to the adoption; or
- (2) person who had:
 - (A) custody of; or
 - (B) parenting time or visitation with;

the child before a temporary custody order was issued under this
section;

may file a petition to suspend, modify, or revoke the temporary custody
order granted under this section.

(f) Upon receipt of a petition described in subsection (e), the court
shall set the matter for hearing.

(g) The court may suspend, modify, or revoke the temporary custody
order if the court determines suspension, modification, or revocation
of the temporary custody order is in the best interests of the child.

**(h) If the court declines to enter an ex-parte order granting the
petitioner temporary custody, the court shall set the matter for a
hearing not more than fifteen (15) days after the petitioner files the
petition for temporary custody under subsection (a)."**

Page 4, line 18, delete "law." and insert "**law, child safety, or
stability.**".

Page 4, line 26, delete "to support visitation and the reunification
process." and insert "**, unless the caregiver has safety concerns.**".

Page 5, line 13, delete "relative who" and insert "**placement with**".



whom".

Page 5, line 13, after "resided" delete "with".

Page 5, line 14, delete "months" and insert "**months, consecutively or nonconsecutively,**".

Page 5, line 38, delete "law." and insert "**law, child safety, or stability.**".

Page 6, line 4, delete "to support visitation and the reunification process." and insert "**, unless the caregiver has safety concerns.**".

Page 7, line 11, delete "opinion" and insert "**order**".

Page 7, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 8. IC 31-34-23-6, AS AMENDED BY P.L.105-2022, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Except as provided in section 3 of this chapter, before changing a child's out-of-home placement, the department **or any other party seeking a change in placement** shall file a motion requesting a change in placement if the child:

(1) has been in the same out-of-home placement for at least ~~one~~ **(1) year; twelve (12) months, consecutively or nonconsecutively;** and

(2) is in:

- (A) a foster family home; or
- (B) the care of a relative.

(b) The person with whom the child is placed may:

(1) indicate in writing that the person:

- (A) does not intend to contest the change of placement under subsection (a); and
- (B) waives the right to request a hearing under subsection (f); and

(2) provide the writing to:

- (A) the department; or
- (B) the court.

(c) If ~~the department~~ **any party** files the motion described in subsection (a), the ~~department~~ **party** shall give notice to all persons affected. The ~~department's~~ **party's** notice must state that the person affected may file a written objection not later than ~~ten (10)~~ **fifteen (15)** days after service of the ~~department's~~ notice.

(d) If a writing described in subsection (b)(1) is provided to the department before the department files the motion described in subsection (a), the department may file the writing with the motion requesting a change in placement.

(e) ~~If the court receives the writing described in subsection (b), the~~



~~court may rule on the department's motion without delay.~~ **If the motion filed by a party alleges substantiated exigent circumstances (as defined in IC 31-9-2-44.1) or the court receives the writing described in subsection (b), the court may rule on the party's motion without delay.**

(f) If the person affected files a timely objection to the ~~department's~~ **party's** motion requesting a change in out-of-home placement, the juvenile court shall hold a hearing on the question.

(g) If a petition has been filed under IC 31-19-2-13, the court shall not change the child's placement until the petition under IC 31-19-2-13 has been ruled on.

~~(g)~~ **(h)** The ~~department~~ **party** must show that the change in out-of-home placement is in the best interests of the child."

Page 8, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 171 as printed January 13, 2026.)

JOHNSON T

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 2 through 10 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 31-19-2.5-3, AS AMENDED BY P.L.203-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in section 4 of this chapter, notice must be given to:

- (1) a person whose consent to adoption is required under IC 31-19-9-1;
- (2) a putative father who is entitled to notice under IC 31-19-4;
- (3) a grandparent described in IC 31-19-4.5-1(3) of a child sought to be adopted;
- (4) a licensed child placing agency of which the child is a ward;
- (5) if the child is the subject of an open or pending child in need of services proceeding under IC 31-34, the local office of the

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department of child services in the county in which the child in need of services proceeding was filed; and

(6) if the child is a subject of an open or pending juvenile delinquency proceeding under IC 31-37, the entity, facility, or individual of which the child is a ward.

(b) Proof of notice to those under subsection (a) shall be filed with the court in the adoption proceeding before the final adoption hearing can be scheduled.

(c) Failure to provide notice under this section shall require setting aside the adoption decree if challenged by an entity or individual who did not receive notice as required by this section. An adoption decree may be challenged under this subsection for a period of not more than forty-five (45) days after the date the adoption decree is entered.

(d) If notice is provided to the local office of the department of child services under subsection (a)(5), the local office of the department of child services shall provide notice to the court in which the child in need of services proceeding is open or pending. Notice under this subsection:

(1) is solely for the purpose of allowing the court to notify the parties:

(A) that an adoption petition has been filed; and

(B) of the cause number and name of the petitioner for the adoption petition; and

(2) must be provided to the court not later than seven (7) business days after the local office of the department of child services receives notice under subsection (a)(5).

SECTION 2. IC 31-19-9-2, AS AMENDED BY P.L.89-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The consent to adoption may be executed or acknowledged at any time after the birth of the child, either in the presence of:

(1) the court, in person or by video conferencing;

(2) an attorney, in person or by video conferencing;

~~(2)~~ **(3) a notary public or other person authorized to take acknowledgments; or**

~~(3)~~ **(4) an authorized agent of:**

(A) the department; or

(B) a licensed child placing agency.

(b) The child's mother may not execute a consent to adoption before the birth of the child.

(c) The child's father may execute a consent to adoption before the birth of the child if the consent to adoption:



- (1) is in writing;
- (2) is signed by the child's father in the presence of a notary public; and
- (3) contains an acknowledgment that:
 - (A) the consent to adoption is irrevocable; and
 - (B) the child's father will not receive notice of the adoption proceedings.

(d) A child's father who consents to the adoption of the child under subsection (c) may not challenge or contest the child's adoption.

(e) Except as provided in subsection (f) or (g), a person who executes a written consent to the adoption of a child may not execute a second or subsequent written consent to have another person adopt the child unless one (1) or more of the following apply:

- (1) Each original petitioner provides a written statement that the petitioner is not adopting the child.
- (2) The person consenting to the adoption has been permitted to withdraw the first consent to adoption under IC 31-19-10.
- (3) The court dismisses the petition for adoption filed by the original petitioner or petitioners for adoption based upon a showing, by clear and convincing evidence, that it is not in the best interests of the child that the petition for adoption be granted.
- (4) The court denies the petition to adopt the child filed by the original petitioner or petitioners for adoption.

(f) The department may execute more than one (1) written consent to the adoption of a child if the department determines that the execution of more than one (1) written consent is in the best interests of the child.

(g) The parents of a child who is a ward of the department may execute a second or subsequent consent if:

- (1) the court with jurisdiction over the child in need of services determines that adoption by the person to whom consents were originally signed is not in the child's best interest; or
- (2) if the child's placement with the person who has petitioned or intends to petition to adopt the child is disrupted."

Page 2, delete lines 1 through 39.

Page 3, between lines 40 and 41, begin a new paragraph and insert: "SECTION 5. IC 31-19-19-4, AS AMENDED BY P.L.186-2025, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

- (1) the permanent record of the court; or
- (2) a file in:



- (A) the division of vital records;
- (B) the department or local office;
- (C) a licensed child placing agency; or
- (D) a professional health care provider (as defined in IC 34-6-2.1-165);

are confidential and may be disclosed only in accordance with **IC 31-19-2.5-3**, IC 31-19-17, this chapter, or IC 31-19-20 through IC 31-19-25.5."

Page 9, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 11. IC 31-34-21-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** When the juvenile court finds that the objectives of the dispositional decree have been met, the court shall discharge the child and the child's parent, guardian, or custodian.

(b) The objectives of the dispositional decree are not considered met solely because a court is prohibited from changing a child's placement under IC 31-34-23-6(g).

(c) If a child's placement has been stayed under IC 31-34-23-6(g), the court may not consider:

(1) the existence of a pending adoption; or

(2) any pending matters or hearings in the adoption;

to determine whether the objectives of the dispositional decree have been met under subsection (a)."

Page 9, line 34, delete "If" and insert "**Except as provided in subsection (i), if**".

Page 10, delete lines 10 through 12, begin a new paragraph and insert:

"(g) Except as provided in subsection (e), if:

(1) a child is the subject of an adoption petition filed under IC 31-19-2;

(2) the adoption petitioner is the current placement for the child; and

(3) the adoption petitioner has been the child's placement for at least twelve (12) months, consecutively or nonconsecutively;

the court shall not change the child's placement until the adoption petition under IC 31-19-2 has been ruled on."

Page 10, between lines 14 and 15, begin a new paragraph and insert:

"(i) If the party seeking a change of placement is a:

(1) parent (as defined in IC 31-9-2-88(a));

(2) guardian ad litem (as defined in IC 31-9-2-50); or

(3) court appointed special advocate;



the party must provide notice under subsection (c) to the department. The department shall provide notice of the motion requesting a change of placement to the child's out-of-home placement. The department's notice must state that the person affected may file a written objection not later than fifteen (15) days after service of the department's notice."

Page 10, line 23, delete "opinion" and insert "**order**".

Page 10, after line 27, begin a new paragraph and insert:

"SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 171 as reprinted January 21, 2026.)

JETER

Committee Vote: yeas 12, nays 0.

