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# SENATE BILL No. 171

Proposed Changes to introduced printing by AM017101

## DIGEST OF PROPOSED AMENDMENT

Dashboard filter. Removes the requirement for the office of judicial administration to create a filter on the child welfare court performance measures interactive dashboard to allow a user to filter by judicial officer.

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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  
16 and the child's court appointed special advocate or guardian ad  
17 item appointed under IC 31-32-3 recommends to the court the  
18 postadoption contact agreement, or if there is no licensed child  
19 placing agency sponsoring the adoption, the local office or other

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1 agency that prepared an adoption report under IC 31-19-8-5 is  
 2 informed of the contents of the postadoption contact agreement  
 3 and comments on the agreement in the agency's report to the  
 4 court;

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

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

8 SECTION 2. IC 31-19-16-9, AS AMENDED BY P.L.113-2017,  
 9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2026]: Sec. 9. Postadoption contact privileges are permissible  
 11 without court approval in an adoption of a child who is less than ~~two~~  
 12 ~~(2)~~ **years twelve (12) months** of age upon the agreement of the  
 13 adoptive parents and a birth parent. However, postadoption contact  
 14 privileges under this section may not include visitation. A postadoption  
 15 contact agreement under this section:

16 (1) is not enforceable;

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

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

20 (4) does not affect the:

21 (A) validity of a:

22 (i) consent to an adoption; or

23 (ii) waiver of notice; or

24 (B) finality of the adoption.

25 SECTION 3. IC 31-34-4-2, AS AMENDED BY P.L.186-2025,  
 26 SECTION 159, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If a child alleged to be a child  
 28 in need of services is taken into custody under an order of the court  
 29 under this chapter and the court orders out-of-home placement, the  
 30 department is responsible for that placement and care and must  
 31 consider placing the child with a:

32 (1) suitable and willing relative; or

33 (2) de facto custodian;

34 before considering any other out-of-home placement.

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

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

41 (d) Except as provided in subsection (f), before placing a child in  
 42 need of services in an out-of-home placement, the department shall



1 conduct a criminal history check of each person who is currently  
 2 residing in the location designated as the out-of-home placement.

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

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

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

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

18 (1) a person described in subsection (d) has:

19 (A) committed an act resulting in a substantiated report of  
 20 child abuse or neglect;  
 21 (B) been convicted of:

22 (i) battery (IC [ ] 35-42-2-1);  
 23 (ii) criminal recklessness (IC [ ] 35-42-2-2) as a felony;  
 24 (iii) criminal confinement (IC [ ] 35-42-3-3) as a felony;  
 25 (iv) arson (IC [ ] 35-43-1-1) as a felony;  
 26 (v) nonsupport of a dependent child (IC [ ] 35-46-1-5);  
 27 (vi) operating a motorboat while intoxicated  
 28 (IC [ ] 35-46-9-6) as a felony;  
 29 (vii) a felony involving a weapon under IC 35-47;  
 30 (viii) a felony relating to controlled substances under  
 31 IC 35-48-4; or  
 32 (ix) a felony under IC 9-30-5;

33 if the conviction did not occur within the past five (5) years;  
 34 or

35 (C) had a juvenile adjudication for a nonwaivable offense,  
 36 as defined in IC 31-9-2-84.8 that, if committed by an adult,  
 37 would be a felony; and

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

42 However, a court or the department shall not make an out-of-home



1 placement if the person has been convicted of a nonwaivable offense,  
 2 as defined in IC 31-9-2-84.8 that is not specifically excluded under  
 3 subdivision (1)(B).

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

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

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

- 15 (1) The caregiver is interested in providing permanence for  
 16 the child if reunification efforts ultimately fail.
- 17 (2) The expressed wishes of the child's birth parent and the  
 18 child, if applicable, unless the wishes are contrary to law.
- 19 (3) The relationship of the caregiver with the child and the  
 20 child's family.
- 21 (4) The proximity of the placement home to the birth  
 22 parents' home and the child's current school or school  
 23 district.
- 24 (5) The strengths and parenting style of the caregiver in  
 25 relation to the child's behavior and needs.
- 26 (6) The caregiver's willingness to interact with the birth  
 27 family to support visitation and the reunification process.
- 28 (7) The caregiver's ability and willingness to accept  
 29 placement of the child and any of the child's siblings.
- 30 (8) If any sibling will be placed separately, the caregiver's  
 31 ability and willingness to provide or assist in maintaining  
 32 frequent visitation or other ongoing contact between the  
 33 child and the child's siblings.
- 34 (9) The child's fit with the family with regard to age, gender,  
 35 and sibling relationships.
- 36 (10) If the child has chronic behavioral health needs:
  - 37 (A) whether the child's behavior will place other  
 38 children in the home at risk; and
  - 39 (B) the caregiver's ability to provide the necessary level  
 40 of supervision to prevent harm to the child or others by  
 41 the child.
- 42 (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:

**(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.**



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1 to maintain a relationship with the child.

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

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

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

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

17 SECTION 7. IC 31-34-19-10, AS AMENDED BY P.L.66-2015,  
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2026]: Sec. 10. (a) The juvenile court shall accompany the  
 20 court's dispositional decree with written findings and conclusions upon  
 21 the record concerning the following:

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

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

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

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

29 (B) reunite the child with;

30 the child's parent, guardian, or custodian in accordance with  
 31 federal law.

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

33 (A) a child in need of services; or

34 (B) the child's parent, guardian, or custodian;

35 in accordance with federal law.

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

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

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

41 SECTION 8. IC 31-34-23-8 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in  
 2 subsection (b), the department may not request a change in  
 3 placement under this chapter for a child who:

4       (1) is placed in an out-of-home placement during a child in  
 5       need of services proceeding;  
 6       (2) has been in the child's current placement for at least  
 7       twelve (12) months; and  
 8       (3) is the subject of a pending adoption proceeding;  
 9       until an adoption decree is entered for the pending adoption  
 10      proceeding.

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

14      SECTION 9. IC 31-35-2-8, AS AMENDED BY P.L.128-2012,  
 15      SECTION 173, IS AMENDED TO READ AS FOLLOWS  
 16      [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in section  
 17      4.5(d) of this chapter, if the court finds that the allegations in a petition  
 18      described in section 4 of this chapter are true, the court shall terminate  
 19      the parent-child relationship.

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

22      (c) The court shall enter write a formal opinion with:

23       (1) findings of fact that support the entry of the conclusions  
 24       required by subsections (a) and (b); and  
 25       (2) any specific factors used to determine the child's best  
 26       interest.

27      ← ~~SECTION 10. IC 33-24-6-16 IS ADDED TO THE INDIANA  
 28      CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29      [EFFECTIVE JULY 1, 2026]: Sec. 16. The office of judicial  
 30      administration shall create a filter on the child welfare court  
 31      performance measures interactive dashboard to allow a user to  
 32      filter child welfare performance measures by judicial officer.~~  
 33      →

