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SENATE BILL No. 171

Proposed Changes to January 21, 2026 printing by AM017107

DIGEST OF PROPOSED AMENDMENT

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.

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 31-19-2-13~~ [IC 31-19-2.5-3], AS AMENDED
2 BY P.L. ~~81-2014~~ [203-2021], SECTION ~~1~~ [5], IS AMENDED TO
3 READ AS FOLLOWS [EFFECTIVE ~~JULY 1, 2026~~]: ~~Sec. 13. (a)~~
4 ~~Except for a child who is under the care and supervision of the~~
5 ~~department, A petitioner for adoption may file a separate, ex parte,~~
6 ~~verified petition requesting temporary custody~~ [UPON PASSAGE]:
7 Sec. 3. (a) Except as provided in section 4 of this chapter, notice must
8 be given to:

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1 (1) a person whose consent to adoption is required under
 2 IC 31-19-9-1;

3 (2) a putative father who is entitled to notice under IC 31-19-4;

4 (3) a grandparent described in IC 31-19-4.5-1(3)] of a child
 5 sought to be adopted ~~<at the time of or any time after the filing~~
 6 ~~of a petition for adoption. The petition for temporary custody~~
 7 ~~must be signed by each petitioner for adoption:~~

8 ~~— (b) A court may grant a petition for temporary custody filed~~];

9 (4) a licensed child placing agency of which the child is a ward;

10 (5) if the child is the subject of an open or pending child in need
 11 of services proceeding under IC 31-34, the local office of the
 12 department of child services in the county in which the child in
 13 need of services proceeding was filed; and

14 (6) if the child is a subject of an open or pending juvenile
 15 delinquency proceeding under IC 31-37, the entity, facility, or
 16 individual of which the child is a ward.

17 (b) Proof of notice to those] under subsection (a) ~~<for a child who~~
 18 ~~is under the care and supervision>~~ [shall be filed with the court in the
 19 adoption proceeding before the final adoption hearing can be
 20 scheduled.

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

26 (d) If notice is provided to the local office] of the department
 27 ~~<if the court finds that:~~

28 ~~— (1) the petition for adoption is in proper form;~~

29 ~~— (2)~~ [of child services under subsection (a)(5), the local office
 30 of the department of child services shall provide notice to the
 31 court in which the child in need of services proceeding is
 32 open or pending. Notice under this subsection:

33 (1) is solely for the purpose of allowing the court to notify the
 34 parties:

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

36 (B) of the cause number and name of the petitioner for
 37 the adoption petition; and

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

41 SECTION 2. IC 31-19-9-2, AS AMENDED BY P.L.89-2023,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 2. (a) The consent to adoption may be
 2 executed or acknowledged at any time after the birth of the child, either
 3 in the presence of:

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

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

6 ~~(2)~~ (3) a notary public or other person authorized to take
 7 acknowledgments; or

8 ~~(3)~~ (4) an authorized agent of:

9 (A) the department ←

10 ~~— (A) is a party~~ → [; or

11 (B) a licensed child placing agency.

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

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

16 (1) is in writing;

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

19 (3) contains an acknowledgment that:

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

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

23 (d) A child's father who consents] to the adoption ←, or

24 ~~— (B) has been served with notice of~~ → [of the child under
 25 subsection (c) may not challenge or contest the child's
 26 adoption.

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

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

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

35 (3) The court dismisses] the petition for adoption ~~and the~~
 36 ~~petition for temporary custody;~~

37 ~~— (3) the petitioner is the current placement for the child at the~~
 38 ~~time the petition for temporary custody is filed;~~

39 ~~— (4) the petitioner has been the child's placement for at least~~
 40 ~~twelve (12) months, consecutively or nonconsecutively; and~~

41 ~~— (5) the act of granting the petition filed under subsection (a) is in~~
 42 ~~the best interests of the child.~~

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1 ~~— (b)(c) For a child who is not under the care and supervision of~~
 2 ~~the department, a court may grant a petition for temporary custody~~
 3 ~~filed under subsection (a) if the court finds that:~~

4 ~~— (1) the petition for adoption is in proper form; and~~

5 ~~— (2) the act of placing the child with the~~ [filed by the original]
 6 ~~petitioner or petitioners for adoption~~ ~~<pending the hearing~~
 7 ~~on~~ [based upon a showing, by clear and convincing evidence,]
 8 ~~th~~ ~~e petition for adoption~~ [at it] is [not] in the best interests of
 9 the child ~~;~~ ~~and~~

10 ~~— (3) the petitioner for adoption is legally and financially~~
 11 ~~responsible for the child until otherwise ordered by the~~
 12 ~~court.~~

13 ~~— (c) If temporary custody is granted under this section, the~~
 14 ~~petitioner or petitioners for adoption are legally and financially~~
 15 ~~responsible for the child until otherwise ordered by the court.~~

16 ~~— (d) To the extent that a temporary custody order issued under this~~
 17 ~~section conflicts with a custody order issued by any other court except~~
 18 ~~a court having appellate jurisdiction over the child, a temporary order~~
 19 ~~under this section controls.~~

20 ~~— (e) A:~~

21 ~~— (1) party~~ [that the petition for adoption be granted.

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

24 (f) The department may execute more than one (1) written
 25 consent] to the adoption ~~;~~ ~~or~~

26 ~~— (2) person who had:~~

27 ~~— (A) custody of; or~~

28 ~~— (B) parenting time or visitation with;~~

29 ~~— the child before a temporary custody order was issued under this~~
 30 ~~section;~~

31 ~~may file a petition to suspend, modify, or revoke the temporary custody~~
 32 ~~order granted under this section.~~

33 ~~— (f) Upon receipt of a petition described in subsection (e), the court~~
 34 ~~shall set the matter for hearing.~~

35 ~~— (g) The court may suspend, modify, or revoke the temporary~~
 36 ~~custody order if the court determines suspension, modification, or~~
 37 ~~revocation of the temporary custody order~~ [of a child if the
 38 department determines that the execution of more than one (1) written
 39 consent] is in the best interests of the child.

40 ~~(h) If the court declines to enter an ex-parte order granting the~~
 41 ~~petitioner temporary custody, the court shall set the matter for a hearing~~
 42 ~~not more than fifteen (15) days after the petitioner files the petition for~~

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1 ~~temporary custody under subsection (a).~~
 2 ~~SECTION 2~~ [g] The parents of a child who is a ward of the
 3 department may execute a second or subsequent consent if:
 4 (1) the court with jurisdiction over the child in need of services
 5 determines that adoption by the person to whom consents were
 6 originally signed is not in the child's best interest; or
 7 (2) if the child's placement with the person who has petitioned or
 8 intends to petition to adopt the child is disrupted.
 9 SECTION 3]. IC 31-19-16-2, AS AMENDED BY P.L.128-2012,
 10 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 <JULY 1, 2026> [UPON PASSAGE]]:
 12]Sec. 2. A court may grant postadoption contact privileges if:
 13 (1) the court determines that the best interests of the child would
 14 be served by granting postadoption contact privileges;
 15 (2) the child is at least ~~two (2) years~~ **twelve (12) months** of age
 16 and the court finds that there is a significant emotional
 17 attachment between the child and the birth parent;
 18 (3) each adoptive parent consents to the granting of postadoption
 19 contact privileges;
 20 (4) the adoptive parents and the birth parents:
 21 (A) execute a postadoption contact agreement; and
 22 (B) file the agreement with the court;
 23 (5) the licensed child placing agency sponsoring the adoption
 24 and the child's court appointed special advocate or guardian ad
 25 litem appointed under IC 31-32-3 recommends to the court the
 26 postadoption contact agreement, or if there is no licensed child
 27 placing agency sponsoring the adoption, the local office or other
 28 agency that prepared an adoption report under IC 31-19-8-5 is
 29 informed of the contents of the postadoption contact agreement
 30 and comments on the agreement in the agency's report to the
 31 court;
 32 (6) consent to postadoption contact is obtained from the child if
 33 the child is at least twelve (12) years of age; and
 34 (7) the postadoption contact agreement is approved by the court.
 35 SECTION <=>[4]. IC 31-19-16-9, AS AMENDED BY
 36 P.L.113-2017, SECTION 13, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE <JULY 1, 2026> [UPON PASSAGE]]:
 38]Sec. 9. Postadoption contact privileges are permissible without court
 39 approval in an adoption of a child who is less than ~~two (2) years~~ **twelve**
 40 **(12) months** of age upon the agreement of the adoptive parents and a
 41 birth parent. However, postadoption contact privileges under this
 42 section may not include visitation. A postadoption contact agreement

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1 under this section:
 2 (1) is not enforceable;
 3 (2) may include contact through photographs, written and verbal
 4 updates, and other forms of communication;
 5 (3) does not have to be in writing; and
 6 (4) does not affect the:
 7 (A) validity of a:
 8 (i) consent to an adoption; or
 9 (ii) waiver of notice; or
 10 (B) finality of the adoption.
 11 [SECTION 5. IC 31-19-19-4, AS AMENDED BY P.L.186-2025,
 12 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 4. All papers, records, and
 14 information pertaining to the adoption, whether part of:
 15 (1) the permanent record of the court; or
 16 (2) a file in:
 17 (A) the division of vital records;
 18 (B) the department or local office;
 19 (C) a licensed child placing agency; or
 20 (D) a professional health care provider (as defined in
 21 IC 34-6-2.1-165);
 22 are confidential and may be disclosed only in accordance with
 23 IC 31-19-2.5-3, IC 31-19-17, this chapter, or IC 31-19-20 through
 24 IC 31-19-25.5.
 25] SECTION ~~6~~[6]. IC 31-34-4-2, AS AMENDED BY
 26 P.L.186-2025, SECTION 159, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE ~~JULY 1, 2026~~[UPON PASSAGE]]: Sec.
 28 2. (a) If a child alleged to be a child in need of services is taken into
 29 custody under an order of the court under this chapter and the court
 30 orders out-of-home placement, the department is responsible for that
 31 placement and care and must 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

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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

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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 **child safety, or stability.**

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

22 **(4) The proximity of the placement home to the birth**
 23 **parents' home and the child's current school or school**
 24 **district.**

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

27 **(6) The caregiver's willingness to interact with the birth**
 28 **family, unless the caregiver has safety concerns.**

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

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

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

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

38 **(A) whether the child's behavior will place other**
 39 **children in the home at risk; and**

40 **(B) the caregiver's ability to provide the necessary level**
 41 **of supervision to prevent harm to the child or others by**
 42 **the child.**

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(11) Whether placement in the home would comply with the placement preferences prescribed by federal law.

SECTION ~~5~~[7]. IC 31-34-6-2, AS AMENDED BY P.L.123-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE ~~JULY 1, 2026~~[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 ~~6~~[8]. IC 31-34-18-2, AS AMENDED BY P.L.210-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE ~~JULY 1, 2026~~[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.

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- 1 **(2) The expressed wishes of the child's birth parent and the**
- 2 **child, if applicable, unless the wishes are contrary to law,**
- 3 **child safety, or stability.**
- 4 **(3) The relationship of the caregiver with the child and the**
- 5 **child's family.**
- 6 **(4) The proximity of the placement home to the birth**
- 7 **parents' home and the child's current school or school**
- 8 **district.**
- 9 **(5) The strengths and parenting style of the caregiver in**
- 10 **relation to the child's behavior and needs.**
- 11 **(6) The caregiver's willingness to interact with the birth**
- 12 **family, unless the caregiver has safety concerns.**
- 13 **(7) The caregiver's ability and willingness to accept**
- 14 **placement of the child and any of the child's siblings.**
- 15 **(8) If any sibling will be placed separately, the caregiver's**
- 16 **ability and willingness to provide or assist in maintaining**
- 17 **frequent visitation or other ongoing contact between the**
- 18 **child and the child's siblings.**
- 19 **(9) The child's fit with the family with regard to age, gender,**
- 20 **and sibling relationships.**
- 21 **(10) If the child has chronic behavioral health needs:**
- 22 **(A) whether the child's behavior will place other**
- 23 **children in the home at risk; and**
- 24 **(B) the caregiver's ability to provide the necessary level**
- 25 **of supervision to prevent harm to the child or others by**
- 26 **the child.**
- 27 **(11) Whether placement in the home would comply with the**
- 28 **placement preferences prescribed by federal law.**
- 29 SECTION ~~9~~⁹. IC 31-34-19-6, AS AMENDED BY
- 30 P.L.65-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE ~~JULY 1, 2026~~ UPON PASSAGE]:[
- 32]Sec. 6. (a) If consistent with the safety of the community and the best
- 33 interest of the child, the juvenile court shall enter a dispositional decree
- 34 that:
- 35 (1) is:
- 36 (A) in the least restrictive (most family like) and most
- 37 appropriate setting available; and
- 38 (B) close to the parents' home, consistent with the best
- 39 interest and special needs of the child;
- 40 (2) least interferes with family autonomy;
- 41 (3) is least disruptive of family life;
- 42 (4) imposes the least restraint on the freedom of the child and the

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1 child's parent, guardian, or custodian;
 2 (5) provides a reasonable opportunity for participation by the
 3 child's parent, guardian, or custodian; and
 4 (6) provides a reasonable opportunity for the child's parent who:
 5 (A) is incarcerated; and
 6 (B) has maintained a meaningful role in the child's life;
 7 to maintain a relationship with the child.
 8 (b) In determining whether reunification of a child with a parent,
 9 guardian, or custodian from whom the child has been removed is in the
 10 child's best interest, a court shall do the following:
 11 (1) The court shall determine whether reunifying the child with
 12 the parent, guardian, or custodian will result in separation of the
 13 child from a sibling of the child.
 14 (2) If the court determines under subdivision (1) that reunifying
 15 the child with the parent, guardian, or custodian will result in
 16 separation of the child from a sibling of the child, the court shall
 17 consider whether separating the child from the child's sibling is
 18 in the child's best interest.
 19 **(c) If a dispositional decree is entered under this section, the**
 20 **court shall write a formal order with the court's findings and**
 21 **conclusions, including any specific factors used to determine the**
 22 **child's best interest.**
 23 SECTION ~~8~~[10]. IC 31-34-19-10, AS AMENDED BY
 24 P.L.66-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE ~~JULY 1, 2026~~[UPON PASSAGE]]:
 26]Sec. 10. (a) The juvenile court shall accompany the court's
 27 dispositional decree with written findings and conclusions upon the
 28 record concerning the following:
 29 (1) The needs of the child for care, treatment, rehabilitation, or
 30 placement, **including any specific factors used to determine**
 31 **the child's best interest.**
 32 (2) The need for participation by the parent, guardian, or
 33 custodian in the plan of care for the child.
 34 (3) Efforts made, if the child is a child in need of services, to:
 35 (A) prevent the child's removal from; or
 36 (B) reunite the child with;
 37 the child's parent, guardian, or custodian in accordance with
 38 federal law.
 39 (4) Family services that were offered and provided to:
 40 (A) a child in need of services; or
 41 (B) the child's parent, guardian, or custodian;
 42 in accordance with federal law.

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- 1 (5) The court's reasons for the disposition.
- 2 (6) Whether the child is a dual status child under IC 31-41.
- 3 (b) The juvenile court may incorporate a finding or conclusion
- 4 from a predispositional report as a written finding or conclusion upon
- 5 the record in the court's dispositional decree.
- 6 SECTION ~~<9>~~ [11. IC 31-34-21-11 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) When the
- 8 juvenile court finds that the objectives of the dispositional decree have
- 9 been met, the court shall discharge the child and the child's parent,
- 10 guardian, or custodian.
- 11 (b) The objectives of the dispositional decree are not
- 12 considered met solely because a court is prohibited from changing
- 13 a child's placement under IC 31-34-23-6(g).
- 14 (c) If a child's placement has been stayed under
- 15 IC 31-34-23-6(g), the court may not consider:
- 16 (1) the existence of a pending adoption; or
- 17 (2) any pending matters or hearings in the adoption;
- 18 to determine whether the objectives of the dispositional decree
- 19 have been met under subsection (a).
- 20 SECTION 12]. IC 31-34-23-6, AS AMENDED BY P.L.105-2022,
- 21 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 <JULY 1, 2026> [UPON PASSAGE]:
- 23]Sec. 6. (a) Except as provided in section 3 of this chapter, before
- 24 changing a child's out-of-home placement, the department **or any**
- 25 **other party seeking a change in placement** shall file a motion
- 26 requesting a change in placement if the child:
- 27 (1) has been in the same out-of-home placement for at least ~~one~~
- 28 ~~(1) year;~~ **(12) months, consecutively or**
- 29 **nonconsecutively;** and
- 30 (2) is in:
- 31 (A) a foster family home; or
- 32 (B) the care of a relative.
- 33 (b) The person with whom the child is placed may:
- 34 (1) indicate in writing that the person:
- 35 (A) does not intend to contest the change of placement
- 36 under subsection (a); and
- 37 (B) waives the right to request a hearing under subsection
- 38 (f); and
- 39 (2) provide the writing to:
- 40 (A) the department; or
- 41 (B) the court.
- 42 (c) ~~<1>~~ [Except as provided in subsection (i), i]f the department

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1 **any party** files the motion described in subsection (a), the ~~department~~
 2 **party** shall give notice to all persons affected. The ~~department's~~
 3 **party's** notice must state that the person affected may file a written
 4 objection not later than ~~ten (10)~~ **fifteen (15)** days after service of the
 5 ~~department's~~ notice.

6 (d) If a writing described in subsection (b)(1) is provided to the
 7 department before the department files the motion described in
 8 subsection (a), the department may file the writing with the motion
 9 requesting a change in placement.

10 (e) ~~If the court receives the writing described in subsection (b), the~~
 11 ~~court may rule on the department's motion without delay. If the motion~~
 12 **filed by a party alleges substantiated exigent circumstances (as**
 13 **defined in IC 31-9-2-44.1) or the court receives the writing**
 14 **described in subsection (b), the court may rule on the party's**
 15 **motion without delay.**

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

19 (g) ~~<If a petition has been>~~ [Except as provided in subsection
 20 (e), if:

21 (1) a child is the subject of an adoption petition] filed under
 22 ~~<IC 31-19-2-13,>~~ [IC 31-19-2;

23 (2) the adoption petitioner is the current placement for the
 24 child; and

25 (3) the adoption petitioner has been the child's placement for
 26 at least twelve (12) months, consecutively or
 27 nonconsecutively;

28 [the court shall not change the child's placement until the [adoption
 29 petition under <IC 31-19-2-13> [IC 31-19-2] has been ruled on.

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

32 [(i) If the party seeking a change of placement is a:

33 (1) parent (as defined in IC 31-9-2-88(a));

34 (2) guardian ad litem (as defined in IC 31-9-2-50); or

35 (3) court appointed special advocate;

36 the party must provide notice under subsection (c) to the
 37 department. The department shall provide notice of the motion
 38 requesting a change of placement to the child's out-of-home
 39 placement. The department's notice must state that the person
 40 affected may file a written objection not later than fifteen (15) days
 41 after service of the department's notice.

42] SECTION 1 ~~<3>~~ [3]. IC 31-35-2-8, AS AMENDED BY

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1 P.L.128-2012, SECTION 173, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE ~~JULY 1, 2026~~ UPON PASSAGE]: Sec.
 3 8. (a) Except as provided in section 4.5(d) of this chapter, if the court
 4 finds that the allegations in a petition described in section 4 of this
 5 chapter are true, the court shall terminate the parent-child relationship.
 6 (b) If the court does not find that the allegations in the petition are
 7 true, the court shall dismiss the petition.
 8 (c) The court shall ~~enter~~ **write a formal ~~opinion~~ order** with:
 9 (1) findings of fact that support the entry of the conclusions
 10 required by subsections (a) and (b); **and**
 11 (2) **any specific factors used to determine the child's best**
 12 **interest.**
 13 SECTION 14. An emergency is declared for this act.
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