

HOUSE BILL No. 1617

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-42.

Synopsis: Parent's bill of rights. Provides that a governmental entity may not substantially burden certain parental rights unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the governmental interest. Prohibits a governmental entity from: (1) advising, directing, or coercing a child to withhold certain information from the child's parent; or (2) denying a child's parent access to certain information. Allows a parent to bring an action against a person for certain violations and provides for certain relief. Specifies that the parent of a child does not have a right to access certain medical care on behalf of the child if the child does not have an affirmative right of access to the medical care. Provides that a person must obtain parental consent and comply with all other medical consent requirements before providing health care to a child. Requires a licensing authority to conduct an immediate investigation and take appropriate disciplinary action if the licensing authority receives information that a person did not obtain appropriate consent. Requires a court to notify the appropriate regulatory authority and the attorney general if the court finds that a person has knowingly provided health care to a minor without first obtaining the appropriate consent.

Effective: July 1, 2025.

Lindauer

January 21, 2025, read first time and referred to Committee on Family, Children and Human Affairs.



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. 1617

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 31-9-2-13, AS AMENDED BY P.L.109-2024,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16
4 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of
5 both parties to the marriage. The term includes the following:
6 (1) Children born out of wedlock to the parties.
7 (2) Children born or adopted during the marriage of the parties.
8 (b) "Child", for purposes of the Uniform Interstate Family Support
9 Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.
10 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
11 (d) Except as otherwise provided in this section, "child", for
12 purposes of the juvenile law and IC 31-27, means:
13 (1) a person who is less than eighteen (18) years of age;
14 (2) a person:
15 (A) who is eighteen (18), nineteen (19), or twenty (20) years
16 of age; and
17 (B) who either:



- 1 (i) is charged with a delinquent act committed before the
 2 person's eighteenth birthday; or
 3 (ii) has been adjudicated a child in need of services before
 4 the person's eighteenth birthday; or
 5 (3) a person:
 6 (A) who is alleged to have committed an act that would have
 7 been murder if committed by an adult;
 8 (B) who was less than eighteen (18) years of age at the time of
 9 the alleged act; and
 10 (C) who is less than twenty-one (21) years of age.
 11 (e) "Child", for purposes of IC 31-36-3, means a person who is less
 12 than eighteen (18) years of age.
 13 (f) "Child", for purposes of the Interstate Compact on Juveniles
 14 under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
 15 (g) "Child", for purposes of IC 31-16-12.5, means an individual to
 16 whom child support is owed under:
 17 (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
 18 or
 19 (2) any other child support order that is enforceable under
 20 IC 31-16-12.5.
 21 (h) "Child", for purposes of IC 31-32-5, means an individual who is
 22 less than eighteen (18) years of age.
 23 (i) "Child", for purposes of the Uniform Child Custody Jurisdiction
 24 Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.
 25 (j) "Child", for purposes of IC 31-35-2-4.5, means an individual who
 26 is:
 27 (1) less than eighteen (18) years of age; and
 28 (2) a delinquent child or a child in need of services.
 29 (k) "Child", for purposes of IC 31-33, includes an individual who:
 30 (1) is at least eighteen (18) years of age but less than twenty-one
 31 (21) years of age; and
 32 (2) resides, or has previously resided, at a residential facility
 33 licensed by the department.
 34 **(l) "Child", for purposes of IC 31-42, means an unemancipated**
 35 **individual who is less than eighteen (18) years of age.**
 36 SECTION 2. IC 31-9-2-14, AS AMENDED BY P.L.109-2024,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2025]: Sec. 14. (a) "Child abuse or neglect", for purposes of
 39 IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to:
 40 (1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and
 41 IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the
 42 child needs care, treatment, rehabilitation, or the coercive



- 1 intervention of a court; or
 2 (2) an individual who:
 3 (A) is at least eighteen (18) years of age but less than
 4 twenty-one (21) years of age;
 5 (B) resides, or has previously resided, at a residential facility
 6 licensed by the department; and
 7 (C) is harmed or threatened with harm as a result of:
 8 (i) a battery offense included in IC 35-42-2; or
 9 (ii) sexual activity (as defined in IC 35-42-4-13(b));
 10 committed by a member of the staff at the residential facility.
 11 (b) For purposes of subsection (a), the term under subsection (a)
 12 does not refer to a child who is alleged to be a victim of a sexual
 13 offense under IC 35-42-4-3 unless the alleged offense under
 14 IC 35-42-4-3 involves the fondling or touching of the buttocks,
 15 genitals, or female breasts, regardless of whether the child needs care,
 16 treatment, rehabilitation, or the coercive intervention of a court.
 17 (c) "Child abuse or neglect", for purposes of IC 31-34-2.3 **and**
 18 **IC 31-42**, refers to acts or omissions by a person against a child as
 19 described in IC 31-34-1-1 through IC 31-34-1-11, regardless of
 20 whether the child needs care, treatment, rehabilitation, or the coercive
 21 intervention of a court.
 22 SECTION 3. IC 31-9-2-47.9 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2025]: **Sec. 47.9. "Governmental entity", for purposes of**
 25 **IC 31-42, means:**
 26 (1) **any branch, department, agency, commission, or**
 27 **instrumentality of state government;**
 28 (2) **any official or other person acting under color of state law;**
 29 **or**
 30 (3) **any political subdivision of the state.**
 31 SECTION 4. IC 31-9-2-51.9 IS ADDED TO THE INDIANA CODE
 32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2025]: **Sec. 51.9. "Health care", for purposes of IC 31-42, has the**
 34 **meaning set forth in IC 16-36-1-1.**
 35 SECTION 5. IC 31-9-2-52, AS AMENDED BY P.L.1-2010,
 36 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2025]: **Sec. 52. "Health care provider", for**
 38 **purposes of IC 31-32-6-4, IC 31-32-11-1, and IC 31-33, and**
 39 **IC 31-42-2, means any of the following:**
 40 (1) A licensed physician, intern, or resident.
 41 (2) An osteopath.
 42 (3) A chiropractor.



- 1 (4) A dentist.
 2 (5) A podiatrist.
 3 (6) A registered nurse or other licensed nurse.
 4 (7) A mental health professional.
 5 (8) A paramedic or an emergency medical technician.
 6 (9) A social worker, an x-ray technician, or a laboratory
 7 technician employed by a hospital.
 8 (10) A pharmacist.
 9 (11) A person working under the direction of any of the
 10 practitioners listed in subdivisions (1) through (10).

11 SECTION 6. IC 31-9-2-88, AS AMENDED BY P.L.172-2022,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2025]: Sec. 88. (a) "Parent", for purposes of the juvenile law,
 14 means a biological or an adoptive parent. Unless otherwise specified,
 15 the term includes both parents, regardless of their marital status.

16 (b) "Parent", for purposes of IC 31-34-1, IC 31-34-8, IC 31-34-19,
 17 IC 31-34-20 and IC 31-35-2, includes an alleged father.

18 **(c) "Parent", for purposes of IC 31-42, means a child's:**

- 19 **(1) biological:**
 20 **(A) father; or**
 21 **(B) mother;**
 22 **(2) adopting:**
 23 **(A) father; or**
 24 **(B) mother; or**
 25 **(3) court appointed:**
 26 **(A) guardian; or**
 27 **(B) custodian.**

28 SECTION 7. IC 31-9-2-89, AS AMENDED BY P.L.3-2016,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2025]: Sec. 89. (a) "Person", for purposes of IC 31-19-19,
 31 IC 31-19-25, **IC 31-42**, and the juvenile law, means:

- 32 (1) a human being;
 33 (2) a corporation;
 34 (3) a limited liability company;
 35 (4) a partnership;
 36 (5) an unincorporated association; or
 37 (6) a governmental entity.

38 (b) "Person", for purposes of section 44.5 of this chapter, means an
 39 adult or a minor.

40 (c) "Person", for purposes of IC 31-27, means an individual who is
 41 at least twenty-one (21) years of age, a corporation, a partnership, a
 42 voluntary association, or other entity.



1 (d) "Person", for purposes of the Uniform Child Custody
 2 Jurisdiction Act under IC 31-21, has the meaning set forth in
 3 IC 31-21-2-13.

4 (e) "Person", for purposes of the Uniform Interstate Family Support
 5 Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

6 SECTION 8. IC 31-42 IS ADDED TO THE INDIANA CODE AS
 7 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2025]:

9 **ARTICLE 42. PARENTAL RIGHTS AND**
 10 **RESPONSIBILITIES**

11 **Chapter 1. A Parent's Rights**

12 **Sec. 1. This chapter applies to all statutes enacted by the general**
 13 **assembly unless a statute is exempted by reference to a specific**
 14 **statute within this chapter.**

15 **Sec. 2. (a) It is a parent's fundamental right to direct the:**

- 16 (1) upbringing;
- 17 (2) religious instruction;
- 18 (3) education; or
- 19 (4) health care;

20 **of the parent's child.**

21 **(b) A governmental entity may not substantially burden a**
 22 **parent's fundamental right under subsection (a) unless the burden:**

- 23 (1) is in furtherance of a compelling governmental interest;
- 24 and
- 25 (2) is the least restrictive means of furthering the
- 26 governmental interest.

27 **Sec. 3. (a) Except as provided in subsection (b)(2), a**
 28 **governmental entity may not:**

- 29 (1) advise, direct, or coerce a child to withhold information
- 30 from the child's parent; or
- 31 (2) deny a child's parent access to information that:
- 32 (A) is in the control of the governmental entity;
- 33 (B) is requested by the child's parent; and
- 34 (C) relates to the child's health care or social, emotional,
- 35 and behavioral well-being.

36 **(b) This section does not apply if:**

- 37 (1) the parent's access to the requested information is
- 38 prohibited by a court order; or
- 39 (2) a law enforcement officer requests that the information
- 40 not be released because the parent is subject to an
- 41 investigation related to the child.

42 **Sec. 4. (a) Notwithstanding IC 34-13-3-3(a)(8), a parent may**



1 bring a cause of action against a governmental entity for a
2 violation of this chapter.

3 (b) A parent may raise this chapter as a defense in:

4 (1) a judicial; or

5 (2) an administrative;

6 proceeding brought against the parent.

7 Sec. 5. A parent may seek any of the following relief in a cause
8 of action brought under this chapter:

9 (1) Declaratory relief.

10 (2) Injunctive relief.

11 (3) Compensatory damages.

12 (4) Court costs and expenses associated with the cause of
13 action, including reasonable attorney's fees.

14 Sec. 6. This chapter does not do any of the following:

15 (1) Authorize a parent to:

16 (A) commit child abuse or neglect as defined in
17 IC 31-9-2-14(c); or

18 (B) sue a judicial officer unless the judicial officer lacks
19 jurisdiction.

20 (2) Prohibit a court from issuing an order that is otherwise
21 permitted by law.

22 (3) Prevent a person from asserting a defense or claim of
23 immunity available by statute or at common law, including
24 judicial immunity.

25 (4) Apply to an act or omission by a parent to end the life of
26 a child.

27 Sec. 7. If a child does not have an affirmative right of access to
28 a specific medical treatment, service, or procedure, then this
29 chapter does not grant the child's parent a right to access that
30 medical treatment, service, or procedure on behalf of the parent's
31 child.

32 Chapter 2. Parental Consent for Health Care

33 Sec. 1. (a) This section does not apply to emergency medical care
34 for a child.

35 (b) A person shall obtain consent from a child's parent and
36 comply with all other requirements in IC 16-36 to provide health
37 care to a minor.

38 (c) If the licensing authority of a health care provider receives
39 information of a violation of this section, the licensing authority
40 shall conduct an immediate investigation and take appropriate
41 disciplinary action.

42 Sec. 2. (a) A parent may bring a cause of action against a person



1 for a violation of section 1 of this chapter.

2 (b) In a cause of action brought under this section, a parent may
3 seek the following relief:

4 (1) Compensatory damages.

5 (2) Punitive damages.

6 (3) Court costs and expenses associated with the cause of
7 action, including reasonable attorney's fees.

8 (4) Any other relief that the court determines is appropriate.

9 (c) A parent may bring a cause of action under this section not
10 more than one (1) year after the date on which the parent
11 discovered the violation.

12 Sec. 3. If a court determines that a person knowingly violated
13 section 1 of this chapter, the court shall notify by mailing a
14 certified copy of the court's order to:

15 (1) the appropriate regulatory authority; and

16 (2) the attorney general.

17 The notice under this section must be made when the court's order
18 becomes final.

19 Sec. 4. It is a defense that a person:

20 (1) reasonably relied in good faith on an individual's
21 representation that the individual is the parent of a child; and

22 (2) exercised due care to confirm the individual's
23 representation.

