

SENATE BILL No. 201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-42; IC 31-34-5-3; IC 33-24-6-16; IC 35-31.5-2-76.

Synopsis: Protecting children from family violence. Amends the definition of "domestic or family violence" to include additional acts or behaviors that are not necessarily physical. Prohibits a court from returning certain children to the child's parent, guardian, or custodian unless appropriate safety conditions are ordered. Requires the office of judicial administration to develop a training program, which must include certain topics relating to domestic or family violence. Makes technical and conforming changes.

Effective: July 1, 2026.

Tomes

January 8, 2026, read first time and referred to Committee on Family and Children Services.



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. 201

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 31-9-2-42, AS AMENDED BY P.L.141-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 42. **(a)** "Domestic or family violence" means,
4 except for an act of self-defense, the occurrence of one (1) or more of
5 the following acts committed by a family or household member:

6 (1) Attempting to cause, threatening to cause, or causing ~~physical~~
7 harm to another family or household member without legal
8 justification.

9 (2) Placing a family or household member in fear of ~~physical~~
10 harm without legal justification.

11 (3) Causing a family or household member to involuntarily
12 engage in sexual activity by force, threat of force, or duress.

13 (4) Abusing (as described in IC 35-46-3-0.5), torturing (as
14 described in IC 35-46-3-0.5), mutilating (as described in
15 IC 35-46-3-0.5), or killing a vertebrate animal without
16 justification with the intent to threaten, intimidate, coerce, harass,
17 or terrorize a family or household member.



For purposes of IC 22-4-15-1 and IC 34-26-5, domestic or family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

(b) The term includes the following:

(1) Verbal, emotional, economic, litigious, or psychological abuse.

(2) Isolation.

(3) Threats, including threats to seek child custody or joint custody as a means to coerce an individual to return or punish an individual for leaving.

(4) Controlling behavior.

(5) Monitoring.

(6) Stalking (as defined in IC 35-45-10-1).

(7) A sex offense (as defined in IC 11-8-8-5.2).

SECTION 2. IC 31-34-5-3, AS AMENDED BY P.L.179-2025, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) **Subject to subsection (d)**, the juvenile court shall release the child to the child's parent, guardian, or custodian. However, the court may order the child detained if the court makes written findings of fact upon the record of probable cause to believe that the child is a child in need of services and that any of the following factors applies:

(1) Detention is necessary to protect the child.

(2) The child is unlikely to appear before the juvenile court for subsequent proceedings.

(3) The child has a reasonable basis for requesting that the child not be released.

(4) The parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child.

(5) Consideration for the safety of the child precludes the use of family services to prevent removal of the child. In considering this factor, the court shall:

(A) give great weight to evidence:

(i) of the presence in the child's residence of; or

(ii) that the child has been exposed to;

a fentanyl containing substance or fentanyl related substance for which the child's parent, guardian, or custodian does not have a valid prescription; and

(B) evaluate whether the evidence described in clause (A)(i)

or (A)(ii) necessitates removal in consideration of the



following factors:

- (i) The age of the child.
- (ii) Whether the child is particularly vulnerable to the harmful effects of the fentanyl containing substance or fentanyl related substance due to the child's medical or developmental condition.
- (iii) The risk of the child accidentally ingesting the fentanyl containing substance or fentanyl related substance.

(b) The juvenile court shall include in any order approving or requiring detention of a child all findings and conclusions required under:

- (1) applicable provisions of Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.); or
- (2) any applicable federal regulation, including 45 CFR 1356.21; as a condition of eligibility of a child in need of services for assistance under Title IV-E or any other federal law.

(c) Inclusion in a juvenile court order of language approved and recommended by the judicial conference of Indiana, in relation to:

- (1) removal from the child's home; or
 - (2) detention;
- of a child who is alleged to be, or adjudicated as, a child in need of services constitutes compliance with subsection (b).

(d) Unless the juvenile court orders appropriate conditions under section 3.5 of this chapter to ensure the child's safety after being released, the juvenile court may not release a child who is alleged to be, or adjudicated as, a child in need of services under:

- (1) IC 31-34-1-1;**
- (2) IC 31-34-1-2;**
- (3) IC 31-34-1-3;**
- (4) IC 31-34-1-3.5;**
- (5) IC 31-34-1-4; or**
- (6) IC 31-34-1-5;**

to the child's parent, guardian, or custodian.

SECTION 3. IC 33-24-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 16. (a) The office shall develop and implement an ongoing education and training program for the following persons:**

- (1) A judge.**
- (2) A magistrate.**
- (3) Any other court personnel, including:**
 - (A) a guardian ad litem;**
 - (B) a court appointed special advocate; and**



(C) a master or mediator.

(b) A program developed under subsection (a) must satisfy all of the following:

(1) Relate to child abuse and domestic or family violence, including:

(A) sexual abuse;

(B) physical abuse;

(C) emotional abuse;

(D) implicit and explicit bias; and

(E) trauma and neglect and the impact of child abuse and domestic violence on children.

(2) Identify the latest best practices for evidence based and peer reviewed research by recognized experts in the types of abuse designated under subdivision (1).

(3) Be designed to improve the ability of the court:

(A) to recognize and respond to the impact of child abuse, domestic or family violence, and trauma on all victims, specifically children; and

(B) to make appropriate custody decisions that are in the best interest of the child.

SECTION 4. IC 35-31.5-2-76, AS AMENDED BY P.L.65-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

(1) A homicide offense under IC 35-42-1.

(2) A battery offense under IC 35-42-2.

(3) Kidnapping or confinement under IC 35-42-3.

(4) Human and sexual trafficking crimes under IC 35-42-3.5.

(5) A sex offense ~~under IC 35-42-4~~. (as defined in IC 11-8-8-5.2).

(6) Robbery under IC 35-42-5.

(7) Arson or mischief under IC 35-43-1.

(8) Burglary or trespass under IC 35-43-2.

(9) Disorderly conduct under IC 35-45-1.

(10) Intimidation or harassment under IC 35-45-2.

(11) Voyeurism under IC 35-45-4.

(12) Stalking under IC 35-45-10.

(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or IC 35-46-1-15.3.



- 1 (14) A crime involving animal cruelty and a family or household
2 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

