

PROPOSED AMENDMENT

SB 171 # 7

DIGEST

Placement. 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 certain exceptions to confidentiality requirements. 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. 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. Removes provisions concerning temporary custody orders.

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

1 delinquency proceeding under IC 31-37, the entity, facility, or
2 individual of which the child is a ward.

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

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

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

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

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

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

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

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

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

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

31 ~~(2)~~ **(3) a notary public or other person authorized to take**
32 **acknowledgments; or**

33 ~~(3)~~ **(4) an authorized agent of:**

34 **(A) the department; or**

35 **(B) a licensed child placing agency.**

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

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

40 (1) is in writing;

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

3 (3) contains an acknowledgment that:

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

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

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

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

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

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

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

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

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

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

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

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

34 Page 2, delete lines 1 through 39.

35 Page 3, between lines 40 and 41, begin a new paragraph and insert:

36 "SECTION 5. IC 31-19-19-4, AS AMENDED BY P.L.186-2025,
37 SECTION 152, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 4. All papers, records, and
39 information pertaining to the adoption, whether part of:

40 (1) the permanent record of the court; or

- 1 (2) a file in:
 2 (A) the division of vital records;
 3 (B) the department or local office;
 4 (C) a licensed child placing agency; or
 5 (D) a professional health care provider (as defined in
 6 IC 34-6-2.1-165);
 7 are confidential and may be disclosed only in accordance with
 8 **IC 31-19-2.5-3**, IC 31-19-17, this chapter, or IC 31-19-20 through
 9 IC 31-19-25.5."

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

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

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

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

- 21 **(1) the existence of a pending adoption; or**
 22 **(2) any pending matters or hearings in the adoption;**
 23 **to determine whether the objectives of the dispositional decree**
 24 **have been met under subsection (a)."**

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

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

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

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

1 **(1) parent (as defined in IC 31-9-2-88(a));**
2 **(2) guardian ad litem (as defined in IC 31-9-2-50); or**
3 **(3) court appointed special advocate;**
4 **the party must provide notice under subsection (c) to the**
5 **department. The department shall provide notice of the motion**
6 **requesting a change of placement to the child's out-of-home**
7 **placement. The department's notice must state that the person**
8 **affected may file a written objection not later than fifteen (15) days**
9 **after service of the department's notice."**

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

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

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

13 Renumber all SECTIONS consecutively.

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