

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. 1570

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 31-9-2-131.7, AS ADDED BY P.L.68-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 131.7. "Unlicensed caregiver", for purposes of IC 31-32-2.5, ~~and~~ IC 31-34-21-4.5, ~~and~~ **IC 31-28-7**, means a relative (as defined by IC 31-9-2-107(c)) who is:

- (1) providing care and supervision to a child under a court order for purposes of placement in a child in need of services case or juvenile delinquency case; and
- (2) not licensed as a foster parent under IC 31-27-4.

SECTION 2. IC 31-19-3-4, AS AMENDED BY P.L.113-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Notice of the potential adoption under this chapter must be provided to the putative father of the child in substantially the following form:

" _____ (putative father's name), who has been named as the father of the unborn child of _____ (birth mother's name), or who claims to be the father of the unborn child, is notified that _____ (birth mother's name) has expressed an intention to secure an adoptive placement for the child.

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If _____ (putative father's name) seeks to contest the adoption of the unborn child, the putative father must file a paternity action to establish his paternity in relation to the unborn child not later than ~~thirty (30)~~ **fifteen (15)** days after the receipt of this notice.

If _____ (putative father's name) does not file a paternity action not more than ~~thirty (30)~~ **fifteen (15)** days after receiving this notice, or having filed a paternity action in Indiana or any other jurisdiction, is unable to establish paternity of the child, the putative father's consent to the adoption or the voluntary termination of the putative father's parent-child relationship under IC 31-35-1, or both, shall be irrevocably implied and the putative father loses the right to contest the adoption, the validity of his implied consent to the adoption, the termination of the parent-child relationship, and the validity of his implied consent to the termination of the parent-child relationship. In addition, the putative father loses the right to establish paternity of the child, by affidavit or otherwise, in Indiana or any other jurisdiction, except as provided in IC 31-19-9-17(b).

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption.

This notice complies with IC 31-19-3-4 but does not exhaustively set forth the putative father's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes."

SECTION 3. IC 31-19-4-4, AS AMENDED BY P.L.113-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Notice of the adoption proceeding required under section 3 of this chapter shall be given to an unnamed putative father in substantially the following form:

"NOTICE TO UNNAMED FATHER

The unnamed putative father of the child born to _____ (mother's name) on _____ (date), or the person who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of court).

If the unnamed putative father seeks to contest the adoption of the child, the unnamed putative father must file a motion to contest the



adoption in accordance with IC 31-19-10-1 in the above named court within ~~thirty (30)~~ **fifteen (15)** days after the date of service of this notice. This notice may be served by publication.

If the unnamed putative father does not file a motion to contest the adoption within ~~thirty (30)~~ **fifteen (15)** days after service of this notice, the above named court shall hear and determine the petition for adoption. The unnamed putative father's consent is irrevocably implied and the unnamed putative father loses the right to contest the adoption or the validity of the unnamed putative father's implied consent to the adoption. The unnamed putative father loses the right to establish paternity of the child, by affidavit or otherwise, in Indiana or any other jurisdiction.

Nothing _____ (mother's name) or any one else says to the unnamed putative father of the child relieves the unnamed putative father of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

This notice complies with IC 31-19-4-4 but does not exhaustively set forth the unnamed putative father's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes."

SECTION 4. IC 31-19-4-5, AS AMENDED BY P.L.113-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. Notice of the adoption proceeding shall be given to:

- (1) the putative father who is entitled to notice under section 1 or 2 of this chapter; or
- (2) a named putative father under section 3 of this chapter;

in substantially the following form:

"NOTICE TO NAMED FATHER

_____ (putative father's name), who has been named the father of the child born to _____ (mother's name) on _____ (date), or who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of the court).

If _____ (putative father's name) seeks to contest the adoption of the child, he must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than ~~thirty (30)~~ **fifteen (15)** days after the date of service of this notice.

If _____ (putative father's name) does not file a motion



to contest the adoption within ~~thirty (30)~~ **fifteen (15)** days after service of this notice, the above named court will hear and determine the petition for adoption. His consent will be irrevocably implied and he will lose his right to contest either the adoption or the validity of his implied consent to the adoption. He will lose his right to establish his paternity of the child, by affidavit or otherwise, in Indiana or any other jurisdiction.

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father. For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption.

This notice complies with IC 31-19-4-5 but does not exhaustively set forth a putative father's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes."

SECTION 5. IC 31-19-4.5-3, AS AMENDED BY P.L.113-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. Notice of the adoption proceeding shall be given to a person entitled to notice under section 2 of this chapter in substantially the following form:

"NOTICE OF ADOPTION

_____ (person's name) is notified that a petition for adoption of a child, named _____ (child's name, if named), born to _____ (mother's name) on _____ (date) was filed in the office of the clerk of _____ court, _____ (address of the court). The petition for adoption alleges that the consent to adoption of _____ (person's name) is not required because _____ (provide a brief description of the reason(s) the consent is not required).

If _____ (person's name) seeks to contest the adoption of the child, _____ (person's name) must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than ~~thirty (30)~~ **fifteen (15)** days after the date of service of this notice.

If _____ (person's name) does not file a motion to contest the adoption within ~~thirty (30)~~ **fifteen (15)** days after service of this notice the above named court will hear and determine the petition for adoption. The consent to adoption of _____ (person's name) will



be irrevocably implied and _____ (person's name) will lose the right to contest either the adoption or the validity of _____'s (person's name) implied consent to the adoption.

No statement made to _____ (person's name) relieves _____ (person's name) of _____'s (person's name) obligations under this notice.

This notice complies with IC 31-19-4.5-3 but does not exhaustively set forth a person's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes."

SECTION 6. IC 31-19-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A person who consents to an adoption may not withdraw the consent to adoption after the entry of the adoption decree under IC 31-19-10-4.

(b) A person who is served with notice of an adoption under IC 31-19-4 may not:

- (1) contest the adoption; or
- (2) establish paternity;

more than ~~thirty (30)~~ **fifteen (15)** days after the date of service of notice of the adoption.

(c) A person who receives actual notice of an adoption under IC 31-19-3 may not:

- (1) contest the adoption; or
- (2) establish paternity;

more than ~~thirty (30)~~ **fifteen (15)** days after the date of receiving actual notice of the adoption.

(d) A person who is prohibited from taking action by subsection (a), (b), or (c) may not challenge an adoption decree.

SECTION 7. IC 31-27-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 4.5. Foster Parent Rights

Sec. 1. (a) Except as provided in subsection (b), a confidentiality agreement entered into between a foster parent and the department may not prohibit the foster parent from releasing or disclosing confidential information to a duly elected state government official for whom the information is relevant to the official's responsibility under the law to protect children from child abuse and neglect.

(b) A foster parent may provide an elected state government official with information regarding a child in the foster parent's care. However, a foster parent may not release or disclose the



following information regarding a child who is or was in foster care or under the supervision of a juvenile court, or regarding the child's parent, guardian, or custodian:

- (1) Medical records.
- (2) Mental health records.
- (3) Education records.
- (4) Social Security number.
- (5) Juvenile court records, as set forth in IC 31-39-1.
- (6) Law enforcement records, as set forth in IC 31-39-3.
- (7) A report prepared under IC 31-19-17-2.
- (8) Identifying information (as defined in IC 31-33-18-1.5) regarding the child's parent, guardian, or custodian.
- (9) Information shared at a meeting at which the foster parent was present only with the consent of a child's parent, guardian, or custodian.

(c) The department may not:

- (1) take adverse action against a foster parent's license under IC 31-27-4; or
- (2) remove a foster child from the home of a foster parent; solely on the basis of the foster parent having spoken to a duly elected state government official, provided the foster parent did not provide the state government official with information the foster parent is prohibited from releasing under subsection (b).

Sec. 2. The department may not remove a foster child from the home of a foster parent solely on the basis of the foster parent having filed a petition to adopt the child.

Sec. 3. (a) The department shall provide a licensed foster parent a packet containing the following information:

- (1) The foster parent's rights, including the relevant statutes.
- (2) The grievance filing process with clear instructions and contact information.
- (3) A complete copy of the department's policy manual.

(b) The packet described in subsection (a) must be provided to the licensed foster parent in an electronic format unless the foster parent is unable to receive the packet in an electronic format.

(c) The department shall deliver the packet described in subsection (a):

- (1) immediately to all currently licensed foster parents; and
- (2) upon licensure for all future foster parents.

SECTION 8. IC 31-28-5-3, AS ADDED BY P.L.133-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A child, a **child's adoptive parent**, a child's



foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visitation with the child's sibling if the child or the child's sibling, or both, receive foster care.

(b) If the department finds that the sibling visitation requested under subsection (a) is in the best interests of: ~~each~~

(1) the child, ~~who if the child~~ receives foster care; and

(2) the child's sibling, if the child's sibling receives foster care;
the department shall permit the sibling visitation and establish a sibling visitation schedule.

(c) Not later than seven (7) business days after receiving a request under subsection (a), the department shall provide notice of the department's findings under subsection (b) to the individual or agency that made the request.

SECTION 9. IC 31-28-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 7. Rights of Unlicensed Caregivers and De Facto Custodians

Sec. 1. If the department temporarily places a child with:

(1) an unlicensed caregiver; or

(2) a de facto custodian;

the department may not remove the child from the home of the unlicensed caregiver or de facto custodian solely on the basis of the unlicensed caregiver or de facto custodian having filed a petition to adopt the child.

SECTION 10. IC 31-34-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 9. If:**

(1) a child is the subject of a petition alleging that the child is a child in need of services; and

(2) a parent of the child has been convicted of committing:

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

(B) strangulation (IC 35-42-2-9); or

(C) neglect of a dependent under IC 35-46-1-4(b)(2) or IC 35-46-1-4(b)(3);

against the child;

there is a rebuttable presumption that it is in the child's best interests to prohibit the parent from having in person contact with the child until a dispositional decree is entered or the petition is dismissed.



SECTION 11. IC 31-35-2-6, AS AMENDED BY P.L.48-2012, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) Except when a hearing is required after June 30, 1999, under section 4.5 of this chapter, the person filing the petition shall request the court to set the petition for a hearing. Whenever a hearing is requested under this chapter, the court shall:

- (1) commence a hearing on the petition not more than ninety (90) days after a petition is filed under this chapter; and
 - (2) complete a hearing on the petition not more than one hundred eighty (180) days after a petition is filed under this chapter.
- (b) If a hearing is not held within the time set forth in subsection (a):
- (1) upon filing of a motion with the court by a party; and**
 - (2) absent good cause shown for the failure to hold the hearing within the time set forth in subsection (a);**

the court shall dismiss the petition to terminate the parent-child relationship without prejudice.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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