

HOUSE BILL No. 1175

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-53.2; IC 31-34; IC 31-35-2-6.

Synopsis: Child placement and permanency. Provides that a juvenile court in a child in need of services (CHINS) proceeding: (1) may extend the time to complete the required factfinding hearing: (A) for good cause shown; and (B) if the court determines that the extension is in the child's best interests; (2) may (rather than shall, under current law) dismiss a CHINS case without prejudice if the factfinding hearing is not held before the statutorily required deadline; (3) may not enter a dispositional decree approving or ordering placement of a child in another home if an: (A) individual who resides in the home; or (B) individual with whom a person residing in the home is engaged in a dating relationship or other ongoing, nonfamilial relationship (household member); has committed one or more specified offenses; and (4) may not approve a permanency plan under which the child would be placed: (A) with the child's parent, guardian, or custodian; or (B) with an adoptive parent; if a person who is currently residing in the home in which the child would reside has committed an act resulting in a substantiated report of child abuse or neglect or has committed one or more specified offenses. Provides that before reunifying a child with the child's parent, guardian, or custodian, the department of child services (department) shall (rather than may, under current law): (1) conduct a criminal history check of: (A) the parent, guardian, or custodian; and (B) a household member of the parent, guardian, or
(Continued next page)

Effective: July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Judiciary.



Digest Continued

custodian; and (2) consider the results of the criminal history check in deciding whether it is safe for the child to return home. Provides that if the circumstances that prompted the removal of a child from the home of the child's parent, guardian, or custodian included danger to the child's physical or mental health or safety related to the use of alcohol or a controlled substance by the parent, guardian, or custodian, or by a household member of the parent, guardian, or custodian, the department may require as a condition of reunification of the child with the parent, guardian, or custodian that the parent, guardian, custodian, or household member: (1) successfully complete a substance abuse treatment program; and (2) submit to periodic, random testing for alcohol or controlled substances. Amends and adds to the conditions under which reasonable efforts to reunify a child with the child's parent, guardian, or custodian, or preserve a child's family, are not required. Provides that if a hearing regarding a petition to terminate the parent-child relationship is not held before the statutorily required deadline: (1) upon filing of a motion with the court by a party to the proceeding; and (2) absent good cause shown for the failure to hold the hearing before the statutorily required deadline; the court shall dismiss the petition without prejudice.



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 BILL No. 1175

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 31-9-2-53.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 53.2. "Household member" means, with respect to a
4 person, any of the following:**

- 5 (1) **An individual who resides in the person's home.**
- 6 (2) **An individual with whom the person is engaged in a dating
7 relationship or other ongoing, nonfamilial relationship.**

8 SECTION 2. IC 31-34-11-1, AS AMENDED BY P.L.48-2012,
9 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 1. (a) Except as provided in subsection (b), unless
11 the allegations of a petition have been admitted, the juvenile court shall
12 complete a factfinding hearing not more than sixty (60) days after a
13 petition alleging that a child is a child in need of services is filed in
14 accordance with IC 31-34-9.

15 (b) The juvenile court may extend the time to complete a factfinding
16 hearing, as described in subsection (a): ~~for an additional sixty (60) days
17 if all parties in the action consent to the additional time.~~



- 1 **(1) for good cause shown; and**
 2 **(2) if the court determines that the extension is in the child's**
 3 **best interests.**

4 (c) If the factfinding hearing is not held immediately after the initial
 5 hearing as provided under IC 31-34-10-9, the department shall provide
 6 notice of any factfinding hearing to each foster parent or other
 7 caretaker with whom the child has been placed for temporary care. The
 8 court shall provide a person who is required to be notified under this
 9 subsection an opportunity to be heard at the factfinding hearing.

10 (d) If the factfinding hearing is not held within the time set forth in
 11 subsection (a) or (b), upon a motion with the court, the court ~~shall~~ **may**
 12 dismiss the case without prejudice.

13 SECTION 3. IC 31-34-20-1.5, AS AMENDED BY P.L.142-2020,
 14 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 1.5. (a) Except as provided in subsection (d), the
 16 juvenile court may not enter a dispositional decree approving or
 17 ordering placement of a child in another home under section 1(a)(3) of
 18 this chapter or awarding wardship to the department that will place the
 19 child in another home under section 1(a)(4) of this chapter if:

20 **(1)** a person who is currently residing in the home in which the
 21 child would be placed under section 1(a)(3) or 1(a)(4) of this
 22 chapter; **or**

23 **(2) a household member of a person described in subdivision**

24 **(1);**

25 has committed an act resulting in a substantiated report of child abuse
 26 or neglect, has a juvenile adjudication for an act that would be a
 27 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 28 adult, or has a conviction for a nonwaivable offense, as defined in
 29 IC 31-9-2-84.8.

30 (b) The department or caseworker who prepared the predispositional
 31 report shall conduct a criminal history check (as defined in
 32 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 33 committed an act resulting in a substantiated report of child abuse or
 34 neglect, has a juvenile adjudication for an act that would be a
 35 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 36 adult, or has a conviction for a nonwaivable offense, as defined in
 37 IC 31-9-2-84.8. However, the department or caseworker is not required
 38 to conduct a criminal history check under this section if criminal
 39 history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes
 40 whether a person described in subsection (a) has committed an act
 41 resulting in a substantiated report of child abuse or neglect, has a
 42 juvenile adjudication for an act that would be a nonwaivable offense,



1 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 2 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

3 (c) The department or caseworker is not required to conduct a
 4 criminal history check under this section if:

5 (1) the department or caseworker is considering only an
 6 out-of-home placement to an entity or a facility that:

7 (A) is not a residence (as defined in IC 3-5-2-42.5); or

8 (B) is licensed by the state; or

9 (2) placement under this section is undetermined at the time the
 10 predispositional report is prepared.

11 (d) A juvenile court may enter a dispositional decree that approves
 12 placement of a child in another home or award wardship to the
 13 department that will place the child in a home with a person described
 14 in subsection (a) if:

15 (1) the person described in subsection (a) has:

16 (A) committed an act resulting in a substantiated report of
 17 child abuse or neglect;

18 (B) been convicted of:

19 (i) battery (IC 35-42-2-1);

20 (ii) criminal recklessness (IC 35-42-2-2) as a felony;

21 (iii) criminal confinement (IC 35-42-3-3) as a felony;

22 (iv) arson (IC 35-43-1-1) as a felony;

23 (v) nonsupport of a dependent child (IC 35-46-1-5);

24 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 25 as a felony;

26 (vii) a felony involving a weapon under IC 35-47;

27 (viii) a felony relating to controlled substances under
 28 IC 35-48-4; or

29 (ix) a felony under IC 9-30-5;

30 if the conviction did not occur within the past five (5) years; or

31 (C) had a juvenile adjudication for a nonwaivable offense, as
 32 defined in IC 31-9-2-84.8 that, if committed by an adult,
 33 would be a felony; and

34 (2) the person's commission of the offense, delinquent act, or act
 35 of abuse or neglect described in subdivision (1) is not relevant to
 36 the person's present ability to care for a child, and placing a child
 37 in another home or awarding wardship to the department is in the
 38 best interest of the child.

39 However, a court may not enter a dispositional decree that approves
 40 placement of a child in another home or awards wardship to the
 41 department if the person has been convicted of a nonwaivable offense,
 42 as defined in IC 31-9-2-84.8 that is not specifically excluded under



1 subdivision (1)(B).

2 (e) In considering the placement under subsection (d), the court
3 shall consider the following:

4 (1) The length of time since the person committed the offense,
5 delinquent act, or act that resulted in the substantiated report of
6 abuse or neglect.

7 (2) The severity of the offense, delinquent act, or abuse or neglect.

8 (3) Evidence of the person's rehabilitation, including the person's
9 cooperation with a treatment plan, if applicable.

10 SECTION 4. IC 31-34-21-5.5, AS AMENDED BY P.L.48-2012,
11 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2023]: Sec. 5.5. (a) In determining the extent to which
13 reasonable efforts to reunify or preserve a family are appropriate under
14 this chapter, the child's health and safety are of paramount concern.

15 (b) Except as provided in section 5.6 of this chapter, the department
16 shall make reasonable efforts to preserve and reunify families as
17 follows:

18 (1) If a child has not been removed from the child's home, to
19 prevent or eliminate the need for removing the child from the
20 child's home.

21 (2) If a child has been removed from the child's home, to make it
22 possible for the child to return safely to the child's home as soon
23 as possible.

24 (c) The department ~~may~~, **shall**, before reunification of the child with
25 a parent, guardian, or custodian, conduct a criminal history check (as
26 defined in IC 31-9-2-22.5) of:

27 (1) the child's:

28 (A) parent;

29 (B) guardian; or

30 (C) custodian; ~~or and~~

31 (2) a household member of the:

32 (A) parent;

33 (B) guardian; or

34 (C) custodian.

35 (d) The department ~~may use~~ **shall consider** the results of a criminal
36 history check conducted under subsection (c) ~~to decide in deciding~~
37 whether it is safe for the child to return home.

38 (e) **If the circumstances that prompted the removal of the child**
39 **from the home of the child's parent, guardian, or custodian**
40 **included danger to the child's physical or mental health or safety**
41 **related to the use of alcohol or a controlled substance by the**
42 **parent, guardian, or custodian, or by a household member of the**



1 **parent, guardian, or custodian, the department may require as a**
 2 **condition of reunification of the child with the parent, guardian, or**
 3 **custodian that the parent, guardian, custodian, or household**
 4 **member:**

5 **(1) successfully complete a substance abuse treatment**
 6 **program; and**

7 **(2) submit to periodic, random testing for alcohol or**
 8 **controlled substances.**

9 SECTION 5. IC 31-34-21-5.6, AS AMENDED BY P.L.10-2019,
 10 SECTION 125, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2023]: Sec. 5.6. (a) Except as provided in
 12 subsection (c), a court may make a finding described in this section at
 13 any phase of a child in need of services proceeding.

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

18 (1) A parent, guardian, or custodian, **or a household member of**
 19 **a parent, guardian, or custodian**, of a child who is a child in
 20 need of services has been convicted of:

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

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

25 (ii) a parent of the child; or

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

29 (2) A parent, guardian, or custodian, **or a household member of**
 30 **a parent, guardian, or custodian**, of a child who is a child in
 31 need of services:

32 (A) has been convicted of:

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

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

38 (B) has been convicted of:

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

40 (ii) attempting; or

41 (iii) conspiring with another person;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 child's parents or reunify the child's family would not be in the
2 best interests of the child.
- 3 **(6) A parent, guardian, or custodian, or a household member**
4 **of a parent, guardian, or custodian, of a child who is a child in**
5 **need of services is required to register as a sex or violent**
6 **offender under IC 11-8-8.**
- 7 **(7) A parent, guardian, or custodian of a child who is a child**
8 **in need of services has, on two (2) or more occasions, been**
9 **found by a court to have:**
- 10 **(A) placed the child at substantial risk of harm as a result**
11 **of the parent's, guardian's, or custodian's use of alcohol or**
12 **a controlled substance; and**
- 13 **(B) failed to successfully complete treatment that was**
14 **ordered by the court as a result of the court's finding**
15 **under clause (A).**
- 16 **(8) A court has found that a parent, guardian, or custodian of**
17 **a child who is a child in need of services:**
- 18 **(A) has a documented history of abuse of alcohol or a**
19 **controlled substance that has resulted in the parent,**
20 **guardian, or custodian being unable to adequately provide**
21 **for the child's physical and mental health and safety; and**
22 **(B) is not likely, within a reasonable amount of time, to**
23 **successfully cease abusing alcohol or the controlled**
24 **substance.**
- 25 **(9) A parent, guardian, or custodian of a child who is a child**
26 **in need of services has failed, for more than six (6) months, to:**
- 27 **(A) participate in a program of care, treatment, or**
28 **rehabilitation of the child as ordered by a court under**
29 **IC 31-34-20-3; or**
- 30 **(B) maintain contact with the child when the parent,**
31 **guardian, or custodian:**
- 32 **(i) was reasonably able to maintain contact with the**
33 **child; or**
- 34 **(ii) was provided with reasonable opportunities to have**
35 **contact with the child.**
- 36 **(10) The child has been removed from a parent, guardian, or**
37 **custodian of the child and has been under the supervision of**
38 **the department or a county probation department for not less**
39 **than twelve (12) months of the most recent twenty-two (22)**
40 **months, beginning with the date the child was removed from**
41 **the home as a result of the child being alleged to be a child in**
42 **need of services or delinquent child.**



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

10 SECTION 6. IC 31-34-21-7.5, AS AMENDED BY P.L.156-2020,
 11 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2023]: Sec. 7.5. (a) Except as provided in
 13 subsection (d), the juvenile court may not approve a permanency plan
 14 under subsection ~~(c)(1)(C)~~; ~~(c)(1)(D)~~; or ~~(c)(1)(E)~~ (c) if a person who
 15 is currently residing with a person described in subsection ~~(c)(1)(C)~~ or
 16 ~~(c)(1)(D)~~ or in a residence in which the child would be placed under
 17 subsection ~~(c)(1)(E)~~ (c):

18 (1) has committed an act resulting in a substantiated report of
 19 child abuse or neglect;

20 (2) has a juvenile adjudication for an act that would be a
 21 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed
 22 by an adult; or

23 (3) has a conviction for a nonwaivable offense, as defined in
 24 IC 31-9-2-84.8.

25 (b) Before requesting juvenile court approval of a permanency plan,
 26 the department shall conduct a criminal history check (as defined in
 27 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 28 committed an act resulting in a substantiated report of child abuse or
 29 neglect, has a juvenile adjudication for an act that would be a
 30 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 31 adult, or has a conviction for a nonwaivable offense, as defined in
 32 IC 31-9-2-84.8. However, the department is not required to conduct a
 33 criminal history check under this section if criminal history information
 34 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes
 35 whether a person described in subsection (a) has committed an act
 36 resulting in a substantiated report of child abuse or neglect, has a
 37 juvenile adjudication for an act that would be a nonwaivable offense,
 38 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 39 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

40 (c) A permanency plan, or plans, if concurrent planning, under this
 41 chapter includes the following:

42 (1) The intended permanent or long term arrangements for care



1 and custody of the child that may include any one (1), or two (2),
 2 if concurrent planning, of the following arrangements that the
 3 department or the court considers most appropriate and consistent
 4 with the best interests of the child:

5 (A) Return to or continuation of existing custodial care within
 6 the home of the child's parent, guardian, or custodian or
 7 placement of the child with the child's noncustodial parent.

8 (B) Placement of the child for adoption.

9 (C) Placement of the child with a responsible person,
 10 including:

11 (i) an adult sibling;

12 (ii) a grandparent;

13 (iii) an aunt;

14 (iv) an uncle;

15 (v) a custodial parent of a sibling of the child; or

16 (vi) another relative;

17 who is able and willing to act as the child's permanent
 18 custodian and carry out the responsibilities required by the
 19 permanency plan.

20 (D) Appointment of a legal guardian. The legal guardian
 21 appointed under this section is a caretaker in a judicially
 22 created relationship between the child and caretaker that is
 23 intended to be permanent and self-sustaining as evidenced by
 24 the transfer to the caretaker of the following parental rights
 25 with respect to the child:

26 (i) Care, custody, and control of the child.

27 (ii) Decision making concerning the child's upbringing.

28 (E) A supervised independent living arrangement or foster
 29 care for the child with a permanency plan of another planned,
 30 permanent living arrangement. However, a child less than
 31 sixteen (16) years of age may not have another planned,
 32 permanent living arrangement as the child's permanency plan.

33 (2) A time schedule for implementing the applicable provisions
 34 of the permanency plan.

35 (3) Provisions for temporary or interim arrangements for care and
 36 custody of the child, pending completion of implementation of the
 37 permanency plan.

38 (4) Other items required to be included in a case plan under
 39 IC 31-34-15 or federal law, consistent with the permanent or long
 40 term arrangements described by the permanency plan.

41 (d) A juvenile court may approve a permanency plan if:

42 (1) a person described in subsection (a) has:



- 1 (A) committed an act resulting in a substantiated report of
 2 child abuse or neglect;
 3 (B) been convicted of:
 4 (i) battery (IC 35-42-2-1);
 5 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 6 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 7 (iv) arson (IC 35-43-1-1) as a felony;
 8 (v) nonsupport of a dependent child (IC 35-46-1-5);
 9 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 10 as a felony;
 11 (vii) a felony involving a weapon under IC 35-47;
 12 (viii) a felony relating to controlled substances under
 13 IC 35-48-4; or
 14 (ix) a felony under IC 9-30-5;
 15 if the conviction did not occur within the past five (5) years; or
 16 (C) had a juvenile adjudication for a nonwaivable offense, as
 17 defined in IC 31-9-2-84.8 that, if committed by an adult,
 18 would be a felony; and
 19 (2) the person's commission of the offense, delinquent act, or act
 20 of abuse or neglect described in subdivision (1) is not relevant to
 21 the person's present ability to care for a child, and that approval
 22 of the permanency plan is in the best interest of the child.
 23 However, a court may not approve a permanency plan if the person has
 24 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
 25 that is not specifically excluded under subdivision (1)(B), or has a
 26 juvenile adjudication for an act that would be a nonwaivable offense,
 27 as defined in IC 31-9-2-84.8 if committed by an adult that is not
 28 specifically excluded under subdivision (1)(B).
 29 (e) In making its written finding under subsection (d), the court shall
 30 consider the following:
 31 (1) The length of time since the person committed the offense,
 32 delinquent act, or act that resulted in the substantiated report of
 33 abuse or neglect.
 34 (2) The severity of the offense, delinquent act, or abuse or neglect.
 35 (3) Evidence of the person's rehabilitation, including the person's
 36 cooperation with a treatment plan, if applicable.
 37 SECTION 7. IC 31-35-2-6, AS AMENDED BY P.L.48-2012,
 38 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 6. (a) Except when a hearing is required after June
 40 30, 1999, under section 4.5 of this chapter, the person filing the petition
 41 shall request the court to set the petition for a hearing. Whenever a
 42 hearing is requested under this chapter, the court shall:



1 (1) commence a hearing on the petition not more than ninety (90)
2 days after a petition is filed under this chapter; and
3 (2) complete a hearing on the petition not more than one hundred
4 eighty (180) days after a petition is filed under this chapter.
5 (b) If a hearing is not held within the time set forth in subsection (a):
6 (1) upon filing of a motion with the court by a party; **and**
7 (2) **absent good cause shown for the failure to hold the hearing**
8 **within the time set forth in subsection (a);**
9 the court shall dismiss the petition to terminate the parent-child
10 relationship without prejudice.

