



February 17, 2023

SENATE BILL No. 345

DIGEST OF SB 345 (Updated February 15, 2023 6:54 pm - DI 149)

Citations Affected: IC 31-9; IC 31-34; IC 31-35.

Synopsis: Termination of parental rights. Defines "safe haven infant". Allows the emergency medical services provider to notify either the department of child services (department) or a licensed child placing agency to take custody of a safe haven infant. Establishes procedures for termination of parent-child relationship involving a safe haven infant. Requires the department's attorney or a licensed child placing agency to file a petition to terminate the parent-child relationship not later than 15 days after taking custody of the safe haven infant. Requires a licensed child placing agency to place the safe haven infant with a preapproved foster care provider. Provides that both parents' consent to termination of the parent-child relationship is irrevocably implied without further court action if, after at least 28 days, neither parent petitioned the court for custody. Requires that a putative parent notice be published and provides specific language for the notice. Prohibits the court from inquiring about the reason for the parents' absence. Adds safe haven infants to the list of exceptions to required preservation and reunification efforts. Provides that only a prospective adoptive family may only be charged certain costs by the licensed child placement agency.

Effective: July 1, 2023.

**Holdman, Brown L, Buck,
Randolph Lonnie M**

January 12, 2023, read first time and referred to Committee on Judiciary.
February 16, 2023, amended, reported favorably — Do Pass.

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February 17, 2023

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.

SENATE BILL No. 345

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 31-9-2-113.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 113.1. "Safe haven infant", for**
4 **purposes of IC 31-34 and IC 31-35, means a child:**
5 (1) **who is, or appears to be, not more than thirty (30) days of**
6 **age; and**
7 (2) **who has been voluntarily left:**
8 (A) **by a parent with an emergency medical services**
9 **provider (as defined in IC 16-41-10-1); or**
10 (B) **in a newborn safety device;**
11 **under IC 31-34-2.5-1.**
12 SECTION 2. IC 31-34-2.5-2, AS AMENDED BY P.L.43-2009,
13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2023]: Sec. 2. (a) Immediately after an emergency medical
15 services provider takes custody of a ~~child~~ **safe haven infant** under
16 section 1 of this chapter, the provider shall notify **either:**
17 (1) the department of child services; **or**

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- 1 **(2) a licensed child placing agency;**
 2 that the provider has taken custody of the ~~child~~ **safe haven infant.**
 3 **(b) If notified under subsection (a):**
 4 **(1) the department of child services shall:**
 5 **(1) (A) assume the care, control, and custody of the ~~child~~ safe**
 6 **haven infant immediately after receiving notice under**
 7 **subsection (a); and**
 8 **(2) (B) not later than forty-eight (48) hours after the**
 9 **department of child services has taken custody of the ~~child~~,**
 10 **safe haven infant, contact the Indiana clearinghouse for**
 11 **information on missing children and missing endangered**
 12 **adults established by IC 10-13-5-5 and the National Center**
 13 **for Missing and Exploited Children to determine if the ~~child~~**
 14 **safe haven infant has been reported missing; and**
 15 **(C) fifteen (15) days after the department of child services**
 16 **has taken custody of the safe haven infant, contact the**
 17 **National Center for Missing and Exploited Children a**
 18 **second time to determine if the safe haven infant has been**
 19 **reported missing; or**
 20 **(2) the licensed child placing agency shall:**
 21 **(A) assume the care, control, and custody of the safe haven**
 22 **infant immediately after receiving notice under subsection**
 23 **(a);**
 24 **(B) not later than forty-eight (48) hours after the licensed**
 25 **child placing agency has taken custody of the safe haven**
 26 **infant, contact:**
 27 **(i) the Indiana clearinghouse for information on missing**
 28 **children and missing endangered adults established by**
 29 **IC 10-13-5-5; and**
 30 **(ii) the National Center for Missing and Exploited**
 31 **Children;**
 32 **to determine if the safe haven infant has been reported**
 33 **missing; and**
 34 **(C) fifteen (15) days after the licensed child placing agency**
 35 **has taken custody of the safe haven infant, contact the**
 36 **National Center for Missing and Exploited Children a**
 37 **second time to determine if the safe haven infant has been**
 38 **reported missing.**
 39 SECTION 3. IC 31-34-2.5-3, AS AMENDED BY P.L.234-2005,
 40 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2023]: Sec. 3. A ~~child~~ **safe haven infant** for
 42 whom:



1 (1) the department of child services; or

2 (2) a licensed child placing agency;

3 assumes care, control, and custody under section 2 of this chapter shall
4 be treated as a child taken into custody without a court order, except
5 that efforts to locate the ~~child's~~ **safe haven infant's** parents or reunify
6 the ~~child's~~ **safe haven infant's** family are not necessary, if the court
7 makes a finding to that effect under IC 31-34-21-5.6(b)(5).

8 SECTION 4. IC 31-34-2.5-4, AS AMENDED BY P.L.234-2005,
9 SECTION 171, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2023]: Sec. 4. **If notified under section 2 of**
11 **this chapter**, whenever a **child safe haven infant** is taken into custody
12 without a court order under this chapter, the attorney for the department
13 of child services shall, without unnecessary delay, **do the following**:

14 (1) Request the juvenile court to:

15 (†) (A) authorize the filing of a petition alleging that the ~~child~~
16 **safe haven infant** is a child in need of services;

17 (‡) (B) hold an initial hearing under IC 31-34-10 not later than
18 the next business day after the ~~child~~ **safe haven infant** is taken
19 into custody; and

20 (⊕) (C) appoint a guardian ad litem or a court appointed
21 special advocate for the ~~child~~ **safe haven infant**.

22 (2) **File a petition to terminate the parent-child relationship**
23 **under IC 31-35-1.5.**

24 SECTION 5. IC 31-34-2.5-5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2023]: Sec. 5. **If a licensed child placing agency assumes custody**
27 **of a safe haven infant under section 2 of this chapter**, the licensed
28 **child placing agency shall do the following**:

29 (1) **Without unnecessary delay, place the safe haven infant**
30 **with a preapproved foster care provider who intends to adopt**
31 **the safe haven infant.**

32 (2) **File a petition to terminate the parent-child relationship**
33 **under IC 31-35-1.5.**

34 SECTION 6. IC 31-34-2.5-6 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2023]: Sec. 6. **Unless prohibited by federal law, a safe haven**
37 **infant in the custody of the department of child services or a**
38 **licensed child placing agency under this chapter is presumed**
39 **eligible for Medicaid until a court grants a petition for adoption of**
40 **the safe haven infant.**

41 SECTION 7. IC 31-34-21-5.6, AS AMENDED BY P.L.10-2019,
42 SECTION 125, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: Sec. 5.6. (a) Except as provided in
 2 subsection (c), a court may make a finding described in this section at
 3 any phase of a child in need of services proceeding.

4 (b) Reasonable efforts to reunify a child with the child's parent,
 5 guardian, or custodian or preserve a child's family as described in
 6 section 5.5 of this chapter are not required if the court finds any of the
 7 following:

8 (1) A parent, guardian, or custodian of a child who is a child in
 9 need of services has been convicted of:

10 (A) an offense described in IC 31-35-3-4(1)(B) or
 11 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
 12 victim who is:

13 (i) a child described in IC 31-35-3-4(2); or

14 (ii) a parent of the child; or

15 (B) a comparable offense as described in clause (A) in any
 16 other state, territory, or country by a court of competent
 17 jurisdiction.

18 (2) A parent, guardian, or custodian of a child who is a child in
 19 need of services:

20 (A) has been convicted of:

21 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
 22 (IC 35-42-1-3) of a victim who is a child described in
 23 IC 31-35-3-4(2)(B) or a parent of the child; or

24 (ii) a comparable offense described in item (i) in any other
 25 state, territory, or country; or

26 (B) has been convicted of:

27 (i) aiding, inducing, or causing another person;

28 (ii) attempting; or

29 (iii) conspiring with another person;

30 to commit an offense described in clause (A).

31 (3) A parent, guardian, or custodian of a child who is a child in
 32 need of services has been convicted of:

33 (A) battery as a Class A felony (for a crime committed before
 34 July 1, 2014) or Level 2 felony (for a crime committed after
 35 June 30, 2014);

36 (B) battery as a Class B felony (for a crime committed before
 37 July 1, 2014) or Level 3 or Level 4 felony (for a crime
 38 committed after June 30, 2014);

39 (C) battery as a Class C felony (for a crime committed before
 40 July 1, 2014) or Level 5 felony (for a crime committed after
 41 June 30, 2014);

42 (D) aggravated battery (IC 35-42-2-1.5);



- 1 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony
 2 (for a crime committed before July 1, 2014) or a Level 5
 3 felony (for a crime committed after June 30, 2014);
 4 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony
 5 (for a crime committed before July 1, 2014) or a Level 1 or
 6 Level 3 felony (for a crime committed after June 30, 2014);
 7 (G) promotion of human labor trafficking, promotion of human
 8 sexual trafficking, promotion of child sexual trafficking,
 9 promotion of sexual trafficking of a younger child, child
 10 sexual trafficking, or human trafficking (IC 35-42-3.5-1
 11 through IC 35-42-3.5-1.4) as a felony; or
 12 (H) a comparable offense described in clauses (A) through (G)
 13 under federal law or in another state, territory, or country;
 14 against a child described in IC 31-35-3-4(2)(B).
 15 (4) The parental rights of a parent with respect to a biological or
 16 adoptive sibling of a child who is a child in need of services have
 17 been involuntarily terminated by a court under:
 18 (A) IC 31-35-2 (involuntary termination involving a
 19 delinquent child or a child in need of services);
 20 (B) IC 31-35-3 (involuntary termination involving a
 21 individual convicted of a criminal offense); or
 22 (C) any comparable law described in clause (A) or (B) in any
 23 other state, territory, or country.
 24 (5) The child is an abandoned infant, provided that the court:
 25 (A) has appointed a guardian ad litem or court appointed
 26 special advocate for the child; and
 27 (B) after receiving a written report and recommendation from
 28 the guardian ad litem or court appointed special advocate, and
 29 after a hearing, finds that reasonable efforts to locate the
 30 child's parents or reunify the child's family would not be in the
 31 best interests of the child.

32 **(6) The child is a safe haven infant.**

33 (c) During or at any time after the first periodic case review under
 34 IC 31-34-21-2 of a child in need of services proceeding, if the court
 35 finds that a parent, guardian, or custodian of the child has been charged
 36 with an offense described in subsection (b)(3) and is awaiting trial, the
 37 court may make a finding that reasonable efforts to reunify the child
 38 with the child's parent, guardian, or custodian or preserve the child's
 39 family as described in section 5.5 of this chapter may be suspended
 40 pending the disposition of the parent's, guardian's, or custodian's
 41 criminal charge.

42 SECTION 8. IC 31-35-1-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Except as
 2 provided in subsection (b), this chapter applies to the voluntary
 3 termination of the parent-child relationship by parents.

4 (b) This chapter does not apply to termination of the
 5 parent-child relationship involving a safe haven infant.

6 SECTION 9. IC 31-35-1.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]:

9 **Chapter 1.5. Termination of Parent-Child Relationship**
 10 **Involving Safe Haven Infants**

11 **Sec. 1. This chapter applies to the termination of a parent-child**
 12 **relationship involving a safe haven infant.**

13 **Sec. 2. Proceedings under this chapter are governed by the**
 14 **procedures prescribed by IC 31-35-1.**

15 **Sec. 3. The probate court has concurrent original jurisdiction**
 16 **with the juvenile court in proceedings on a petition filed under this**
 17 **chapter for the termination of the parent-child relationship.**

18 **Sec. 4. (a) The:**

19 (1) department's attorney; or

20 (2) licensed child placing agency;

21 shall sign and file a verified petition for the termination of the
 22 parent-child relationship not more than fifteen (15) days after
 23 taking custody of a safe haven infant.

24 (b) The petition must:

25 (1) be entitled "In the Matter of the Termination of the
 26 Parent-Child Relationship of _____, a safe haven
 27 infant"; and

28 (2) allege that the:

29 (A) child was left in a newborn safety device; and

30 (B) termination of the parent-child relationship is:

31 (i) in the child's best interest; and

32 (ii) in furtherance of an adoption.

33 (c) At the time the verified petition described in subsection (a)
 34 is filed:

35 (1) the department's attorney shall also file a permanency
 36 plan for the safe haven infant; or

37 (2) the licensed child placing agency shall also file a
 38 recommendation in support of the preapproved foster care
 39 provider with whom the safe haven infant is placed.

40 **Sec. 5. Notice of a petition to terminate the parent-child**
 41 **relationship under section 4 of this chapter must be given to an**
 42 **unnamed putative parent in substantially the following form:**



1 **"NOTICE TO UNNAMED PARENT**

2 The unnamed putative parent of a _____ (gender) infant that
3 was voluntarily surrendered on _____ (date) in _____
4 (county) and born on approximately _____ (birth date range), or
5 the person who claims to be a parent of the infant, is notified that
6 a petition to terminate the parent-child relationship was filed in the
7 office of the clerk of _____ court, _____ (address of court).

8 If the unnamed putative parent seeks to contest the petition to
9 terminate the parent-child relationship of the infant, the unnamed
10 putative parent must file a motion to contest the petition in
11 accordance with IC 31-35-1.5-6 in the above named court within
12 twenty-eight (28) days after the date of service of this notice. This
13 notice may be served by publication.

14 If the unnamed putative parent does not file a motion to contest
15 the adoption within twenty-eight (28) days after service of this
16 notice, the above named court shall hear and determine the
17 petition to terminate the parent-child relationship. The unnamed
18 putative parent's consent is irrevocably implied and the unnamed
19 putative parent loses the right to contest the petition to terminate
20 the parent-child relationship or the validity of the unnamed
21 putative parent's implied consent to the termination of the
22 parent-child relationship. The unnamed putative parent loses the
23 right to establish a biological relationship with the child in Indiana
24 or any other jurisdiction.

25 Nothing anyone else says to the unnamed putative parent of the
26 infant relieves the unnamed putative parent of his or her
27 obligations under this notice.

28 Under Indiana law, a putative parent is a person who claims
29 that he or she may be the father or mother of an infant who has
30 been voluntarily surrendered but who has not yet been legally
31 proven to be the child's father or mother.

32 This notice complies with IC 31-35-1.5-5 but does not
33 exhaustively set forth the unnamed putative parent's legal
34 obligations under the Indiana adoption statutes. A person being
35 served with this notice should consult the Indiana adoption
36 statutes."

37 Sec. 6. Notice under section 5 of this chapter must be published
38 once a week for three (3) consecutive weeks in the print edition or
39 electronic edition of a newspaper of general circulation in:

- 40 (1) the county in which the safe haven infant was voluntarily
41 surrendered; and
42 (2) each contiguous county to the county described in



- 1 subdivision (1).
- 2 **Sec. 7. Both parents' consent to termination of the parent-child**
 3 **relationship is irrevocably implied without further court action if:**
 4 **(1) neither parent has filed a petition for custody or**
 5 **responded to the notice to unnamed putative parent published**
 6 **under section 6 of this chapter; and**
 7 **(2) at least twenty-eight (28) days have passed since the**
 8 **department or the licensed child placing agency has taken**
 9 **custody of the safe haven infant.**
- 10 **Sec. 8. (a) If, after a petition is filed by the department or a**
 11 **licensed child placing agency under section 4 of this chapter, a**
 12 **person contacts the department or a licensed child placing agency**
 13 **and claims to be a putative parent of the safe haven infant, the**
 14 **court may issue an order concerning visitation or custody of the**
 15 **safe haven infant if:**
 16 **(1) the person undergoes a DNA test (as defined in**
 17 **IC 16-37-2-10); and**
 18 **(2) the DNA test results establish that the person is a**
 19 **biological parent of the safe haven infant.**
- 20 **Sec. 8. The court may not inquire about the reasons for the**
 21 **parents' absence or investigate why the parent chose to leave the**
 22 **safe haven infant.**
- 23 **Sec. 9. A licensed child placing agency that files a petition under**
 24 **section 4 of this chapter with respect to a safe haven infant may not**
 25 **charge a prospective adoptive family of the safe haven infant a fee**
 26 **that exceeds the direct costs incurred by the licensed child placing**
 27 **agency for services related to:**
 28 **(1) the placement of the safe haven infant with the family; and**
 29 **(2) the licensed child placement agency's participating in the**
 30 **proceedings under this chapter concerning the petition.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 7 through 8, begin a new line block indented and insert:

"(2) who has been voluntarily left:

(A) by a parent with an emergency medical services provider (as defined in IC 16-41-10-1); or

(B) in a newborn safety device;

under IC 31-34-2.5-1."

Page 2, line 4, strike "and".

Page 2, line 9, after "IC 10-13-5-5" insert "**and the National Center for Missing and Exploited Children**".

Page 2, line 10, delete "or" and insert "**and**

(C) fifteen (15) days after the department of child services has taken custody of the safe haven infant, contact the National Center for Missing and Exploited Children a second time to determine if the safe haven infant has been reported missing; or".

Page 2, line 14, delete "and".

Page 2, line 17, delete "contact the Indiana clearinghouse for information" and insert "**contact:**

(i) the Indiana clearinghouse for information on missing children and missing endangered adults established by IC 10-13-5-5; and

(ii) the National Center for Missing and Exploited Children;

to determine if the safe haven infant has been reported missing; and

(C) fifteen (15) days after the licensed child placing agency has taken custody of the safe haven infant, contact the National Center for Missing and Exploited Children a second time to determine if the safe haven infant has been reported missing."

Page 2, delete lines 18 through 20.

Page 3, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 6. IC 31-34-2.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. Unless prohibited by federal law, a safe haven infant in the custody of the department of child



services or a licensed child placing agency under this chapter is presumed eligible for Medicaid until a court grants a petition for adoption of the safe haven infant."

Page 5, line 31, delete "by:" and insert "by IC 31-35-1."

Page 5, delete lines 32 through 36.

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 5. Notice of a petition to terminate the parent-child relationship under section 4 of this chapter must be given to an unnamed putative parent in substantially the following form:

"NOTICE TO UNNAMED PARENT

The unnamed putative parent of a _____ (gender) infant that was voluntarily surrendered on _____ (date) in _____ (county) and born on approximately _____ (birth date range), or the person who claims to be a parent of the infant, is notified that a petition to terminate the parent-child relationship was filed in the office of the clerk of _____ court, _____ (address of court).

If the unnamed putative parent seeks to contest the petition to terminate the parent-child relationship of the infant, the unnamed putative parent must file a motion to contest the petition in accordance with IC 31-35-1.5-6 in the above named court within twenty-eight (28) days after the date of service of this notice. This notice may be served by publication.

If the unnamed putative parent does not file a motion to contest the adoption within twenty-eight (28) days after service of this notice, the above named court shall hear and determine the petition to terminate the parent-child relationship. The unnamed putative parent's consent is irrevocably implied and the unnamed putative parent loses the right to contest the petition to terminate the parent-child relationship or the validity of the unnamed putative parent's implied consent to the termination of the parent-child relationship. The unnamed putative parent loses the right to establish a biological relationship with the child in Indiana or any other jurisdiction.

Nothing anyone else says to the unnamed putative parent of the infant relieves the unnamed putative parent of his or her obligations under this notice.

Under Indiana law, a putative parent is a person who claims that he or she may be the father or mother of an infant who has been voluntarily surrendered but who has not yet been legally proven to be the child's father or mother.

This notice complies with IC 31-35-1.5-5 but does not exhaustively set forth the unnamed putative parent's legal



obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes."

Sec. 6. Notice under section 5 of this chapter must be published once a week for three (3) consecutive weeks in the print edition or electronic edition of a newspaper of general circulation in:

- (1) the county in which the safe haven infant was voluntarily surrendered; and**
- (2) each contiguous county to the county described in subdivision (1)."**

Page 6, line 20, delete "5." and insert "7."

Page 6, line 22, delete "custody;" and insert "**custody or responded to the notice to unnamed putative parent published under section 6 of this chapter;**".

Page 6, between lines 25 and 26, begin a new paragraph and insert:

"Sec. 8. (a) If, after a petition is filed by the department or a licensed child placing agency under section 4 of this chapter, a person contacts the department or a licensed child placing agency and claims to be a putative parent of the safe haven infant, the court may issue an order concerning visitation or custody of the safe haven infant if:

- (1) the person undergoes a DNA test (as defined in IC 16-37-2-10); and**
- (2) the DNA test results establish that the person is a biological parent of the safe haven infant."**

Page 6, delete lines 26 through 27.

Page 6, line 28, delete "7." and insert "8."

Page 6, after line 30, begin a new paragraph and insert:

"Sec. 9. A licensed child placing agency that files a petition under section 4 of this chapter with respect to a safe haven infant may not charge a prospective adoptive family of the safe haven infant a fee that exceeds the direct costs incurred by the licensed child placing agency for services related to:

- (1) the placement of the safe haven infant with the family; and**
- (2) the licensed child placement agency's participating in the proceedings under this chapter concerning the petition."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 345 as introduced.)



BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

