

HOUSE BILL No. 1605

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-8-1.5-6.1; IC 31-9-2; IC 31-10-2-1; IC 31-32; IC 31-34; IC 31-35.

Synopsis: Juvenile law matters. Requires the family and social services administration to provide address information to the department of child services (department) under specified circumstances. Provides that it is the policy of the state of Indiana and the purpose of Indiana family and juvenile law to: (1) recognize the responsibility of the state and of the department for the safety of children who are abused or neglected; (2) recognize that a parent's interest in receiving services at the time and expense of the state for purposes of reunification is limited; (3) promote the safety of all children involved in the juvenile justice system; and (4) ensure timely placement of children in foster care into permanent homes. Provides that a procedural deadline in a: (1) child in need of services (CHINS) proceeding; or (2) termination of parent-child relationship (TPR) proceeding; is not subject to waiver, whether affirmative or implied, by a party to the proceeding. Provides that an individual with whom a child is placed during CHINS proceedings is entitled to attend, in its entirety, any hearing conducted as part of: (1) the CHINS proceedings; or (2) TPR proceedings resulting from a TPR petition filed with regard to the child during the CHINS proceedings. Provides that a court shall allow an individual who is providing care and supervision of a child as: (1) a foster parent; (2) a long term foster parent; or (3) an unlicensed kinship caregiver; at the time the child is the subject of a CHINS proceeding or TPR proceeding to intervene as a party during any stage of the proceeding if the court makes specified findings. Provides that a court shall allow an individual who is providing care and supervision for a child to intervene in a TPR proceeding concerning the child.
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Effective: July 1, 2025.

McGuire

January 21, 2025, read first time and referred to Committee on Judiciary.



Provides that a child is a CHINS if, before the child becomes 18 years of age: (1) the child's physical or mental health is seriously endangered due to failure of the child's parent, guardian, or custodian to protect the child from exposure to the use, possession, sale, or manufacture of illegal drugs; and (2) the child needs care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court. Removes a rebuttable presumption in current law that a child's physical or mental health is seriously endangered based on evidence of illegal manufacture of a drug or controlled substance occurring at the child's residence and provides that there is a rebuttable presumption that a child is a CHINS if the court finds that the child's parent, guardian, or custodian willfully or knowingly: (1) exposed the child to the illegal manufacture or distribution of a legend drug or controlled substance; or (2) exposed the child to: (A) methamphetamine; (B) fentanyl; or (C) a fentanyl containing substance; for which the parent, guardian, or custodian did not have a valid prescription. Amends the factors a court must consider when determining whether to detain a child who has been removed from the child's parent, guardian, or custodian to include considerations relating to exposure of the child to a fentanyl containing substance or fentanyl related substance. Provides that the rights of the: (1) child; (2) child's parents, guardian, or custodian; (3) department; and (4) guardian ad litem or court appointed special advocate; as parties to a proceeding regarding the child under Indiana juvenile law include rights of discovery, subpoena, examination of witnesses, and presentation of evidence at any hearing in the proceeding. Provides that the statutory deadline for holding of a factfinding hearing in a CHINS proceeding may be extended if the court finds that the extension is necessitated by unanticipated, emergent circumstances. Provides that there is a rebuttable presumption that a child is a CHINS if the court finds that the child lives in the same household as an adult who is subject to an order issued in a CHINS proceeding that requires the adult to participate in a program of care, treatment, or rehabilitation. Adds factors that a court must consider in determining appropriate reunification services in which a child's parent, guardian, or custodian will be required to participate under the child's dispositional decree. Provides that: (1) a dispositional decree that: (A) is entered under specified circumstances; and (B) requires a parent, guardian, or custodian to complete reunification services; may not provide for the parent, guardian, or custodian to receive the reunification services for more than a specified length of time, subject to extension for specified causes; and (2) a court reviewing the dispositional decree shall consider the amount of time remaining for the parent, guardian, or custodian to complete the reunification services. Specifies that the requirement that a court reviewing a dispositional decree must determine whether the department has made reasonable efforts to provide family services does not apply if a finding has been made that reasonable efforts for family preservation or reunification are not required. Provides that in determining the extent to which reasonable efforts to reunify or preserve a family are appropriate, the child's welfare (in addition to the child's health and safety, under current law) is of paramount concern. Provides that the department, before reunifying a child with the child's parent, guardian, or custodian, shall (rather than may, under current law): (1) conduct a criminal history check of: (A) the parent, guardian, or custodian; and (B) any household member of the parent, guardian, or custodian; and (2) use the results of the criminal history check to decide whether it is safe for the child to return home. Requires a court to hold a permanency hearing for a child: (1) who has been removed from the child's parent, guardian, or

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custodian for at least 12 months; or (2) with regard to whom at least 12 months have expired since a dispositional decree was entered; at the request of any party to the CHINS proceeding that requests a permanency hearing on the basis that continuation of efforts to reunify or preserve the child's family are inconsistent with the best interests of the child. Provides that if a child has, at the time of a permanency hearing, been removed from the child's parent for at least 12 of the most recent 22 months, the permanency plan for the child must include at least one intended permanent or long term arrangement for care and custody of the child that would not return the child to the care and custody of the parent, guardian, or custodian from whose care and custody the child has been removed. Provides that if a child is less than 16 years of age, the intended permanent or long-term arrangement for care and custody of the child may be guardianship or placement with a permanent custodian only if the proposed guardian or custodian appears before the court and testifies as to the individual's willingness to assume custody of the child. Provides that: (1) if a court approves a permanency plan for a child who is a CHINS under which adoption is the only intended permanent or long term arrangement for care and custody of the child, the department shall publish specified information regarding the child to facilitate adoption of the child; and (2) the information published by the department to facilitate adoption of a child who is: (A) a CHINS; and (B) a hard to place child; may include the child's first name and picture. Requires a court to hold an initial hearing on a TPR petition not later than 30 days after the petition is filed. Provides that under specified circumstances, a TPR petition regarding a child and the child's parent: (1) must be filed by the department; and (2) may be filed by: (A) the child's guardian ad litem or court appoint special advocate; or (B) an individual: (i) with whom the child is placed during the CHINS proceedings; and (ii) who is an intervenor in the CHINS proceedings. Amends the allegations that may be asserted in a TPR petition. Removes a provision requiring a person that files a TPR petition to also file a: (1) copy of the order approving the permanency plan for the child; or (2) permanency plan for the child. Provides that the deadline for holding a hearing regarding a TPR petition may be extended if the court finds that extension of the deadline is necessitated by unanticipated, emergent circumstances.



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. 1605



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 12-8-1.5-6.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2025]: **Sec. 6.1. The office of the secretary**
4 **shall, immediately upon request by the department of child**
5 **services, provide to the department of child services address**
6 **information that is maintained by the office of the secretary and**
7 **that is necessary for the department of child services to:**

- 8 (1) **respond to a report of suspected child abuse or neglect**
9 **under IC 31-33; or**
- 10 (2) **take action concerning a child with regard to whom**
11 **exigent circumstances (as defined by IC 31-9-2-44.1) exist.**

12 SECTION 2. IC 31-9-2-45.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2025]: **Sec. 45.5. "Fentanyl containing substance", for purposes**
15 **of the juvenile law, has the meaning set forth in IC 35-31.5-2-130.6.**



1 SECTION 3. IC 31-9-2-45.6 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2025]: **Sec. 45.6. "Fentanyl related substance", for purposes of**
 4 **the juvenile law, has the meaning set forth in IC 35-31.5-2-130.5.**

5 SECTION 4. IC 31-9-2-51 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 51. "Hard to place
 7 child" or "hard to place children", for purposes of IC 31-19 **and**
 8 **IC 31-34**, means a child who is or children who are disadvantaged:

9 (1) because of:

10 (A) ethnic background;

11 (B) race;

12 (C) color;

13 (D) language;

14 (E) physical, mental, or medical disability; or

15 (F) age; or

16 (2) because the child or children are members of a sibling group
 17 that should be placed in the same home.

18 SECTION 5. IC 31-10-2-1, AS AMENDED BY P.L.45-2024,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2025]: Sec. 1. It is the policy of this state and the purpose of
 21 this title to:

22 (1) recognize the importance of family and children in our society,
 23 including the parenting rights of a parent, regardless of whether
 24 the parent has a disability;

25 (2) recognize the responsibility of the state to enhance the
 26 viability of children and family in our society;

27 (3) acknowledge the responsibility each person owes to the other;

28 **(4) recognize the responsibility of the state and of the**
 29 **department of child services for the safety of children who are**
 30 **abused or neglected;**

31 ~~(4)~~ **(5) strengthen family life by assisting parents to fulfill their**
 32 **parental obligations while recognizing that a parent's interest**
 33 **in receiving services at the time and expense of the state for**
 34 **purposes of reunification is limited as set forth in**
 35 **IC 31-34-20-1.6;**

36 ~~(5)~~ **(6) promote the safety of all children involved in the**
 37 **juvenile justice system and ensure that children within the**
 38 **juvenile justice system are treated as persons in need of care,**
 39 **protection, treatment, and rehabilitation;**

40 ~~(6)~~ **(7) remove children from families only when it is in the child's**
 41 **best interest or in the best interest of public safety;**

42 **(8) ensure timely placement of children in foster care into**



1 **permanent homes;**

2 ~~(7)~~ **(9)** make reasonable efforts to support and facilitate two-way
3 communication between a child's parent or parents and any
4 licensed foster parent or kinship caregiver caring for the child
5 following removal by the department of child services;

6 ~~(8)~~ **(10)** provide for adoption as a viable permanency plan for
7 children who are adjudicated children in need of services;

8 ~~(9)~~ **(11)** provide a juvenile justice system that protects the public
9 by enforcing the legal obligations that children have to society
10 and society has to children;

11 ~~(10)~~ **(12)** use diversionary programs when appropriate;

12 ~~(11)~~ **(13)** provide a judicial procedure that:

13 (A) ensures fair hearings;

14 (B) recognizes and enforces the legal rights of children and
15 their parents; and

16 (C) recognizes and enforces the accountability of children and
17 parents;

18 ~~(12)~~ **(14)** promote public safety and individual accountability by
19 the imposition of appropriate sanctions; and

20 ~~(13)~~ **(15)** provide a continuum of services developed in a
21 cooperative effort by local governments and the state.

22 SECTION 6. IC 31-32-1-5 IS ADDED TO THE INDIANA CODE
23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2025]: **Sec. 5. A procedural deadline set forth in:**

25 **(1) IC 31-34 with regard to a child in need of services**
26 **proceeding; or**

27 **(2) IC 31-35 with regard to a proceeding to terminate the**
28 **parent-child relationship;**

29 **is not subject to waiver, whether affirmative or implied, by a party**
30 **to the proceeding.**

31 SECTION 7. IC 31-32-2-3.5 IS ADDED TO THE INDIANA CODE
32 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2025]: **Sec. 3.5. An individual with whom a child is placed during**
34 **child in need of services proceedings regarding the child is entitled**
35 **to attend, in its entirety, any hearing conducted as part of:**

36 **(1) the child in need of services proceedings; or**

37 **(2) proceedings to terminate the parent-child relationship**
38 **resulting from a petition filed with regard to the child under**

39 **IC 31-35-2-4 during the child in need of services proceedings.**

40 SECTION 8. IC 31-32-2.5-1, AS AMENDED BY P.L.46-2024,
41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2025]: Sec. 1. (a) Except as provided in subsection (b) and



1 subject to this chapter, **an individual who is providing care and**
 2 **supervision of a child as:**

- 3 (1) a foster parent;
 4 (2) a long term foster parent; **or**
 5 ~~(3)~~ a person who has been a foster parent; **or**
 6 ~~(4)~~ **(3)** an unlicensed kinship caregiver;

7 ~~of a child may petition the court to request intervention as a party~~
 8 ~~during any stage of~~ **at the time the child is the subject of** a child in
 9 need of services proceeding under IC 31-34 or a termination of
 10 parent-child relationship proceeding under IC 31-35 ~~concerning the~~
 11 ~~child may intervene as a party during any stage of the proceeding~~
 12 **if the individual files a petition to intervene with the court and the**
 13 **court makes the findings described in section 3 of this chapter.**

14 (b) Any person described in subsection (a) who has been:

- 15 (1) the subject of a substantiated report of child abuse or neglect;
 16 or
 17 (2) convicted of a nonwaivable offense, as defined in
 18 IC 31-9-2-84.8;

19 may not ~~petition the court to~~ intervene under this chapter.

20 SECTION 9. IC 31-32-2.5-3, AS ADDED BY P.L.210-2019,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2025]: Sec. 3. **(a)** A court shall grant a petition to intervene
 23 filed under this chapter if the court determines that intervention by the
 24 petitioner is in the best interests of the child.

25 **(b) A court shall grant a petition filed under this chapter**
 26 **requesting intervention in a child in need of services proceeding**
 27 **under IC 31-34 concerning a child for whom the petitioner is**
 28 **providing care and supervision if the court determines that:**

- 29 (1) **the petitioner has provided care and supervision for the**
 30 **child for at least twelve (12) months following the initial**
 31 **removal of the child from the home of the child's parent,**
 32 **guardian, or custodian, regardless of whether the twelve (12)**
 33 **months during which the petitioner has provided care and**
 34 **supervision for the child were consecutive;**
 35 (2) **a petition to terminate the parent-child relationship has**
 36 **been filed with regard to the child; or**
 37 (3) **the child has been removed from the home of the child's**
 38 **parent, guardian, or custodian for at least twelve (12) months**
 39 **and the petitioner has filed a petition for adoption or**
 40 **guardianship of the child.**

41 **(c) A court shall grant a petition filed under this chapter**
 42 **requesting intervention in a termination of parent-child**



1 **relationship proceeding under IC 31-35 concerning a child for**
 2 **whom the petitioner is providing care and supervision.**

3 SECTION 10. IC 31-34-1-2, AS AMENDED BY P.L.172-2022,
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2025]: Sec. 2. (a) A child is a child in need of services if
 6 before the child becomes eighteen (18) years of age:

7 (1) the child's physical or mental health is seriously endangered
 8 due to injury by the act or omission of the child's parent, guardian,
 9 or custodian, **including failure of the child's parent, guardian,**
 10 **or custodian to protect the child from exposure to the use,**
 11 **possession, sale, or manufacture of illegal drugs; and**

12 (2) the child needs care, treatment, or rehabilitation that:

13 (A) the child is not receiving; and

14 (B) is unlikely to be provided or accepted without the coercive
 15 intervention of the court.

16 (b) A child is a child in need of services if, before the child becomes
 17 eighteen (18) years of age:

18 (1) the child is a victim of:

19 (A) an offense under IC 35-42-1-2.5;

20 (B) an offense under IC 35-42-2-1;

21 (C) an offense under IC 35-42-2-1.3;

22 (D) an offense under IC 35-42-2-1.5;

23 (E) an offense under IC 35-42-2-9;

24 (F) an offense under IC 35-42-2-10; or

25 (G) an offense under IC 35-46-1-4;

26 (2) the offense described in subdivision (1) was committed by the
 27 parent, guardian, or custodian of the child; and

28 (3) the child needs care, treatment, or rehabilitation that:

29 (A) the child is not receiving; and

30 (B) is unlikely to be provided or accepted without the coercive
 31 intervention of the court.

32 (c) A child is a child in need of services if, before the child becomes
 33 eighteen (18) years of age, the child:

34 (1) lives in the same household as an adult who:

35 (A) committed:

36 (i) an offense described in subsection (b)(1); or

37 (ii) an offense under IC 35-42-1-1, IC 35-42-1-2,
 38 IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;

39 against another child who lives in the household and the
 40 offense resulted in a conviction or a judgment under
 41 IC 31-34-11-2; or

42 (B) has been charged with committing an offense described in



- 1 clause (A) against another child who lives in the household
 2 and is awaiting trial; and
 3 (2) needs care, treatment, or rehabilitation that:
 4 (A) the child is not receiving; and
 5 (B) is unlikely to be provided or accepted without the coercive
 6 intervention of the court.
- 7 ~~(d) Evidence that the illegal manufacture of a drug or controlled~~
 8 ~~substance is occurring on property where a child resides creates a~~
 9 ~~rebuttable presumption that the child's physical or mental health is~~
 10 ~~seriously endangered.~~
- 11 SECTION 11. IC 31-34-5-3, AS AMENDED BY P.L.146-2008,
 12 SECTION 580, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) The juvenile court shall
 14 release the child to the child's parent, guardian, or custodian. However,
 15 the court may order the child detained if the court makes written
 16 findings of fact upon the record of probable cause to believe that the
 17 child is a child in need of services and that **any of the following**
 18 **factors applies:**
- 19 (1) Detention is necessary to protect the child.
 20 (2) The child is unlikely to appear before the juvenile court for
 21 subsequent proceedings.
 22 (3) The child has a reasonable basis for requesting that the child
 23 not be released.
 24 (4) The parent, guardian, or custodian:
 25 (A) cannot be located; or
 26 (B) is unable or unwilling to take custody of the child. ~~or~~
 27 (5) Consideration for the safety of the child precludes the use of
 28 family services to prevent removal of the child. **In considering**
 29 **this factor, the court shall:**
- 30 **(A) give great weight to evidence:**
 31 **(i) of the presence in the child's residence of; or**
 32 **(ii) that the child has been exposed to;**
 33 **a fentanyl containing substance or fentanyl related**
 34 **substance for which the child's parent, guardian, or**
 35 **custodian does not have a valid prescription; and**
 36 **(B) evaluate whether the evidence described in clause (A)(i)**
 37 **or (A)(ii) necessitates removal in consideration of the**
 38 **following factors:**
 39 **(i) The age of the child.**
 40 **(ii) Whether the child is particularly vulnerable to the**
 41 **harmful effects of the fentanyl containing substance or**
 42 **fentanyl related substance due to the child's medical or**



1 **developmental condition.**

2 **(iii) The risk of the child accidentally ingesting the**
 3 **fenanyl containing substance or fenanyl related**
 4 **substance.**

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

8 (1) applicable provisions of Title IV-E of the federal Social
 9 Security Act (42 U.S.C. 670 et seq.); or

10 (2) any applicable federal regulation, including 45 CFR 1356.21;
 11 as a condition of eligibility of a child in need of services for assistance
 12 under Title IV-E or any other federal law.

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

15 (1) removal from the child's home; or

16 (2) detention;

17 of a child who is alleged to be, or adjudicated as, a child in need of
 18 services constitutes compliance with subsection (b).

19 SECTION 12. IC 31-34-9-7, AS AMENDED BY P.L.145-2006,
 20 SECTION 295, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2025]: Sec. 7. The:

22 (1) child;

23 (2) child's parents, guardian, or custodian;

24 (3) department; and

25 (4) guardian ad litem or court appointed special advocate;

26 are parties to the proceedings described in the juvenile law and have all
 27 rights of parties under the Indiana Rules of Trial Procedure, **including**
 28 **rights of discovery, subpoena, examination of witnesses, and**
 29 **presentation of evidence at any hearing, including a fact finding**
 30 **hearing.**

31 SECTION 13. IC 31-34-11-1, AS AMENDED BY P.L.48-2012,
 32 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2025]: Sec. 1. (a) Except as provided in subsection (b), unless
 34 the allegations of a petition have been admitted, the juvenile court shall
 35 complete a factfinding hearing not more than sixty (60) days after a
 36 petition alleging that a child is a child in need of services is filed in
 37 accordance with IC 31-34-9.

38 (b) The juvenile court may extend the time to complete a factfinding
 39 hearing, as described in subsection (a), for an additional sixty (60) days
 40 if all parties in the action consent to the additional time.

41 (c) If the factfinding hearing is not held immediately after the initial
 42 hearing as provided under IC 31-34-10-9, the department shall provide



1 notice of any factfinding hearing to each foster parent or other
 2 caretaker with whom the child has been placed for temporary care. The
 3 court shall provide a person who is required to be notified under this
 4 subsection an opportunity to be heard at the factfinding hearing.

5 (d) If the factfinding hearing is not held within the time set forth in
 6 subsection (a) or (b), upon a motion with the court, the court shall
 7 dismiss the case without prejudice **unless the court finds that the**
 8 **extension is necessitated by unanticipated, emergent**
 9 **circumstances.**

10 SECTION 14. IC 31-34-12-4.6 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2025]: **Sec. 4.6. (a) There is a rebuttable**
 13 **presumption that a child is a child in need of services if the court**
 14 **finds that the child lives in the same household as an adult who is**
 15 **subject to an order requiring the adult to participate in a program**
 16 **of care, treatment, or rehabilitation under IC 31-34-20-3.**

17 **(b) There is a rebuttable presumption that a child is a child in**
 18 **need of services if the court finds that the child's parent, guardian,**
 19 **or custodian willfully or knowingly:**

20 **(1) exposed the child to the illegal manufacture or distribution**
 21 **of a legend drug or controlled substance; or**

22 **(2) exposed the child to:**

23 **(A) methamphetamine;**

24 **(B) fentanyl; or**

25 **(C) a fentanyl containing substance (as defined by**
 26 **IC 35-48-1-16.7);**

27 **for which the parent, guardian, or custodian did not have a**
 28 **valid prescription.**

29 SECTION 15. IC 31-34-20-1, AS AMENDED BY P.L.172-2022,
 30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2025]: Sec. 1. (a) Subject to this section and ~~section~~ **sections**
 32 **1.5 and 1.6** of this chapter, if a child is a child in need of services, the
 33 juvenile court may enter one (1) or more of the following dispositional
 34 decrees:

35 (1) Order supervision of the child by the department.

36 (2) Order the child to receive outpatient treatment:

37 (A) at a social service agency or a psychological, a psychiatric,
 38 a medical, or an educational facility; or

39 (B) from an individual practitioner.

40 (3) Remove the child from the child's home and authorize the
 41 department to place the child in another home, shelter care
 42 facility, child caring institution, group home, or secure private



1 facility. Placement under this subdivision includes authorization
2 to control and discipline the child.

3 (4) Award wardship of the child to the department for
4 supervision, care, and placement.

5 (5) Partially or completely emancipate the child under section 6
6 of this chapter.

7 (6) **Unless a finding has been made under IC 31-34-21-5.6 that**
8 **reasonable efforts for family preservation or reunification are**
9 **not required**, order the child's parent, guardian, or custodian to
10 complete **reunification** services recommended by the department
11 and approved by the court under IC 31-34-18 and IC 31-34-19,
12 which may include services described in section 3(a) of this
13 chapter. **In determining the reunification services that are**
14 **appropriate, the court shall take into consideration:**

15 (A) **any failure of the parent, guardian, or custodian to**
16 **substantially participate in previously ordered services or**
17 **substantially comply with a previous case plan;**

18 (B) **any history of the parent, guardian, or custodian**
19 **abusing the child while the parent, guardian, or custodian**
20 **was under the influence of drugs or alcohol;**

21 (C) **any history of the parent, guardian, or custodian**
22 **directing violent behavior at the child or at a member of**
23 **the child's immediate family;**

24 (D) **whether the parent, guardian, or custodian continues**
25 **to reside with an individual who abused the child;**

26 (E) **any patterns of behavior by the parent, guardian, or**
27 **custodian that have exposed the child to repeated abuse;**

28 (F) **any testimony by a competent professional that**
29 **remediation of the parent's, guardian's, or custodian's**
30 **behavior is unlikely to be successful; and**

31 (G) **whether the parent, guardian, or custodian has**
32 **expressed an interest in reunification with the child.**

33 **In determining the appropriateness of the reunification**
34 **services, the court shall consider the child's health, welfare,**
35 **and safety as the paramount concern.**

36 (7) Order a person who is a party to refrain from direct or indirect
37 contact with the child.

38 (8) Order a perpetrator of child abuse or neglect to refrain from
39 returning to the child's residence.

40 (b) A juvenile court may not place a child in a home or facility that
41 is located outside Indiana unless:

42 (1) the placement is recommended or approved by the director of



- 1 the department or the director's designee; or
- 2 (2) the juvenile court makes written findings based on clear and
- 3 convincing evidence that:
 - 4 (A) the out-of-state placement is appropriate because there is
 - 5 not an equivalent facility with adequate services located in
 - 6 Indiana;
 - 7 (B) institutional care in the other jurisdiction is in the best
 - 8 interest of the child and will not produce undue hardship; or
 - 9 (C) the location of the home or facility is within a distance not
 - 10 greater than fifty (50) miles from the county of residence of
 - 11 the child.
- 12 (c) If a dispositional decree under this section:
 - 13 (1) orders or approves removal of a child from the child's home or
 - 14 awards wardship of the child to the department; and
 - 15 (2) is the first juvenile court order in the child in need of services
 - 16 proceeding that authorizes or approves removal of the child from
 - 17 the child's parent, guardian, or custodian;
- 18 the juvenile court shall include in the decree the appropriate findings
- 19 and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).
- 20 SECTION 16. IC 31-34-20-1.6 IS ADDED TO THE INDIANA
- 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2025]: **Sec. 1.6. (a) This section applies to a**
- 23 **child:**
 - 24 (1) **who:**
 - 25 (A) **is the subject of a child in need of services petition that**
 - 26 **is filed after the child is removed from the care or custody**
 - 27 **of the child's parent, guardian, or custodian under**
 - 28 **IC 31-34-2-3, regardless of whether the child is returned to**
 - 29 **the care or custody of the parent, guardian, or custodian at**
 - 30 **any time before the entry of the dispositional decree; or**
 - 31 **(B) is removed from the care or custody of the child's**
 - 32 **parent, guardian, or custodian under the child's**
 - 33 **dispositional decree under section 1(a)(3) of this chapter;**
 - 34 **and**
 - 35 **(2) whose dispositional decree includes an order under section**
 - 36 **1(a)(6) of this chapter requiring a parent, guardian, or**
 - 37 **custodian of the child to complete reunification services.**
 - 38 **(b) Except as provided in subsections (c) and (d), a court may**
 - 39 **not provide for a child's parent, guardian, or custodian to receive**
 - 40 **reunification services for more than:**
 - 41 **(1) if the child is removed from the parent, guardian, or**
 - 42 **custodian after June 30, 2025, and before July 1, 2026, fifteen**



1 (15) months; or
2 (2) if the child is removed from the parent, guardian, or
3 custodian after June 30, 2026, twelve (12) months;
4 after the date of the child's removal under IC 31-34-2-3 or under
5 the child's dispositional decree, whichever is earlier.
6 (c) A court may extend the provision of reunification services to
7 a child's parent, guardian, or custodian for:
8 (1) a period of not more than ninety (90) days if the court
9 finds after an evidentiary hearing that:
10 (A) the parent, guardian, or custodian has substantially
11 complied with the child's dispositional decree; and
12 (B) the extension is in the child's best interests; and
13 (2) an additional period of not more than ninety (90) days
14 following an extension under subdivision (1) if the court:
15 (A) finds after an evidentiary hearing, by clear and
16 convincing evidence, that:
17 (i) the parent, guardian, or custodian has substantially
18 complied with the child's dispositional decree; and
19 (ii) the extension is in the child's best interests; and
20 (B) includes in the order for the extension:
21 (i) the facts upon which the court based the court's
22 findings under clause (A); and
23 (ii) the time period within which it is likely that
24 reunification of the child with the parent will occur.
25 (d) A court may extend the provision of reunification services to
26 a child's parent, guardian, or custodian if the court finds after an
27 evidentiary hearing that the child's parent, guardian, or custodian,
28 by no fault of the parent, guardian, or custodian, was not afforded
29 an adequate opportunity to substantially participate in the
30 reunification services.
31 (e) The following are not a basis for an extension under
32 subsection (c) or (d):
33 (1) Delay or failure by the parent, guardian, or custodian to
34 establish paternity or seek custody of the child.
35 (2) Failure of the parent, guardian, or custodian to
36 substantially participate in the reunification services due to
37 the conduct of the parent, guardian, or custodian.
38 (f) In determining whether to extend the provision of
39 reunification services to a child's parent under subsection (c) or
40 (d), a court shall take into consideration the status of any minor
41 siblings of the child.
42 SECTION 17. IC 31-34-21-5, AS AMENDED BY P.L.69-2024,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 5. (a) Subject to subsection (c), the court shall
3 determine:

4 (1) whether the child's case plan, services, and placement meet
5 the special needs and best interests of the child;

6 (2) whether the department has made reasonable efforts to
7 provide family services, **unless a finding has been made under**
8 **section 5.6 of this chapter that reasonable efforts for family**
9 **preservation or reunification are not required;** and

10 (3) a projected date for the child's return home, the child's
11 adoption placement, the child's emancipation, or the appointment
12 of a legal guardian for the child under section 7.5(c)(1)(D) of this
13 chapter.

14 (b) The determination of the court under subsection (a) must be
15 based on findings written after consideration of the following:

16 (1) Whether the department, the child, or the child's parent,
17 guardian, or custodian has complied with the child's case plan.

18 (2) Written documentation containing descriptions of:

19 (A) the family services that have been offered or provided to
20 the child or the child's parent, guardian, or custodian;

21 (B) the dates during which the family services were offered or
22 provided; and

23 (C) the outcome arising from offering or providing the family
24 services.

25 (3) The extent of the efforts made by the department to offer and
26 provide family services.

27 (4) The extent to which the parent, guardian, or custodian has
28 enhanced the ability to fulfill parental obligations.

29 (5) The extent to which the parent, guardian, or custodian has
30 visited the child, including the reasons for infrequent visitation.

31 (6) The extent to which the parent, guardian, or custodian has
32 cooperated with the department.

33 (7) The child's recovery from any injuries suffered before
34 removal.

35 (8) Whether any additional services are required for the child or
36 the child's parent, guardian, or custodian and, if so, the nature of
37 those services.

38 (9) The extent to which the child has been rehabilitated.

39 (10) If the child is placed out-of-home, whether the child is in the
40 least restrictive, most family-like setting, and whether the child is
41 placed close to the home of the child's parent, guardian, or
42 custodian.



- 1 (11) The extent to which the causes for the child's out-of-home
 2 placement or supervision have been alleviated.
- 3 (12) Whether current placement or supervision by the department
 4 should be continued.
- 5 (13) The extent to which the child's parent, guardian, or custodian
 6 has participated or has been given the opportunity to participate
 7 in case planning, periodic case reviews, dispositional reviews,
 8 placement of the child, and visitation.
- 9 (14) Whether the department has made reasonable efforts to
 10 reunify or preserve a child's family unless reasonable efforts are
 11 not required under section 5.6 of this chapter.
- 12 (15) Subject to subsection (c), whether it is an appropriate time to
 13 prepare or implement a permanency plan for the child under
 14 section 7.5 of this chapter.
- 15 **(16) If:**
- 16 **(A) the child has been in an out-of-home placement at any**
 17 **time during the child in need of services proceeding; and**
- 18 **(B) the child's dispositional decree includes an order under**
 19 **IC 31-34-20-1(a)(6) requiring the child's parent, guardian,**
 20 **or custodian to receive reunification services;**
- 21 **the amount of time remaining for the parent, guardian, or**
 22 **custodian to complete the reunification services under**
 23 **IC 31-34-20-1.6.**
- 24 (c) The permanency plan for a child who has, at the time of a
 25 periodic case review or permanency hearing, been removed from the
 26 child's parent for at least twelve (12) months of the most recent
 27 twenty-two (22) months, must include at least one (1) intended
 28 permanent or long term arrangement for care and custody of the child
 29 under section 7.5(c) of this chapter other than reunification of the child
 30 with the child's parent, guardian, or custodian.
- 31 SECTION 18. IC 31-34-21-5.5, AS AMENDED BY P.L.48-2012,
 32 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2025]: Sec. 5.5. (a) In determining the extent to which
 34 reasonable efforts to reunify or preserve a family are appropriate under
 35 this chapter, the child's health, **welfare**, and safety are of paramount
 36 concern.
- 37 (b) Except as provided in section 5.6 of this chapter, the department
 38 shall make reasonable efforts to preserve and reunify families as
 39 follows:
- 40 (1) If a child has not been removed from the child's home, to
 41 prevent or eliminate the need for removing the child from the
 42 child's home.



- 1 (2) If a child has been removed from the child's home, to make it
 2 possible for the child to return safely to the child's home as soon
 3 as possible.
- 4 (c) The department ~~may~~, **shall**, before reunification of the child with
 5 a parent, guardian, or custodian, conduct a criminal history check (as
 6 defined in IC 31-9-2-22.5) of:
- 7 (1) the child's:
 8 (A) parent;
 9 (B) guardian; or
 10 (C) custodian; ~~or and~~
- 11 (2) ~~a~~ **any** household member of the:
 12 (A) parent;
 13 (B) guardian; or
 14 (C) custodian.
- 15 (d) The department ~~may~~ **shall** use the results of a criminal history
 16 check conducted under subsection (c) to decide whether it is safe for
 17 the child to return home.
- 18 SECTION 19. IC 31-34-21-7, AS AMENDED BY P.L.69-2024,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2025]: Sec. 7. (a) The court shall hold a permanency hearing:
 21 (1) not more than thirty (30) days after a court finds that
 22 reasonable efforts to reunify or preserve a child's family are not
 23 required as described in section 5.6 of this chapter;
 24 (2) every twelve (12) months after:
 25 (A) the date of the original dispositional decree; or
 26 (B) a child in need of services was removed from the child's
 27 parent, guardian, or custodian;
 28 whichever comes first; ~~or~~
 29 **(3) if:**
 30 **(A) the child has been removed from the child's parent,**
 31 **guardian, or custodian for at least twelve (12) months; or**
 32 **(B) at least twelve (12) months have expired since the date**
 33 **on which the child's dispositional decree was entered;**
 34 **at the request of any party to the child in need of services**
 35 **proceeding that requests the permanency hearing on the basis**
 36 **that continuation of efforts to reunify or preserve the family**
 37 **are inconsistent with the best interests of the child; or**
 38 ~~(3)~~ **(4) more often if ordered by the juvenile court.**
- 39 (b) The court shall:
 40 (1) make the determination and findings required by section 5 of
 41 this chapter;
 42 (2) consider the question of continued jurisdiction and whether



- 1 the dispositional decree should be modified;
- 2 (3) consider recommendations of persons listed under section 4
- 3 of this chapter, before approving a permanency plan under
- 4 subdivision (5);
- 5 (4) consult with the child in person, or through an interview with
- 6 or written statement or report submitted by:
- 7 (A) a guardian ad litem or court appointed special advocate for
- 8 the child;
- 9 (B) a case manager; or
- 10 (C) the person with whom the child is living and who has
- 11 primary responsibility for the care and supervision of the
- 12 child;
- 13 in an age appropriate manner as determined by the court,
- 14 regarding the proposed permanency plan;
- 15 (5) consider and approve a permanency plan for the child:
- 16 (A) that complies with the requirements set forth in section 7.5
- 17 of this chapter; and
- 18 (B) if the child has, at the time of the permanency hearing,
- 19 been removed from the child's parent for at least twelve (12)
- 20 months of the most recent twenty-two (22) months, that
- 21 includes at least one (1) intended permanent or long term
- 22 arrangement for care and custody of the child under section
- 23 7.5(c) of this chapter **other than reunification of that would**
- 24 **not return the child with the child's to the care and custody**
- 25 **of the parent, guardian, or custodian from whose care and**
- 26 **custody the child has been removed;**
- 27 (6) determine whether an existing permanency plan must be
- 28 modified; and
- 29 (7) examine procedural safeguards used by the department to
- 30 protect parental rights.
- 31 **(c) If a child is less than sixteen (16) years of age, the intended**
- 32 **permanent or long-term arrangement for care and custody of the**
- 33 **child under section 7.5(c) of this chapter may be guardianship or**
- 34 **placement with a permanent custodian only if the proposed**
- 35 **guardian or custodian appears before the court and testifies as to**
- 36 **the individual's willingness to assume custody of the child.**
- 37 (↔) (d) If the child is at least sixteen (16) years of age and the
- 38 proposed permanency plan provides for another planned permanent
- 39 living arrangement, the court shall, at each permanency hearing, do all
- 40 the following:
- 41 (1) Require the department to provide notice of the permanency
- 42 hearing to the child, in accordance with section 4(a) of this



- 1 chapter.
- 2 (2) Provide to the child an opportunity to be heard and to make
- 3 recommendations to the court, in accordance with section 4(d) of
- 4 this chapter.
- 5 (3) Require the department to document or provide testimony
- 6 regarding the intensive, ongoing, and, as of the date of the
- 7 hearing, unsuccessful efforts made by the department to return the
- 8 child home or secure a placement for the child with a fit and
- 9 willing relative, legal guardian, or adoptive parent, including
- 10 efforts through the use of search technology, such as social media,
- 11 to find biological or adoptive family members for the child.
- 12 (4) Ask the child about the desired permanency outcome for the
- 13 child and document the child's response.
- 14 (5) Make a judicial determination explaining why, as of the date
- 15 of the hearing, another planned permanent living arrangement is
- 16 the best permanency plan for the child and provide compelling
- 17 reasons why it continues to not be in the best interests of the child
- 18 to:
- 19 (A) return home;
- 20 (B) be placed for adoption;
- 21 (C) be placed with a legal guardian; or
- 22 (D) be placed with a fit and willing relative.
- 23 (6) Require the department to document or provide testimony
- 24 regarding the steps the department is taking to ensure that:
- 25 (A) the child's foster family home, group home, secure private
- 26 facility, or child caring institution is following the reasonable
- 27 and prudent parent standard; and
- 28 (B) the child has regular, ongoing opportunities to engage in
- 29 age or developmentally appropriate activities, including
- 30 consulting with the child in an age appropriate manner about
- 31 the opportunities for the child to participate in the activities.
- 32 (†) (e) There is a rebuttable presumption that jurisdiction over the
- 33 child in a child in need of services proceeding continues for not longer
- 34 than twelve (12) months after the date of the original dispositional
- 35 decree or twelve (12) months after the child in need of services was
- 36 removed from the child's parent, guardian, or custodian, whichever
- 37 occurs first. The state may rebut the presumption and show that
- 38 jurisdiction should continue by proving that the objectives of the
- 39 dispositional decree have not been accomplished, that a continuation
- 40 of the decree with or without any modifications is necessary, and that
- 41 it is in the child's best interests for the court to maintain its jurisdiction
- 42 over the child. If the department does not sustain its burden for



1 continued jurisdiction, the court shall:

- 2 (1) direct the department to establish a permanency plan within
 3 thirty (30) days; or
 4 (2) discharge the child and the child's parent, guardian, or
 5 custodian.

6 The court may retain jurisdiction to the extent necessary to carry out
 7 any orders under subdivision (1).

8 SECTION 20. IC 31-34-21-7.3, AS AMENDED BY P.L.128-2012,
 9 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2025]: Sec. 7.3. (a) This section applies after:

11 **(1) a court approves a permanency plan for a child under**
 12 **which the only intended permanent or long term arrangement**
 13 **for care and custody of the child is placement of the child for**
 14 **adoption;**

15 ~~(+)~~ (2) a court authorizes the filing of a petition to terminate the
 16 parent-child relationship; or

17 ~~(-)~~ (3) a petition to terminate the parent-child relationship is filed;
 18 in relation to a child in need of services.

19 (b) The department shall post the following nonidentifying
 20 information on the Internet to facilitate a potential adoptive placement
 21 of the child:

22 (1) The child's age, gender, and summary of the child's
 23 educational, social, and medical background, including known
 24 disabilities.

25 (2) The reason the child was removed from the child's home.

26 (3) Whether a person has expressed an interest in adopting the
 27 child.

28 (4) The name, address, and telephone number of a contact person
 29 from:

30 (A) the department;

31 (B) the appropriate local office; or

32 (C) licensed child placing agency;

33 where a person who may be interested in adopting the child may
 34 obtain further information about adopting the child.

35 (5) Whether a petition to terminate the rights of the child's parents
 36 has been authorized or filed, and whether the rights of the child's
 37 parents have been terminated.

38 (6) An address and telephone number of:

39 (A) the department;

40 (B) the appropriate local office; or

41 (C) licensed child placing agency;

42 where a person who may be interested in adopting the child may



1 obtain further information about adopting the child.

2 (c) **Except as provided in subsection (d)**, the information posted
3 under subsection (b) may not identify the name of any of the following
4 persons:

- 5 (1) The child.
- 6 (2) The child's biological or adoptive parents.
- 7 (3) A sibling of the child.
- 8 (4) A caretaker of the child.

9 **(d) If the child is a hard to place child, the information posted**
10 **by the department under subsection (b) may include the child's**
11 **first name and picture.**

12 ~~(d)~~ (e) The department shall update any relevant information under
13 this section after either of the following:

- 14 (1) Each of the child's periodic reviews that occur after the
15 information under this section is required to be posted.
- 16 (2) The rights of the child's parents have been terminated.

17 ~~(e)~~ (f) The department shall remove the information required under
18 subsection (b) from the Internet whenever the child is reunited with the
19 child's family or an adoption of the child is filed under IC 31-19-2.

20 ~~(f)~~ (g) Upon request, the department shall inform the person making
21 the request of the address of the Internet web site containing the
22 information described in this section.

23 SECTION 21. IC 31-35-1-5, AS AMENDED BY P.L.146-2007,
24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2025]: Sec. 5. **(a) The court shall hold an initial hearing on**
26 **a petition filed under section 4 of this chapter not later than thirty**
27 **(30) days after the date on which the petition is filed.**

28 ~~(a)~~ (b) Except as provided in subsection ~~(b)~~; (c), the parents shall be
29 notified of the hearing in accordance with IC 31-32-9.

30 ~~(b)~~ (c) A parent who has made a valid consent to the termination of
31 a parent-child relationship may waive the notice required by subsection
32 ~~(a)~~ (b) if the waiver:

- 33 (1) is in writing either:
 - 34 (A) in the parent's consent to terminate the parent-child
35 relationship; or
 - 36 (B) in a separate document;
- 37 (2) is signed by the parent in the presence of a notary public; and
- 38 (3) contains an acknowledgment that:
 - 39 (A) the waiver is irrevocable; and
 - 40 (B) the parent will not receive notice of:
 - 41 (i) adoption; or
 - 42 (ii) termination of parent-child relationship;



- 1 proceedings.
- 2 SECTION 22. IC 31-35-1-12, AS AMENDED BY P.L.128-2012,
 3 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2025]: Sec. 12. For purposes of sections 6 and
 5 8 of this chapter, the parents must be advised that:
- 6 (1) their consent is permanent and cannot be revoked or set aside
 7 unless it was obtained by fraud or duress or unless the parent is
 8 incompetent;
- 9 (2) when the court terminates the parent-child relationship:
 10 (A) all rights, powers, privileges, immunities, duties, and
 11 obligations, including any rights to custody, control, parenting
 12 time, or support pertaining to the relationship, are permanently
 13 terminated; and
 14 (B) their consent to the child's adoption is not required;
- 15 (3) the parents have a right to the:
 16 (A) care;
 17 (B) custody; and
 18 (C) control;
 19 of their child as long as the parents fulfill their parental
 20 obligations;
- 21 (4) the parents have a right to a judicial determination of any
 22 alleged failure to fulfill their parental obligations in a proceeding
 23 to adjudicate their child a delinquent child or a child in need of
 24 services;
- 25 (5) the parents have a right to assistance in fulfilling their parental
 26 obligations after a court has determined that the parents are not
 27 doing so;
- 28 (6) proceedings to terminate the parent-child relationship against
 29 the will of the parents can be initiated only after:
 30 (A) the child has been adjudicated a delinquent child or a child
 31 in need of services and removed from their custody following
 32 the adjudication; or
 33 (B) a parent has been convicted and imprisoned for an offense
 34 listed in IC 31-35-3-4 (or has been convicted and imprisoned
 35 for an offense listed in IC 31-6-5-4.2(a) before its repeal), the
 36 child has been removed from the custody of the parents under
 37 a dispositional decree, and the child has been removed from
 38 the custody of the parents for six (6) months under a court
 39 order;
- 40 (7) the parents are entitled to representation by counsel, provided
 41 by the state if necessary, throughout any proceedings to terminate
 42 the parent-child relationship against the will of the parents;



1 (8) the parents will receive notice of the hearing, unless notice is
 2 waived under section ~~5(b)~~ 5(c) of this chapter, at which the court
 3 will decide if their consent was voluntary, and the parents may
 4 appear at the hearing and allege that the consent was not
 5 voluntary; and

6 (9) the parents' consent cannot be based upon a promise regarding
 7 the child's adoption or contact of any type with the child after the
 8 parents voluntarily relinquish their parental rights of the child
 9 after entry of an order under this chapter terminating the
 10 parent-child relationship.

11 SECTION 23. IC 31-35-2-3.5 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2025]: **Sec. 3.5. (a) The department shall, and**
 14 **any of the following individuals may, file a petition under section**
 15 **4 of this chapter with regard to a child and the child's parent if one**
 16 **(1) or more of the circumstances described in subsection (b) occur:**

17 (1) The child's guardian ad litem or court appoint special
 18 advocate.

19 (2) An individual:

20 (A) with whom the child is placed during the child in need
 21 of services proceedings; and

22 (B) who is an intervenor in the child in need of services
 23 proceedings.

24 (b) The circumstances under which the department shall, or an
 25 individual described in subsection (a) may, file a petition under
 26 subsection (a) are as follows:

27 (1) Federal law requires the filing of a petition under section
 28 4 of this chapter with regard to the child.

29 (2) The parent:

30 (A) either:

31 (i) has not completed; or

32 (ii) has not benefitted from;

33 reunification services in which the parent was ordered to
 34 participate under the child's dispositional decree; and

35 (B) either:

36 (i) has not been granted an extension of the reunification
 37 services under IC 31-34-20-1.6; or

38 (ii) has exhausted all extensions of the reunification
 39 services available under IC 31-34-20-1.6.

40 (3) A previous petition was filed under section 4 of this
 41 chapter with regard to the child and was subsequently
 42 dismissed under section 4.5 of this chapter, and ninety (90)



1 **days or more have elapsed since the petition was dismissed.**

2 SECTION 24. IC 31-35-2-4, AS AMENDED BY P.L.70-2024,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2025]: Sec. 4. (a) A petition to terminate the parent-child
5 relationship involving a child adjudicated as a delinquent child or child
6 in need of services may be signed and filed with the juvenile or probate
7 court by any of the following:

- 8 (1) The attorney for the department.
9 (2) The child's court appointed special advocate.
10 (3) The child's guardian ad litem.

11 **(4) An individual:**

12 **(A) with whom the child is placed during; and**

13 **(B) who is an intervenor in;**

14 **the child in need of services proceedings regarding the child**
15 **as provided in section 3.5 of this chapter.**

16 (b) A petition filed under subsection (a) must be entitled "In the
17 Matter of the Termination of the Parent-Child Relationship of
18 _____, a child, and _____, the child's parent (or
19 parents)".

20 (c) A petition filed under subsection (a) must allege:

- 21 (1) the existence of one (1) or more of the circumstances
22 described in subsection (d);
23 (2) that there is a satisfactory plan for care and treatment of the
24 child; and
25 (3) that termination of the parent-child relationship is in the
26 child's best interests.

27 (d) A petition filed under subsection (a) must allege the existence
28 of one (1) or more of the following circumstances:

29 (1) That a court has entered a finding under IC 31-34-21-5.6 that
30 reasonable efforts for family preservation or reunification are not
31 required, including a description of the court's finding, the date of
32 the finding, and the manner in which the finding was made.

33 (2) That:

34 (A) the child has been removed from the parent and has been
35 under the supervision of a local office or probation department
36 for at least fifteen (15) months of the most recent twenty-two
37 (22) months, beginning with the date the child is removed
38 from the home as a result of the child being alleged to be a
39 child in need of services or a delinquent child; and

40 (B) despite the department's reasonable efforts to preserve and
41 reunify the child's family under IC 31-34-21-5.5, the parent
42 has been unable to remedy the circumstances that resulted in



- 1 the child being placed in care outside the parent's home.
- 2 (3) That there is a reasonable probability that the conditions that
- 3 resulted in the child's removal or the reasons for placement
- 4 outside the home of the parents will not be remedied.
- 5 (4) That there is a reasonable probability that the continuation of
- 6 the parent-child relationship poses a threat to the well-being,
- 7 safety, physical health, or life of the child.
- 8 (5) That the child has, on two (2) separate occasions, been
- 9 adjudicated a child in need of services.
- 10 (6) That:
- 11 (A) at least ninety (90) days have passed since the filing of the
- 12 petition alleging that the child is a child in need of services;
- 13 and
- 14 (B) the identity or location of the parent is unknown despite
- 15 reasonable efforts having been made to identify or locate the
- 16 parent.
- 17 (7) That the parent:
- 18 (A) failed to substantially comply with the child's dispositional
- 19 decree for a period of at least twelve (12) months following the
- 20 child's:
- 21 (i) removal from the parent's home under IC 31-34-2; or
- 22 (ii) adjudication as a child in need of services;
- 23 whichever occurred earlier, unless the parent's failure to
- 24 substantially comply with the child's dispositional decree was
- 25 due to the failure of the department to make reasonable efforts
- 26 to preserve and reunify the child's family under
- 27 IC 31-34-21-5.5; or
- 28 (B) is unlikely or unable to substantially comply with the
- 29 child's dispositional decree.
- 30 (8) That the parent is incarcerated and one (1) or more of the
- 31 following is true:
- 32 (A) The parent is expected to remain incarcerated for a
- 33 significant portion of the remaining time during which the
- 34 child is less than eighteen (18) years of age. **When**
- 35 **determining whether the portion of the remaining time is**
- 36 **significant, the court shall consider the following factors:**
- 37 (i) **The age of the child.**
- 38 (ii) **The relationship between the child and the parent.**
- 39 (iii) **The nature of the parent's current and past**
- 40 **provision for the child's developmental, cognitive,**
- 41 **psychological, and physical needs.**
- 42 (iv) **The parent's history of criminal behavior, including**



1 **the frequency of the parent's incarceration and the**
 2 **unavailability of the parent to the child due to the**
 3 **parent's incarceration.**

4 **(v) Any other factor the court considers relevant.**

5 (B) The parent is a sexually violent predator (as defined by
 6 IC 35-38-1-7.5).

7 (9) That the parent:

8 (A) has a history of extensive, abusive, and chronic use of
 9 alcohol or a controlled substance that renders the parent
 10 incapable of caring for the child; and

11 (B) **either:**

12 (i) has refused or failed to complete available treatment for
 13 the alcohol or controlled substance use during the two (2)
 14 year period immediately preceding the filing date of the
 15 petition under subsection (a); **or**

16 (ii) **has completed treatment for the alcohol or controlled**
 17 **substance use but has resumed use of alcohol or a**
 18 **controlled substance after being reunified with the child.**

19 (10) That:

20 (A) a test administered at the child's birth that indicated that
 21 the child's blood, urine, **umbilical cord tissue**, or meconium
 22 contained any amount of alcohol or a controlled substance, or
 23 metabolites of such substances, the presence of which was not
 24 the result of medical treatment administered to the mother or
 25 the child; and

26 (B) the parent:

27 (i) is the biological mother of at least one (1) other child
 28 who was adjudicated a child in need of services after a
 29 finding of harm to the child's health or welfare due to
 30 exposure to alcohol or a controlled substance; and

31 (ii) had the opportunity to participate in substance abuse
 32 treatment following the finding under item (i).

33 (11) That the child was conceived as a result of:

34 (A) an offense under IC 35-42-3.5 (human and sexual
 35 trafficking);

36 (B) rape (IC 35-42-4-1);

37 (C) child molestation (IC 35-42-4-3);

38 (D) sexual misconduct with a minor (IC 35-42-4-9); or

39 (E) an offense committed in another jurisdiction the elements
 40 of which are substantially similar to the elements of an offense
 41 described in clause (A), (B), (C), or (D);

42 committed by the biological parent of the child whose



1 parent-child relationship with the child is the subject of the
2 petition.

3 (12) That the parent is required to register as a sex or violent
4 offender under IC 11-8-8.

5 **(13) That one (1) or more circumstances described in section**
6 **3.5 of this chapter have occurred.**

7 (e) If the department intends to file a motion to dismiss under
8 section 4.5 of this chapter, the petition must indicate whether at least
9 one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(4) of this
10 chapter applies and specify each factor that would apply as the basis for
11 filing a motion to dismiss the petition.

12 ~~(f) At the time the petitioner files a petition under this section with~~
13 ~~the juvenile or probate court, the petitioner shall also file a:~~

14 ~~(1) copy of the order approving the permanency plan under~~
15 ~~IC 31-34-21-7 for the child; or~~

16 ~~(2) permanency plan for the child as described by~~
17 ~~IC 31-34-21-7.5.~~

18 SECTION 25. IC 31-35-2-6, AS AMENDED BY P.L.244-2023,
19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2025]: Sec. 6. (a) Except when a hearing is required after June
21 30, 1999, under section 4.5 of this chapter, the person filing the petition
22 shall request the court to set the petition for a hearing. Whenever a
23 hearing is requested under this chapter, the court shall:

24 (1) commence a hearing on the petition not more than ninety (90)
25 days after a petition is filed under this chapter; and

26 (2) complete a hearing on the petition not more than one hundred
27 eighty (180) days after a petition is filed under this chapter.

28 (b) If a hearing is not held within the time set forth in subsection (a):

29 (1) upon filing of a motion with the court by a party; and

30 (2) absent ~~good cause shown for the failure to hold the hearing~~
31 ~~within the time set forth in subsection (a);~~ **a finding by the court**
32 **that the extension of the deadline for the hearing is**
33 **necessitated by unanticipated, emergent circumstances;**

34 the court shall dismiss the petition to terminate the parent-child
35 relationship without prejudice.

