

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 ENROLLED ACT No. 345

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 31-9-2-113.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 113.1. "Safe haven infant", for purposes of IC 31-34 and IC 31-35, means a child:**

- (1) who is, or appears to be, not more than thirty (30) days of age; and
 - (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.

SECTION 2. IC 31-19-2-7.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 7.2. (a) A licensed child placing agency may not:**

- (1) require, as a condition for obtaining an adoption, that an individual or a member of the individual's household receive an immunization; or
 - (2) discriminate against an individual with respect to:
 - (A) the immunization status of; or
 - (B) a refusal to receive an immunization by;
- the individual or a member of the individual's household.

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(b) If a licensed child placing agency knowingly violates this section, the department may:

- (1) issue a warning to the child placing agency;**
- (2) place the child placing agency's license on probationary status; or**
- (3) terminate the child placing agency license.**

(c) Nothing in this section prohibits a licensed child placing agency from making placement decisions based on the individual needs of a medically fragile child or on biological parental preferences.

SECTION 3. IC 31-19-2.5-6, AS ADDED BY P.L.203-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections (b) and (c), notice may be given to an individual under IC 31-19-4-1, IC 31-19-4-2, IC 31-19-4.5-2, IC 31-19-5-4, ~~or~~ IC 31-19-5-7, **or IC 31-35-1.5** by:

- (1) sending a copy of the notice to:
 - (A) the individual's residence;
 - (B) the individual's place of business or employment; or
 - (C) any other address at which the individual may be found;
 by certified mail, public delivery service, or other public means that allow the sender to obtain a written acknowledgment of receipt, with return receipt requested;
- (2) personally delivering a copy of the notice to the individual;
- (3) leaving a copy of the notice at, and sending another copy of the notice by first class mail to:
 - (A) the individual's dwelling, house, or usual place of residence;
 - (B) the individual's place of business or employment; or
 - (C) any other address at which the individual may be found; or
- (4) giving notice by any other means that allows the individual's receipt of the notice to reasonably be confirmed.

(b) Notice shall be given under IC 31-19-4-1, IC 31-19-4-2, IC 31-19-4.5-2, IC 31-19-5-4, ~~or~~ IC 31-19-5-7, **or IC 31-35-1.5** to an individual who is imprisoned or detained in an institution by delivering or mailing a copy of the notice to the official in charge of the institution. The official in charge of the institution shall:

- (1) immediately deliver the notice to the individual;
- (2) allow the individual to make provisions for adequate representation by counsel; and
- (3) indicate in an affidavit of service that the individual has received the notice and been given an opportunity to retain



counsel.

(c) If a petitioner for adoption of a child **or a petitioner for the termination of parental rights of a safe haven infant (under IC 31-35-1.5)** does not know the address of an individual entitled to notice under IC 31-19-4-3, **or** IC 31-19-4.5-2, **or IC 31-35-1.5-5**, the notice must be provided to the individual as follows:

(1) If the petitioner knows the county in which the individual resides, the notice 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 the county.

(2) If the petitioner does not know the county in which the individual resides, the notice must be published as follows:

(A) If the child **or safe haven infant** is less than thirty (30) days of age at the time the petition for adoption **or petition for the termination of parental rights of a safe haven infant** is filed, the notice 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 the county in which the child was conceived **or in which the safe haven infant was voluntarily surrendered.**

(B) If the child is at least thirty (30) days of age but less than six (6) months of age at the time the petition for adoption is filed, the notice must be published once a week for three (3) consecutive weeks in the print edition or electronic edition of:

(i) a newspaper of general circulation in the county in which the child lived for the greatest proportion of the first six (6) months of the child's life; and

(ii) a newspaper of general circulation in the county in which the child was conceived, if different from the county described in item (i).

(C) If the child is six (6) months of age or older at the time the petition for adoption is filed, the notice 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 the county in which the child lived for the greatest proportion of the six (6) month period ending on the date on which the petition for adoption is filed.

(d) If an individual:

(1) is served with notice of an adoption **or notice to terminate the parent-child relationship of a safe haven infant;**

(2) is notified that:

(A) the individual is being served with notice; and



(B) if the individual refuses to accept the offer or tender of the notice, the offer or tender of the notice is adequate service of the notice, and the individual may not challenge the service of the notice; and

(3) refuses to accept the offer or tender of the notice; the offer or tender of the notice is adequate service of the notice, and the individual may not challenge the service of the notice.

(e) A person accepting service of notice for another individual under this section:

(1) shall promptly deliver the notice to the individual;

(2) shall promptly notify the individual that the person is in possession of the notice; or

(3) if the person is not able to deliver the notice to the individual, shall, not later than three (3) days after accepting the notice, notify the attorney or adoption agency attempting to serve the notice that the person was unable to deliver the notice to the individual.

(f) An individual to whom service is made or attempted under this section may not impose a sanction, penalty, or punishment on, or discriminate in any manner whatsoever against, the individual serving or attempting to serve the notice. Willful violation of this section is punishable as contempt of the court with jurisdiction over the adoption proceeding.

SECTION 4. IC 31-27-4-6, AS AMENDED BY P.L.183-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child abuse or neglect by:

(A) the applicant;

(B) an employee or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a person residing in the applicant's residence.

(2) A criminal conviction of the applicant of any of the following:

(A) a felony;

(B) a misdemeanor related to the health and safety of a child;

(C) a misdemeanor for operating a child care center or child care home without a license under IC 12-17.2-5; or

(D) a misdemeanor for operating a foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(3) A determination by the department that the applicant made



false statements in the applicant's application for licensure.

(4) A determination by the department that the applicant made false statements in the records required by the department.

(5) A determination by the department that:

(A) the applicant;

(B) an employee or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a person residing in the applicant's residence;

previously operated a child care center or child care home without a license under IC 12-17.2-5 or a foster family home without a license under this chapter (or IC 12-17.4-4 before its repeal).

(6) A juvenile adjudication of the applicant for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony.

(b) An application for a license may also be denied if an individual who resides in the residence of the applicant or an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has had any of the following:

(1) A conviction of a nonwaivable offense, as defined in IC 31-9-2-84.8.

(2) A conviction of any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection or to permit the individual to reside in the applicant's residence.

(3) A juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony, unless the applicant is granted a waiver by the department to:

(A) employ or assign the person as a volunteer in a position described in this subsection; or

(B) permit the individual to reside in the applicant's residence.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.



(5) The nature and extent of unsupervised contact with children residing in the home.

(d) Notwithstanding subsection (a) or (b), if:

(1) a license application could be denied due to a criminal conviction of, or a determination of child abuse or neglect by, an employee, a volunteer, or a person residing in the residence of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed before the employee or volunteer has direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant or that the person residing in the residence no longer resides there;

the criminal conviction of, or determination of child abuse or neglect by, the former employee, former volunteer, or former household resident does not constitute a sufficient basis for the denial of a license application.

(e) The following do not constitute a sufficient basis for the denial of a license application:

(1) The applicant's immunization status or refusal to receive an immunization.

(2) The immunization status of or refusal to receive an immunization by:

(A) an individual who resides in the applicant's residence; or

(B) an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant.

(f) Nothing in this section prohibits a licensed child placing agency from making placement decisions based on the individual needs of a medically fragile child or on biological parental preferences.

(g) The department may adopt rules to implement this section.

SECTION 5. IC 31-34-2.5-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) An emergency medical services provider (as defined in IC 16-41-10-1) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if except as provided in subsection (h), the child is voluntarily left:

(1) with the provider by the child's parent;

(2) in a newborn safety device that:



- (A) has been approved by a hospital licensed under IC 16-21;
 - (B) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and
 - (C) is located in an area that is conspicuous and visible to hospital staff;
- (3) in a newborn safety device that was installed on or before January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1);
- (4) in a newborn safety device that:
- (A) is located at a facility, fire department, or emergency medical services station that:
 - (i) is staffed by an emergency medical services provider (as defined in IC 16-41-10-1) on a twenty-four (24) hour seven (7) day a week basis; **and**
 - (ii) has a dual alarm system to dispatch the nearest emergency medical services provider to retrieve the newborn infant if all emergency medical services providers are dispatched to an emergency;**
 - (B) is located in an area that is conspicuous and visible to staff; and
 - (C) includes an adequate dual alarm system connected to the site that is tested at least one (1) time per month to ensure the alarm system is in working order;
- (5) in a newborn safety device that:
- (A) is located at a volunteer fire department that:
 - (i) meets the minimum response time established by the county, not to exceed four (4) minutes; and
 - (ii) is located within one (1) mile of a hospital, police station, or emergency medical services station that is staffed on a twenty-four (24) hour per day, seven (7) day a week basis with full-time personnel who hold a valid cardiopulmonary resuscitation certification and that meets the minimum response time established by the county, not to exceed four (4) minutes;
 - (B) is equipped with an alert system:
 - (i) that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider (as defined in IC 16-41-10-1) to the location of the newborn safety device; and



- (ii) that is tested at least one (1) time per month to ensure the alert system is in working order; and
- (C) is equipped with a video surveillance system that allows members of a fire department to monitor the inside of the newborn safety device twenty-four (24) hours a day and that:
 - (i) has at least two (2) firefighters who are responsible for monitoring the inside of the newborn safety device twenty-four (24) hours a day; and
 - (ii) is an independent surveillance system from the alert system described in clause (B); or
- (6) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child; and the parent does not express an intent to return for the child.
- (b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.
- (c) Any person who in good faith voluntarily leaves a child:
 - (1) with an emergency medical services provider;
 - (2) in a newborn safety device described in this section; or
 - (3) with medical staff as described in subsection (a)(6);
 is not obligated to disclose the parent's name or the person's name.
- (d) The following are immune from civil liability, unless the act or omission constitutes gross negligence or willful or wanton misconduct:
 - (1) An:
 - (A) emergency medical services provider; or
 - (B) employee of an emergency medical ~~service~~ **services** provider;
 for an act or omission relating to taking custody of a child under subsection (a).
 - (2) A:
 - (A) medical staff person; or
 - (B) hospital or other medical facility;
 for an act or omission relating to taking custody of a child under subsection (a)(6).
- (e) A hospital that approves the operation of a newborn safety device that meets the requirements set forth in subsection (a)(2) is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.
- (f) A newborn safety device described in subsection (a)(3) may continue to operate without meeting the conditions set forth in



subsection (a)(2).

(g) A:

- (1) facility, fire department, or emergency medical services station or an employee of a facility, fire department, or emergency medical services station that meets the requirements set forth in subsection (a)(4); or
- (2) volunteer fire department or a member of a volunteer fire department that meets the requirements set forth in subsection (a)(5);

is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(h) Due to extenuating circumstances, if a child's parent or a person is unable to give up custody of the child as described in subsection (a), the child's parent or the person may request that an emergency medical services provider (as defined in IC 16-41-10-1) take custody of the child by:

- (1) dialing the 911 emergency call number; and
- (2) staying with the child until an emergency medical services provider (as defined in IC 16-41-10-1) arrives to take custody of the child.

The emergency medical dispatch agency (as defined in IC 16-31-3.5-1) or the emergency medical services provider (as defined in IC 16-41-10-1) shall inform the child's parent or the person described in this subsection of the ability to remain anonymous as described in subsection (c).

SECTION 6. IC 31-34-2.5-2, AS AMENDED BY P.L.43-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Immediately after an emergency medical services provider takes custody of a ~~child~~ **safe haven infant** under section 1 of this chapter, the provider shall notify **either**:

- (1) the department of child services; **or**
- (2) **a licensed child placing agency;**

that the provider has taken custody of the ~~child~~ **safe haven infant**.

(b) **If notified under subsection (a)**, the department of child services **or a licensed child placing agency** shall:

- (1) assume the care, control, and custody of the ~~child~~ **safe haven infant** immediately after receiving notice under subsection (a); **and**
- (2) not later than forty-eight (48) hours after the department of child services **or a licensed child placing agency** has taken custody of the ~~child~~, **safe haven infant**, contact the Indiana

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clearinghouse for information on missing children and missing endangered adults established by IC 10-13-5-5 **and the National Center for Missing and Exploited Children** to determine if the ~~child~~ **safe haven infant** has been reported missing; **and**
(3) fifteen (15) days after the department of child services or a 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.

SECTION 7. IC 31-34-2.5-3, AS AMENDED BY P.L.234-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. A ~~child~~ **safe haven infant** for whom:

- (1) the department of child services; **or**
- (2) **a licensed child placing agency;**

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

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

- (1) Request the juvenile court to:
 - (~~1~~) (A) authorize the filing of a petition alleging that the ~~child~~ **safe haven infant** is a child in need of services;
 - (~~2~~) (B) hold an initial hearing under IC 31-34-10 not later than the next business day after the ~~child~~ **safe haven infant** is taken into custody; and
 - (~~3~~) (C) appoint a guardian ad litem or a court appointed special advocate for the ~~child~~ **safe haven infant.**
- (2) **File a petition to terminate the parent-child relationship under IC 31-35-1.5.**

SECTION 9. IC 31-34-2.5-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. **If a licensed child placing agency assumes custody of a safe haven infant under section 2 of this chapter, the licensed child placing agency shall do the following:**

- (1) **Without unnecessary delay, place the safe haven infant in**



a preapproved adoptive home with a prospective adoptive parent who intends to adopt the safe haven infant.

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

SECTION 10. 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.**

SECTION 11. IC 31-34-21-5.6, AS AMENDED BY P.L.10-2019, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5.6. (a) Except as provided in subsection (c), a court may make a finding described in this section at any phase of a child in need of services proceeding.**

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

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

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

- (i) a child described in IC 31-35-3-4(2); or**
- (ii) a parent of the child; or**

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

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

(A) has been convicted of:

- (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or**
- (ii) a comparable offense described in item (i) in any other state, territory, or country; or**

(B) has been convicted of:

- (i) aiding, inducing, or causing another person;**
- (ii) attempting; or**
- (iii) conspiring with another person;**



to commit an offense described in clause (A).

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

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

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

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

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

(E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014);

(G) promotion of human labor trafficking, promotion of human sexual trafficking, promotion of child sexual trafficking, promotion of sexual trafficking of a younger child, child sexual trafficking, or human trafficking (IC 35-42-3.5-1 through IC 35-42-3.5-1.4) as a felony; or

(H) a comparable offense described in clauses (A) through (G) under federal law or in another state, territory, or country; against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

(5) The child is an abandoned infant, provided that the court:

(A) has appointed a guardian ad litem or court appointed special advocate for the child; and

(B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the



child's parents or reunify the child's family would not be in the best interests of the child.

(6) The child is a safe haven infant.

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

SECTION 12. IC 31-35-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to the voluntary termination of the parent-child relationship by parents.

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

SECTION 13. IC 31-35-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

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

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

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

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

Sec. 4. (a) The:

- (1) department's attorney; or**
- (2) licensed child placing agency;**

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

(b) The petition must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a Safe Haven Infant"; and**

(2) allege that the:

- (A) child was left in a newborn safety device or by a parent**



with an emergency medical services provider; and

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

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

(ii) in furtherance of an adoption.

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

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

(2) the licensed child placing agency shall also file a recommendation in support of the prospective adoptive parent with whom the safe haven infant is placed.

Sec. 5. Notice of a petition to terminate the parent-child relationship under section 4 of this chapter must be given to:

(1) each known living parent of a child born in wedlock, including a man who is presumed to be the child's biological father under IC 31-14-7-1, in accordance with IC 31-19-2.5-6; and

(2) an unnamed or unknown 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 31-35-1.5-8 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 given to an unnamed or unknown putative parent 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).

Sec. 7. (a) The person whose duty it was to cause the publication under section 6 of this chapter or IC 31-19-2.5-6 shall file an affidavit of publication in the clerk's office.

(b) The affidavit described in subsection (a) must:

- (1) be attached to a copy of the notice taken from the newspaper or website in which the notice was published;
- (2) be the affidavit of a person who:
 - (A) is employed by the entity that published the notice; and
 - (B) is at least eighteen (18) years of age; and
- (3) specify the county, the date, and the newspaper or website in which the notice was published.

Sec. 8. Both parents' consent to termination of the parent-child relationship is irrevocably implied without further court action if:

- (1) neither parent has filed a petition for custody or responded to the notice to unnamed putative parent published under section 6 of this chapter; and
- (2) at least twenty-eight (28) days have passed since the department or the licensed child placing agency has taken custody of the safe haven infant.

Sec. 9. 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.**

Sec. 10. The court may not inquire about the reasons for the parent's absence or investigate why the parent chose to leave the safe haven infant.

Sec. 11. 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 participation in the proceedings under this chapter concerning the petition.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 345 — Concur

