First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1169

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:

SECTION 1. IC 31-34-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. If a child is placed under this article in a temporary out-of-home placement in a location in which a sibling of the child resides, the department shall, before changing the placement of the child, consider whether separating the child from

SECTION 2. IC 31-34-19-6, AS AMENDED BY P.L.258-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

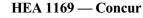
(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

the child's sibling is in the child's best interest.

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian;





(6) provides a reasonable opportunity for the child's parent who:(A) is incarcerated; and

(B) has maintained a meaningful role in the child's life;

to maintain a relationship with the child.

(b) In determining whether reunification of a child with a parent, guardian, or custodian from whom the child has been removed is in the child's best interest, a court shall do the following:

(1) The court shall determine whether reunifying the child with the parent, guardian, or custodian will result in separation of the child from a sibling of the child.

(2) If the court determines under subdivision (1) that reunifying the child with the parent, guardian, or custodian will result in separation of the child from a sibling of the child, the court shall consider whether separating the child from the child's sibling is in the child's best interest.

SECTION 3. IC 31-34-23-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. If a child is placed under a dispositional decree in an out-of-home placement in a location in which a sibling of the child resides, a court shall, in considering a motion requesting a change in the child's placement, consider whether separating the child from the child's sibling is in the child's best interest.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____



HEA 1169 — Concur