

HOUSE BILL No. 1311

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34; IC 31-35-1-4.5.

Synopsis: Adoption for abandoned infants. Provides that when the department of child services (department) or a licensed child placing agency takes custody of a child who is voluntarily left with an emergency services provider or in a newborn safety device, the department or licensed child placing agency shall: (1) not later than 72 hours after taking custody of the child, contact each licensed child placing agency in Indiana and request that the licensed child placing agency inform the department of any suitable prospective adoptive parent for the child known to the licensed child placing agency; and (2) collaborate with licensed child placing agencies to identify a prospective adoptive parent for the child. Requires the department to: (1) request that the Indiana department of health conduct one or more searches of the putative child registry on behalf of the child before a petition is filed to terminate parental rights with regard to the child, with at least one request being made not earlier than 30 days after the estimated date of birth of the child; and (2) notify an individual identified as a potential father by the registry search that the individual's consent to termination of the parent-child relationship will be irrevocably implied if the individual does not file a paternity action with regard to the child. Provides that when considering an out-of-home placement for the child during child in need of services proceedings, if a court, the department, or the licensed child placing agency is unable to locate a suitable and willing relative (or de facto custodian, if applicable) with whom to place the child, the court or the department shall consider placing the child with a prospective adoptive parent before considering any other placement for the child. Requires that a child's case plan include certain information.

Effective: July 1, 2025.

Lauer

January 13, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1311

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 31-34-2.5-2, AS AMENDED BY P.L.40-2024,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 2. (a) Immediately after an emergency medical
4 services provider takes custody of a safe haven infant under section 1
5 of this chapter, the provider shall notify either:
6 (1) the department of child services; or
7 (2) a licensed child placing agency;
8 that the provider has taken custody of the safe haven infant.
9 (b) If notified under subsection (a), the department of child services
10 or a licensed child placing agency shall:
11 (1) assume the care, control, and custody of the safe haven infant
12 immediately after receiving notice under subsection (a);
13 (2) not later than forty-eight (48) hours after the department of
14 child services or a licensed child placing agency has taken
15 custody of the safe haven infant, contact the Indiana
16 clearinghouse for information on missing children, missing
17 veterans at risk, and missing endangered adults established by



1 IC 10-13-5-5 and the National Center for Missing and Exploited
 2 Children to determine if the safe haven infant has been reported
 3 missing; ~~and~~

4 **(3) not later than seventy-two (72) hours after the department**
 5 **of child services or a licensed child placing agency has taken**
 6 **custody of the child, contact each licensed child placing**
 7 **agency in Indiana and request that the licensed child placing**
 8 **agency inform the department of any suitable prospective**
 9 **adoptive parent for the child known to the licensed child**
 10 **placing agency; and**

11 ~~(3)~~ **(4) fifteen (15) days after the department of child services or**
 12 **a licensed child placing agency has taken custody of the safe**
 13 **haven infant, contact the National Center for Missing and**
 14 **Exploited Children a second time to determine if the safe haven**
 15 **infant has been reported missing.**

16 SECTION 2. IC 31-34-2.5-7 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2025]: **Sec. 7. (a) When the department takes custody of a child**
 19 **under this chapter, the department shall request that the Indiana**
 20 **department of health conduct a search of the putative father**
 21 **registry:**

22 **(1) before a petition for termination of parental rights is filed**
 23 **with regard to the child; and**

24 **(2) not earlier than thirty (30) days after the estimated date of**
 25 **birth of the child;**

26 **based on the information known to the department regarding the**
 27 **child. The department may request one (1) or more additional**
 28 **searches of the putative father registry with regard to the child at**
 29 **any time after the department takes custody of the child.**

30 **(b) The department shall send to an individual identified as a**
 31 **potential father by a search under subsection (a) notice:**

32 **(1) that a search of the putative father registry has identified**
 33 **the individual as the potential father of a child taken into**
 34 **custody under this chapter; and**

35 **(2) that the individual's consent to termination of the**
 36 **parent-child relationship will be irrevocably implied if the**
 37 **individual does not file a paternity action with regard to the**
 38 **child as provided under IC 31-35-1-4.5;**

39 **before a petition for termination of parental rights is filed with**
 40 **regard to the child.**

41 SECTION 3. IC 31-34-6-2, AS AMENDED BY P.L.123-2014,
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]: Sec. 2. (a) A juvenile court or the department shall
2 consider placing a child alleged to be a child in need of services:

3 (1) with a suitable and willing relative or de facto custodian of the
4 child; or

5 (2) if:

6 (A) the child was taken into emergency custody under
7 IC 31-34-2.5; and

8 (B) the:

9 (i) department; or

10 (ii) licensed child placing agency;

11 is unable to identify a suitable and willing relative or de
12 facto custodian under subdivision (1);

13 with a prospective adoptive parent, including a prospective
14 adoptive parent identified under IC 31-34-2.5-5;

15 before considering any other placement for the child.

16 (b) A juvenile court or the department shall consider placing a child
17 described in subsection (a) with a relative related by blood, marriage,
18 or adoption before considering any other placement of the child.

19 (c) Before a child is placed with a relative, or de facto custodian, or
20 prospective adoptive parent under subsection (a), a home evaluation
21 and background checks described in IC 31-34-4-2 are required.

22 SECTION 4. IC 31-34-15-4, AS AMENDED BY P.L.213-2021,
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2025]: Sec. 4. A child's case plan must be set out in a form
25 prescribed by the department that meets the specifications set by 45
26 CFR 1356.21. The case plan must include a description and discussion
27 of the following:

28 (1) A permanent plan, or two (2) permanent plans if concurrent
29 planning, for the child and an estimated date for achieving the
30 goal of the plan or plans.

31 (2) The appropriate placement for the child based on the child's
32 special needs and best interests.

33 (3) The least restrictive family-like setting that is close to the
34 home of the child's parent, custodian, or guardian if out-of-home
35 placement is recommended. If an out-of-home placement is
36 appropriate, the local office or department shall consider whether
37 a child in need of services should be placed:

38 (A) with the child's suitable and willing blood or adoptive
39 relative caretaker, including a grandparent, an aunt, an uncle,
40 or an adult sibling; before considering other out-of-home
41 placements for the child; or

42 (B) with a prospective adoptive parent, including a



- 1 **prospective adoptive parent identified under**
 2 **IC 31-34-2.5-5 if:**
 3 **(i) the child was taken into emergency custody under**
 4 **IC 31-34-2.5; and**
 5 **(ii) the department is unable to identify a suitable and**
 6 **willing blood or adoptive relative caretaker under clause**
 7 **(A).**
- 8 (4) Family services recommended for the child, parent, guardian,
 9 or custodian.
- 10 (5) Efforts already made to provide family services to the child,
 11 parent, guardian, or custodian.
- 12 (6) Efforts that will be made to provide family services that are
 13 ordered by the court.
- 14 (7) If the parent of a child is incarcerated:
 15 (A) the services and treatment available to the parent at the
 16 facility at which the parent is incarcerated; and
 17 (B) how the parent and the child may be afforded visitation
 18 opportunities, unless visitation with the parent is not in the
 19 best interests of the child.
- 20 (8) A plan for ensuring the educational stability of the child while
 21 in foster care that includes assurances that the:
 22 (A) placement of the child in foster care considers the
 23 appropriateness of the current educational setting of the child
 24 and the proximity to the school where the child is presently
 25 enrolled;
 26 (B) department has coordinated with local educational
 27 agencies to ensure:
 28 (i) the child remains in the school where the child is enrolled
 29 at the time of removal; or
 30 (ii) immediate, appropriate enrollment of the child in a
 31 different school, including arrangements for the transfer of
 32 the child's school records to the new school, if remaining in
 33 the same school is not in the best interests of the child; and
 34 (C) child's school has been invited, by the department, to
 35 provide information and participate in the case plan process.
 36 The school may be invited through its principal or other
 37 representative identified by law.
- 38 (9) Any age appropriate activities that the child is interested in
 39 pursuing.
- 40 (10) If the case plan is for a child in foster care who is at least
 41 fourteen (14) years of age, the following:
 42 (A) A document that describes the rights of the child with



- 1 respect to:
- 2 (i) education, health, visitation, and court participation;
- 3 (ii) the right to be provided with the child's medical
- 4 documents and other medical information; and
- 5 (iii) the right to stay safe and avoid exploitation.
- 6 (B) A signed acknowledgment by the child that the:
- 7 (i) child has been provided with a copy of the document
- 8 described in clause (A); and
- 9 (ii) rights contained in the document have been explained to
- 10 the individual in an age appropriate manner.
- 11 (11) Any efforts made by the department to enable the child's
- 12 school to provide appropriate support to and protect the safety of
- 13 the child, if, in developing the case plan, the department
- 14 coordinates with officials in the child's school to enable the school
- 15 to provide appropriate support to and protect the safety of the
- 16 child.

17 SECTION 5. IC 31-34-18-2, AS AMENDED BY P.L.210-2019,

18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

19 JULY 1, 2025]: Sec. 2. (a) In addition to providing the court with a

20 recommendation for the care, treatment, or rehabilitation of the child,

21 the person preparing the report shall consider the necessity, nature, and

22 extent of the participation by a parent, guardian, or custodian in a

23 program of care, treatment, or rehabilitation for the child.

24 (b) If the department or caseworker believes that an out-of-home

25 placement would be appropriate for a child in need of services, the

26 department or caseworker shall:

27 (1) exercise due diligence to identify all adult relatives of the

28 child and adult siblings; and

29 (2) consider whether the child should be placed:

30 (A) with the child's suitable and willing blood or adoptive

31 relative caretaker, including a grandparent, an aunt, an uncle,

32 or an adult sibling; or

33 (B) if:

34 (i) the child was taken into emergency custody under

35 IC 31-34-2.5; and

36 (ii) the department is unable to identify a suitable and

37 willing blood or adoptive relative caretaker under clause

38 (A);

39 with a prospective adoptive parent, including a prospective

40 adoptive parent identified under IC 31-34-2.5-5;

41 before considering other out-of-home placements for the child.

42 SECTION 6. IC 31-34-19-7, AS AMENDED BY P.L.210-2019,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 7. (a) In addition to the factors under section 6 of
3 this chapter, if the court enters a dispositional decree regarding a child
4 in need of services that includes an out-of-home placement, the court
5 shall:

6 (1) order the department to continue exercising due diligence to
7 identify:

8 (A) all adult relatives of the child and adult siblings; **and**

9 (B) **if the child was taken into emergency custody under**
10 **IC 31-34-2.5, prospective adoptive parents, including**
11 **prospective adoptive parents identified under**
12 **IC 31-34-2.5-5;**

13 who may be considered as out-of-home placements for the child
14 until the child has been in an out-of-home placement for at least
15 twelve (12) months; and

16 (2) consider whether the child should be placed:

17 (A) with the child's suitable and willing relative; **or**

18 (B) **if:**

19 (i) **the child was taken into emergency custody under**
20 **IC 31-34-2.5; and**

21 (ii) **the department is unable to identify a suitable and**
22 **willing relative under clause (A);**

23 **with a prospective adoptive parent, including a prospective**
24 **adoptive parent identified under IC 31-34-2.5-5;**

25 before considering other out-of-home placements for the child.

26 (b) A juvenile court shall consider placing a child described in
27 subsection (a) with a relative related by blood, marriage, or adoption
28 before considering any other placement of the child.

29 (c) Before a child is placed with a relative or de facto custodian, a
30 home evaluation and background checks described in IC 31-34-4-2 are
31 required.

32 SECTION 7. IC 31-35-1-4.5, AS AMENDED BY P.L.1-2010,
33 SECTION 126, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2025]: Sec. 4.5. The putative father's consent
35 to the termination of the parent-child relationship is irrevocably
36 implied without further court action if the father:

37 (1) fails to file a paternity action under IC 31-14 or in a court
38 located in another state that is competent to obtain jurisdiction
39 over the paternity action, not more than thirty (30) days after
40 receiving:

41 (A) actual notice under IC 31-19-3 of the mother's intent to
42 proceed with an adoptive placement of the child, regardless of



1 whether:
2 ~~(A)~~ **(i)** the child is born before or after the expiration of the
3 thirty (30) day period; or
4 ~~(B)~~ **(ii)** a petition for adoption or for the termination of the
5 parent-child relationship is filed; or
6 **(B) notice under IC 31-34-2.5-7; or**
7 (2) files a paternity action:
8 (A) under IC 31-14; or
9 (B) in a court located in another state that is competent to
10 obtain jurisdiction over the paternity action;
11 during the thirty (30) day period prescribed by subdivision (1) and
12 fails to establish paternity in the paternity proceeding within a
13 reasonable period determined under IC 31-14-21-9 through
14 IC 31-14-21-9.2 or the laws applicable to a court of another state
15 when the court obtains jurisdiction over the paternity action.

