
SENATE BILL No. 171

AM017101 has been incorporated into introduced printing.

Synopsis: Family and children matters.

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2026

IN 171—LS 6404/DI 148



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Introduced

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
9 attachment 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

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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 2. IC 31-19-16-9, AS AMENDED BY P.L.113-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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 3. IC 31-34-4-2, AS AMENDED BY P.L.186-2025, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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.

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(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,

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

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

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

12 (1) The length of time since the person committed the offense,
 13 delinquent act, or abuse or neglect.

14 (2) The severity of the offense, delinquent act, or abuse or
 15 neglect.

16 (3) Evidence of the person's rehabilitation, including the person's
 17 cooperation with a treatment plan, if applicable.

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

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

23 **(2) The expressed wishes of the child's birth parent and the**
 24 **child, if applicable, unless the wishes are contrary to law.**

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

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

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

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

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

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

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

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

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(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 4. IC 31-34-6-2, AS AMENDED BY P.L.123-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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 relative who a child has resided with for at least twelve (12) months is presumed to be an individual who has a significant relationship with the child.

SECTION 5. IC 31-34-18-2, AS AMENDED BY P.L.210-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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:

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(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.

(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 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



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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 opinion with the court's findings and conclusions, including any specific factors used to determine the child's best interest.

SECTION 7. IC 31-34-19-10, AS AMENDED BY P.L.66-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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 8. IC 31-34-23-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 8. (a) Except as provided in subsection (b), the department may not request a change in placement under this chapter for a child who:**

(1) is placed in an out-of-home placement during a child in need of services proceeding;

(2) has been in the child's current placement for at least twelve (12) months; and

(3) is the subject of a pending adoption proceeding; until an adoption decree is entered for the pending adoption proceeding.

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

SECTION 9. IC 31-35-2-8, AS AMENDED BY P.L.128-2012, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **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 opinion 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.

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