



January 23, 2024

SENATE BILL No. 171

DIGEST OF SB 171 (Updated January 18, 2024 3:42 pm - DI 140)

Citations Affected: IC 31-34.

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.
January 22, 2024, reported favorably — Do Pass.

SB 171—LS 6596/DI 119



January 23, 2024

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

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- 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.



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 171 as introduced.)

WALKER G, Chairperson

Committee Vote: Yeas 6, Nays 0

