

SENATE BILL No. 171

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-21-5.6.

Synopsis: Reunification plan for a child in need of services. Amends the circumstances 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.

Effective: July 1, 2024.

Walker G

January 8, 2024, read first time and referred to Committee on Family and Children Services.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 171

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 31-34-21-5.6, AS AMENDED BY P.L.45-2023,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 5.6. (a) Except as provided in subsection (c), a
4 court may make a finding described in this section at any phase of a
5 child in need of services proceeding.
6 (b) Reasonable efforts to reunify a child with the child's parent,
7 guardian, or custodian or preserve a child's family as described in
8 section 5.5 of this chapter are not required if the court finds any of the
9 following:
10 (1) A parent, guardian, or custodian of ~~a the child who is a child~~
11 ~~in need of services~~ has been convicted of:
12 (A) an offense described in IC 31-35-3-4(1)(B) or
13 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
14 victim who is:
15 (i) a child described in ~~IC 31-35-3-4(2);~~
16 **IC 31-35-3-4(2)(B)**; or
17 (ii) a parent of the child; or



- 1 (B) a comparable offense as described in clause (A) in any
 2 other state, territory, or country by a court of competent
 3 jurisdiction.
- 4 (2) A parent, guardian, or custodian of a **the child: who is a child**
 5 **in need of services:**
- 6 (A) has been convicted of:
- 7 (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC
 8 35-42-1-3) of a victim who is a child described in
 9 IC 31-35-3-4(2)(B) or a parent of the child; or
 10 (ii) a comparable offense described in item (i) in any other
 11 state, territory, or country; ~~or~~
- 12 (B) has been convicted of:
- 13 (i) aiding, inducing, or causing another person;
 14 (ii) attempting; or
 15 (iii) conspiring with another person;
 16 to commit an offense described in clause (A);
- 17 **(C) is required to register:**
- 18 **(i) as a sex offender under 34 U.S.C. 20913; or**
 19 **(ii) as a sex or violent offender under IC 36-2-13-5.5; or**
- 20 **(D) committed an offense described in IC 31-34-1-3 or**
 21 **IC 31-34-1-3.5 against a child and the offense resulted in a**
 22 **conviction or a judgment under IC 31-34-11-2.**
- 23 (3) A parent, guardian, or custodian of a **the child who is a child**
 24 **in need of services** has been convicted of:
- 25 (A) battery as a Class A felony (for a crime committed before
 26 July 1, 2014) or Level 2 felony (for a crime committed after
 27 June 30, 2014);
- 28 (B) battery as a Class B felony (for a crime committed before
 29 July 1, 2014) or Level 3 or Level 4 felony (for a crime
 30 committed after June 30, 2014);
- 31 (C) battery as a Class C felony (for a crime committed before
 32 July 1, 2014) or Level 5 felony (for a crime committed after
 33 June 30, 2014);
- 34 (D) aggravated battery (IC 35-42-2-1.5);
- 35 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony
 36 (for a crime committed before July 1, 2014) or a Level 5
 37 felony (for a crime committed after June 30, 2014);
- 38 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony
 39 (for a crime committed before July 1, 2014) or a Level 1 or
 40 Level 3 felony (for a crime committed after June 30, 2014);
- 41 (G) promotion of human labor trafficking, promotion of human
 42 sexual trafficking, promotion of child sexual trafficking,



- 1 promotion of sexual trafficking of a younger child, child
 2 sexual trafficking, or human trafficking (IC 35-42-3.5-1
 3 through IC 35-42-3.5-1.4) as a felony; or
 4 (H) a comparable offense described in clauses (A) through (G)
 5 under federal law or in another state, territory, or country;
 6 against a child described in IC 31-35-3-4(2)(B).
- 7 (4) The parental rights of a parent with respect to a biological or
 8 adoptive sibling of a **the child who is a child in need of services**
 9 have been involuntarily terminated by a court under:
- 10 (A) IC 31-35-2 (involuntary termination involving a
 11 delinquent child or a child in need of services);
 12 (B) IC 31-35-3 (involuntary termination involving an
 13 individual convicted of a criminal offense); or
 14 (C) any comparable law described in clause (A) or (B) in any
 15 other state, territory, or country.
- 16 (5) The child is an abandoned infant, provided that the court:
 17 (A) has appointed a guardian ad litem or court appointed
 18 special advocate for the child; and
 19 (B) after receiving a written report and recommendation from
 20 the guardian ad litem or court appointed special advocate, and
 21 after a hearing, finds that reasonable efforts to locate the
 22 child's parents or reunify the child's family would not be in the
 23 best interests of the child.
- 24 (6) The child is a safe haven infant.
- 25 **(7) The child:**
- 26 **(A) was the subject of two (2) or more previous:**
 27 **(i) child in need of services proceedings under this**
 28 **chapter; or**
 29 **(ii) proceedings under comparable law in another state;**
 30 **and**
 31 **(B) was removed from the home of the child's parent,**
 32 **guardian, or custodian under:**
 33 **(i) a dispositional decree entered under IC 31-34-20-1; or**
 34 **(ii) a court order issued under comparable law in**
 35 **another state;**
 36 **in each of the proceedings described in clause (A);**
 37 **and the court finds that each removal described in clause (B)**
 38 **was the result of conditions caused by the parent, guardian, or**
 39 **custodian.**
- 40 (c) During or at any time after the first periodic case review under
 41 IC 31-34-21-2 of a child in need of services proceeding, if the court
 42 finds that a parent, guardian, or custodian of the child has been charged



1 with an offense described in subsection (b)(3) and is awaiting trial, the
2 court may make a finding that reasonable efforts to reunify the child
3 with the child's parent, guardian, or custodian or preserve the child's
4 family as described in section 5.5 of this chapter may be suspended
5 pending the disposition of the parent's, guardian's, or custodian's
6 criminal charge.

