SENATE BILL No. 143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-42.

Synopsis: Parental rights. Provides that a governmental entity may not substantially burden certain parental rights unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the governmental interest. Prohibits a governmental entity from: (1) advising, directing, or coercing a child to withhold certain information from the child's parent; or (2) denying a child's parent access to certain information. Allows a parent to bring an action against a governmental entity for certain violations and provides for certain relief. Specifies that the parent of a child does not have a right to access certain medical care on behalf of the child if the child does not have an affirmative right of access to the medical care.

Effective: July 1, 2025.

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January 8, 2025, read first time and referred to Committee on Judiciary.

Introduced

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 143

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:

SECTION 1. IC 31-9-2-13, AS AMENDED BY P.L.109-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) Except as otherwise provided in this section, "child", for purposes of the juvenile law and IC 31-27, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

(h) "Child", for purposes of IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

(j) "Child", for purposes of IC 31-35-2-4.5, means an individual who is:

(1) less than eighteen (18) years of age; and

(2) a delinquent child or a child in need of services.

(k) "Child", for purposes of IC 31-33, includes an individual who:

(1) is at least eighteen (18) years of age but less than twenty-one (21) years of age; and

(2) resides, or has previously resided, at a residential facility licensed by the department.

(l) "Child", for purposes of IC 31-42, means an unemancipated individual who is less than eighteen (18) years of age.

SECTION 2. IC 31-9-2-14, AS AMENDED BY P.L.109-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to:

(1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive

intervention of a court; or

(2) an individual who:

(A) is at least eighteen (18) years of age but less than twenty-one (21) years of age;

(B) resides, or has previously resided, at a residential facility licensed by the department; and

(C) is harmed or threatened with harm as a result of:

(i) a battery offense included in IC 35-42-2; or

(ii) sexual activity (as defined in IC 35-42-4-13(b));

committed by a member of the staff at the residential facility.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3 **and IC 31-42,** refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

SECTION 3. IC 31-9-2-47.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 47.9. (a) "Governmental entity", for purposes of IC 31-42, means the whole or any part of a branch, department, agency, or instrumentality, or an official, or other individual or entity, acting under color of law of any of the following:**

(1) State government.

(2) A political subdivision (as defined in IC 36-1-2-13).

(3) An instrumentality of a governmental entity described in subdivision (1) or (2), including a state educational institution, a body politic, a body corporate and politic, or any other similar entity established by law.

(b) The term does not include a hospital that is established and operated under IC 16-22-2, IC 16-22-8, or IC 16-23.

SECTION 4. IC 31-9-2-51.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 51.9. "Health care", for purposes of IC 31-42, has the meaning set forth in IC 16-36-1-1.**

SECTION 5. IC 31-9-2-88, AS AMENDED BY P.L.172-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 88. (a) "Parent", for purposes of the juvenile law,

means a biological or an adoptive parent. Unless otherwise specified, the term includes both parents, regardless of their marital status.

(b) "Parent", for purposes of IC 31-34-1, IC 31-34-8, IC 31-34-19, IC 31-34-20 and IC 31-35-2, includes an alleged father.

(c) "Parent", for purposes of IC 31-42, means a child's:

(1) biological father or mother;

(2) adopting father or mother; or

(3) court appointed guardian or custodian.

SECTION 6. IC 31-9-2-122.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 122.9. (a) "Substantially burden", for purposes of IC 31-42, means:**

(1) constraining, inhibiting, curtailing, or denying the right of a parent, either directly or indirectly; or

(2) compelling any action contrary to the right of a parent;

to direct the upbringing, religious instruction, education, or health care of the parent's child.

(b) The term includes the following:

(1) Withholding benefits.

(2) Assessing criminal, civil, or administrative penalties or damages.

(3) Exclusion from governmental programs.

SECTION 7. IC 31-42 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

ARTICLE 42. PARENTAL RIGHTS AND RESPONSIBILITIES

Chapter 1. Rights of Parents

Sec. 1. This chapter applies to all statutes enacted by the general assembly unless a statute is exempted by reference to a specific statute within this chapter.

Sec. 2. A governmental entity may not substantially burden a parent's fundamental right to direct the:

(1) upbringing;

(2) religious instruction;

(3) education; or

(4) health care;

of the parent's child, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the governmental interest.

Sec. 3. (a) A governmental entity may not:

(1) advise, direct, or coerce a child to withhold information

from the child's parent; or

(2) deny a child's parent access to information that:

(A) is in the control of the governmental entity;

(B) is requested by the child's parent; and

(C) relates to the child's health care or social, emotional, and behavioral well-being.

(b) This section does not apply if:

(1) the parent's access to the requested information is prohibited by state law or a court order; or

(2) a law enforcement officer requests that the information not be released because the parent is subject to an investigation for:

(A) child abuse or neglect; or

(B) other unlawful conduct;

related to the child.

Sec. 4. (a) Notwithstanding IC 34-13-3-3(a)(8), a parent may bring suit against a governmental entity for a violation of this chapter.

(b) A parent may raise this chapter as a defense in a judicial or administrative proceeding brought against the parent by a governmental entity or a private entity.

(c) A governmental entity that is a party to a civil judicial or administrative proceeding under this chapter has the burden of proof to demonstrate by clear and convincing evidence that it did not violate section 2 or 3 of this chapter.

Sec. 5. Relief against the governmental entity may include any of the following:

(1) Declaratory relief.

(2) Injunctive relief.

(3) Compensatory damages.

(4) Reasonable attorney's fees and costs.

Sec. 6. This chapter does not do any of the following:

(1) Authorize a parent to:

(A) commit child abuse or neglect as defined in IC 31-9-2-14(c); or

(B) sue a judicial officer unless the judicial officer acts in clear absence of jurisdiction.

(2) Prohibit a court from issuing an order that is otherwise permitted by law.

(3) Prevent a person from asserting a defense or claim of immunity available by statute or at common law, including judicial immunity.

(4) Apply to an act or omission by a parent to end the life of a child.

Sec. 7. If a child does not have an affirmative right of access to a specific medical treatment, service, or procedure, then this chapter may not be construed to grant the parent a right to access that medical treatment, service, or procedure on behalf of the parent's child.