

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

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

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;
- (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;

**HEA 1169 — Concur**



(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian; and

(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.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1169 — Concur**

