

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 ENROLLED ACT No. 171

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 31-19-2.5-3, 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 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

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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.

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

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



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

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

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

SECTION 4. IC 31-19-16-9, AS AMENDED BY P.L.113-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Postadoption contact privileges are permissible without court approval in an adoption of a child who is less than ~~two (2) years~~ **twelve (12) months** of age upon the agreement of the adoptive parents and a birth parent. However, postadoption contact privileges under this section may not include visitation. A postadoption contact agreement under this section:

(1) is not enforceable;

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

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

(4) does not affect the:

(A) validity of a:

(i) consent to an adoption; or

(ii) waiver of notice; or

(B) finality of the adoption.

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.

SECTION 6. IC 31-34-4-2, AS AMENDED BY P.L.186-2025, SECTION 159, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

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

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

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

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

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

- (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 (IC 35-42-2-1);
 - (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
- (ix) a felony under IC 9-30-5;

if the conviction did not occur within the past five (5) years; or
 (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

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

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

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

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

- (1) The caregiver is interested in providing permanence for the child if reunification efforts ultimately fail.**
- (2) The expressed wishes of the child's birth parent and the child, if applicable, unless the wishes are contrary to law, child safety, or stability.**
- (3) The relationship of the caregiver with the child and the child's family.**
- (4) The proximity of the placement home to the birth parents' 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, unless the caregiver has safety concerns.**
- (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 7. IC 31-34-6-2, AS AMENDED BY P.L.123-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A juvenile court or the department shall consider placing a child alleged to be a child in need of services with a suitable and willing relative or de facto custodian of the child before considering any other placement for the child.

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

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

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

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

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

(1) exercise due diligence to identify all adult relatives of the



child and adult siblings; and

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

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

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

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

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

(4) The proximity of the placement home to the birth parents' 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, unless the caregiver has safety concerns.

(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 9. IC 31-34-19-6, AS AMENDED BY P.L.65-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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:

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

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

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

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

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

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

(2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) Efforts made, if the child is a child in need of services, to:

(A) prevent the child's removal from; or



(B) reunite the child with;
the child's parent, guardian, or custodian in accordance with
federal law.

(4) Family services that were offered and provided to:

(A) a child in need of services; or

(B) the child's parent, guardian, or custodian;
in accordance with federal law.

(5) The court's reasons for the disposition.

(6) Whether the child is a dual status child under IC 31-41.

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

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).**

SECTION 12. IC 31-34-23-6, AS AMENDED BY P.L.105-2022,
SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: 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) **Except as provided in subsection (i), 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) 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.

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

(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.

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

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

(c) The court shall ~~enter~~ **write a formal order with:**

(1) findings of fact that support the entry of the conclusions required by subsections (a) and (b); and

(2) any specific factors used to determine the child's best interest.

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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