

HOUSE BILL No. 1232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-33-8-12; IC 31-34-2.

Synopsis: Child removal and gender identity. Provides that the department of child services may not classify a report of child abuse or neglect as substantiated, and a child may not be removed from the child's parent, guardian, or custodian, solely on the basis of the parent, guardian, or custodian: (1) referring to and raising the child consistent with the child's biological sex; or (2) declining to consent to the child receiving: (A) specified medication; (B) a medical procedure the purpose of which is to alter the apparent gender or sex of the child or affirm the child's perception of the child's gender or sex in a manner inconsistent with the child's biological sex; or (C) counseling or other mental health services the purpose of which is to affirm the child's perception of the child's gender or sex if the child's perception is inconsistent with the child's biological sex.

Effective: July 1, 2023.

Lauer

January 10, 2023, read first time and referred to Committee on Family, Children and Human Affairs.



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. 1232

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 31-33-8-12, AS AMENDED BY P.L.131-2009,
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 12. (a) Upon completion of an assessment, the
4 department shall classify reports as substantiated or unsubstantiated.

5 **(b) The department may not classify a report as substantiated**
6 **solely on the basis of a finding under the assessment of the child's**
7 **parent, guardian, or custodian:**

8 **(1) referring to and raising the child consistent with the**
9 **child's biological sex;**

10 **(2) declining to consent to the child receiving:**

11 **(A) puberty blocking medication;**

12 **(B) supraphysiologic doses of testosterone or estrogen; or**

13 **(C) any surgical procedure the purpose of which is to:**

14 **(i) alter the apparent gender or sex of the child in a**
15 **manner inconsistent with the child's biological sex; or**

16 **(ii) affirm the child's perception of the child's gender or**
17 **sex, if the child's perception is inconsistent with the**



1 **child's biological sex; or**
 2 **(3) declining to consent to the child receiving counseling or**
 3 **other mental health services for the purpose of affirming the**
 4 **child's perception of the child's gender or sex, if the child's**
 5 **perception is inconsistent with the child's biological sex.**

6 SECTION 2. IC 31-34-2-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A child may be
 8 taken into custody by a law enforcement officer under an order of the
 9 court.

10 **(b) A court may not order a child to be taken into custody solely**
 11 **as a result of the child's parent, guardian, or custodian:**

12 **(1) referring to and raising the child consistent with the**
 13 **child's biological sex;**

14 **(2) declining to consent to the child receiving:**

15 **(A) puberty blocking medication;**

16 **(B) supraphysiologic doses of testosterone or estrogen; or**

17 **(C) any surgical procedure the purpose of which is to:**

18 **(i) alter the apparent gender or sex of the child in a**
 19 **manner inconsistent with the child's biological sex; or**

20 **(ii) affirm the child's perception of the child's gender or**
 21 **sex, if the child's perception is inconsistent with the**
 22 **child's biological sex; or**

23 **(3) declining to consent to the child receiving counseling or**
 24 **other mental health services for the purpose of affirming the**
 25 **child's perception of the child's gender or sex, if the child's**
 26 **perception is inconsistent with the child's biological sex.**

27 SECTION 3. IC 31-34-2-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) If a law
 29 enforcement officer's action under section 2 of this chapter will not
 30 adequately protect the safety of the child, the child may be taken into
 31 custody by a law enforcement officer, probation officer, or caseworker
 32 acting with probable cause to believe the child is a child in need of
 33 services if:

34 **(1) it appears that the child's physical or mental condition will be**
 35 **seriously impaired or seriously endangered if the child is not**
 36 **immediately taken into custody;**

37 **(2) there is not a reasonable opportunity to obtain an order of the**
 38 **court; and**

39 **(3) consideration for the safety of the child precludes the**
 40 **immediate use of family services to prevent removal of the child.**

41 **(b) A probation officer or caseworker may take a child into custody**
 42 **only if the circumstances make it impracticable to obtain assistance**



1 from a law enforcement officer.

2 **(c) A child may not be taken into custody under this section**
 3 **solely as a result of the child's parent, guardian, or custodian:**

4 **(1) referring to and raising the child consistent with the**
 5 **child's biological sex;**

6 **(2) declining to consent to the child receiving:**

7 **(A) puberty blocking medication;**

8 **(B) supraphysiologic doses of testosterone or estrogen; or**

9 **(C) any surgical procedure the purpose of which is to:**

10 **(i) alter the apparent gender or sex of the child in a**
 11 **manner inconsistent with the child's biological sex; or**

12 **(ii) affirm the child's perception of the child's gender or**
 13 **sex, if the child's perception is inconsistent with the**
 14 **child's biological sex; or**

15 **(3) declining to consent to the child receiving counseling or**
 16 **other mental health services for the purpose of affirming the**
 17 **child's perception of the child's gender or sex, if the child's**
 18 **perception is inconsistent with the child's biological sex.**

19 **(d)** If a person takes a child into custody under this section, the
 20 person shall make written documentation not more than twenty-four
 21 (24) hours after the child is taken into custody as provided in section
 22 6 of this chapter.

