



SENATE MOTION

MR. PRESIDENT:

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

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

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

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

14 (1) **the petition for adoption is in proper form;**

15 (2) **the department:**

16 (A) **is a party to the adoption; or**

17 (B) **has been served with notice of the petition for adoption**
18 **and the petition for temporary custody;**

19 (3) **the petitioner is the current placement for the child at the**
20 **time the petition for temporary custody is filed;**

21 (4) **the petitioner has been the child's placement for at least**
22 **twelve (12) months, consecutively or nonconsecutively; and**

23 (5) **the act of granting the petition filed under subsection (a)**
24 **is in the best interests of the child.**

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

5 (3) the petitioner for adoption is legally and financially
6 responsible for the child until otherwise ordered by the court.

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

14 (e) A:

15 (1) party to the adoption; or

16 (2) person who had:

17 (A) custody of; or

18 (B) parenting time or visitation with;

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

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

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27 of the temporary custody order is in the best interests of the child.
28 **(h) If the court declines to enter an ex parte order granting the**
29 **petitioner temporary custody, the court shall set the matter for a**
30 **hearing not more than fifteen (15) days after the petitioner files the**
31 **petition for temporary custody under subsection (a) .**

31 petition for temporary custody under subsection (a). . .
32 Page 4, line 18, delete "law." and insert "**law, child safety, or**
33 **stability**."

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

35 process. and insert ", unless the caregiver has safety concerns. .
36 Page 5, line 13, delete "relative who" and insert "**placement with**
37 **whom**".

Page 5, line 12, after "resided" delete "with".

38 Page 5, line 13, after "resided" delete "with".
39 Page 5, line 14, delete "months" and insert "**months, consecutively**
40 **—**"

40 or nonconsecutively.".
41 Page 5, line 38, delete "law." and insert "law, child safety, or
42 liability."

42 stability.".
43 Page 6, line 4, delete "to support visitation and the reunification
44 of the child with the primary parent".

44 process." and insert ", unless the caregiver has safety
45
P. 7, line 11, 1.1 to "using" "using" "and"

45 Page 7, line 11, delete "opinion" and insert "order".
46 Page 7, lines 28 through 42, begin a new paragraph and

1 insert:

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

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

11 (2) is in:

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

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

15 (1) indicate in writing that the person:

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

20 (2) provide the writing to:

21 (A) the department; or
22 (B) the court.

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

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

32 (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**
33 **filed by a party alleges substantiated exigent circumstances (as**
34 **defined in IC 31-9-2-44.1) or the court receives the writing**
35 **described in subsection (b), the court may rule on the party's**
36 **motion without delay.**

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

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

1 **IC 31-19-2-13 has been ruled on.**

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

4 Page 8, delete lines 1 through 10.

5 Renumber all SECTIONS consecutively.

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

Senator JOHNSON T