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THE ONE STANDARD ACT

Indiana discussion draft, prepared for the Second Regular Session of the 125th General Assembly (2028)

Prepared November 24, 2026. Current law below is quoted from the **2026 Indiana Code** as published by the Indiana General Assembly (iga.in.gov, Title PDFs, "Indiana Code 2026"). Every existing section was copied from that text; see `SOURCES AND VERIFICATION.md`.

How to read this draft

- The format follows the Indiana General Assembly's bill form and the Legislative Services Agency's *2024 Complete Drafting Manual* (lead-in lines, "IS AMENDED TO READ AS FOLLOWS", "IS ADDED TO THE INDIANA CODE AS A NEW SECTION", Noncode SECTIONS, effective dates in brackets).
- **Printing code (Markdown version).** In an amended section, existing text appears in plain type, **added text appears in bold**, and ~~deleted text appears struck through~~. In a NEW section or chapter, all text is new and is set in bold, as in a printed Indiana bill.
- **Order.** At the client's direction this discussion draft groups the SECTIONs under the Act's eight titles. A printed Indiana bill lists SECTIONs in Indiana Code citation order. When the Legislative Services Agency (LSA) prepares the introduced version it will renumber the SECTIONs into cite order; the "Citations Affected" list below is already in cite order for that purpose.
- Each operative SECTION ends with a one-line **Drafter's note** naming the model statute. The notes are not part of the bill.
- Two recodifications matter to anyone checking citations: P.L.186-2025 moved the Title 34 definitions from IC 34-6-2 to **IC 34-6-2.1**, and P.L.145-2026 moved the Title 31 definitions from IC 31-9-2 to **IC 31-9-2.1** (effective July 1, 2026). Older references to "IC 34-6-2-34.5" are out of date.

DIGEST OF INTRODUCED BILL (draft)

Citations Affected: IC 5-2-6-28; IC 16-37-2-2.1; IC 31-9-2.1; IC 31-14-6; IC 31-14-11-23; IC 31-14-13; IC 31-15-7; IC 31-16-12; IC 31-17-2; IC 31-17-4; IC 33-24-6-16; IC 33-39-11; IC 34-6-2.1; IC 34-26-5-9.5; IC 34-52-5; IC 35-41-4-2; IC 35-42-2-3; IC 35-44.1-2; noncode.

Synopsis: One standard in criminal and family law. Provides that a person who commits perjury, false informing, or a knowingly false report of child abuse that is a proximate cause of another person's conviction, detention, or restraint commits wrongful conviction or restraint by false statement, punishable at the level of the offense the victim was convicted of or charged with, with a reduced penalty for a person who voluntarily discloses the falsehood. Allows a prosecution for those offenses to begin within five years after the victim's conviction is vacated or the state discovers the evidence, and requires a prosecuting attorney to issue a written charging decision within 180 days after an exoneration. Requires a court in a family proceeding that finds by clear and convincing evidence that a party knowingly made a false

statement of material fact to order fees and allows a civil penalty. Creates a rebuttable presumption that joint legal custody and equal parenting time are in a child's best interests, subject to domestic violence and child abuse exceptions, and makes enforcement of parenting time orders parallel to enforcement of support orders. Bars maintenance to, and limits the property share of, a spouse found to have committed marital fault. Requires that genetic testing be offered before a paternity affidavit is signed and before a support order is entered on unestablished paternity; allows a man excluded by genetic testing to set aside paternity at any time; terminates support and arrearages on exclusion; and makes knowingly naming the wrong man an offense. Codifies the right to appointed counsel and an ability-to-pay finding before incarceration for contempt. Requires victim services funded through the criminal justice institute to serve victims without regard to sex. Requires annual court data by sex. Adds coercive control, including a campaign of knowingly false statements intended to isolate a family or household member, to the civil definition of domestic or family violence. Creates the offense of false accusation causing loss. Makes provocation followed by a report that conceals the provocation a misdemeanor.

Effective: July 1, 2028.

[Author(s)] _____

[Date], read first time and referred to Committee on _____.

TITLE MAP (where each plank lives)

Title	Plank	SECTIONs	Indiana Code
I	Lie under oath, serve the sentence	2	IC 35-44.1-2-1.5 (new)
II	No clock on the lie	3, 4	IC 33-39-11 (new chapter); IC 35-41-4-2
III	Lie for money, pay the money	5 (and factor in 7, 9)	IC 34-52-5 (new chapter)
IV	Both parents	6 to 13	IC 31-14-13-1, -2, -2.6; IC 31-17-2-8, -8.6; IC 31-17-4-3, -8, -12
V	No payout for walking out	14 to 16 (and factor in 7, 9)	IC 31-15-7-2, -2.5, -5
VI	Test before you sign	17 to 21	IC 16-37-2-2.1; IC 31-14-6-6, -7, -8; IC 31-14-11-23
VII	No jail without a lawyer; no door closed; count it	22 to 25	IC 5-2-6-28; IC 31-16-12-6, -6.7; IC 33-24-6-16
VIII	The smear is abuse	26 to 32	IC 31-9-2.1-54.5, -84; IC 34-6-2.1-28.5, -50; IC 34-26-5-9.5; IC 35-42-2-3; IC 35-44.1-2-3.5
General	Applicability, severability	33, 34	Noncode

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure, family law, and civil procedure.

Preamble (findings)

> Drafter's note: The LSA Drafting Manual tells drafters to avoid preambles and purpose clauses unless "the included language would be useful in upholding the act against constitutional attack." That is the reason these findings are included: they record the problems that the speech-related and sex-related provisions are tailored to address. A preamble appears in the session laws, not the Indiana Code. Every number is from a source the campaign has opened and verified; footnotes give the source.

Whereas, as of November 24, 2026, the National Registry of Exonerations had recorded 3,875 exonerations in the United States since 1989, representing more than 36,259 years lost by people convicted of crimes they did not commit;[1]

Whereas, of the 97 exonerations the Registry recorded for 2025, 71 (73%) included perjury or false accusations, the same proportion as in 2024 (115 of 158), a measure that covers all crimes and includes false statements by informants and officials as well as by complaining witnesses;[2]

Whereas, in one documented New York case two men served 26 years and 10 years, after convictions entered in 1992, for a 1991 rape that the complaining witness later acknowledged never occurred;[3]

Whereas, under current Indiana law perjury is a Level 6 felony regardless of the harm it causes (IC 35-44.1-2-1), false informing is a Class B misdemeanor in most cases (IC 35-44.1-2-3), and a prosecution for either must ordinarily begin within five years or two years of the false statement (IC 35-41-4-2), so that a falsehood discovered after an innocent person has served years in prison often cannot be charged at all;

Whereas, in federal fiscal year 2024 the national child support program reported $115.7 billion in past-due support owed and $7.5 billion paid toward it;[4]

Whereas, the United States Census Bureau reports that 79.9% of the 12.9 million custodial parents in 2018 were mothers, and that in 19.4% of cases with a support order or agreement the noncustodial parent had neither visitation nor any form of joint custody;[5]

Whereas, accredited relationship-testing laboratories have reported exclusions in approximately 24% to 29% of tested cases over the years, a figure that describes cases in which paternity was in question and not all fathers;[6]

Whereas, in federal survey data for a single twelve-month period an estimated 5,452,000 men (4.8%) and 4,774,000 women (4.0%) reported physical violence by an intimate partner, showing that victims of family violence include men and women;[7]

Whereas, the Supreme Court of the United States has held that a parent facing incarceration for civil contempt of a support order is entitled at least to notice that ability to pay is the critical issue, a fair opportunity to present financial information, and an express finding of ability to pay,[8] and the Court of Appeals of Indiana has held that an indigent person may not be incarcerated for contempt without appointed counsel;[9]

Whereas, the federal Office of Child Support Enforcement has advised the states that vacating a support order and the arrearages that accrued under it, once paternity has been disestablished under state law, does not violate the federal prohibition on retroactive modification of support;[10]

Whereas, the Constitution of the State of Indiana guarantees that every person shall have remedy by due course of law for injury to person, property, or reputation (Article 1, Section 12), protects the free interchange of thought and opinion while making every person responsible for the abuse of that right (Article 1, Section 9), and requires that all penalties be proportioned to the nature of the offense (Article 1, Section 16); and

Whereas, the General Assembly intends each provision of this act to apply in the same terms to every person regardless of sex, to reach only statements of fact that the speaker knows to be false, and to leave unaffected any report, allegation, or testimony made in good faith, including a good faith report that is not substantiated: Therefore,

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. [EFFECTIVE JULY 1, 2028] This act may be referred to as the One Standard Act.

> Drafter's note: Noncode SECTION. The LSA Drafting Manual (p. 64) says short titles are not used except in uniform laws; expect LSA to recommend dropping this SECTION and carrying the name in the caption and in public materials instead.

TITLE I. LIE UNDER OATH, SERVE THE SENTENCE

SECTION 2. IC 35-44.1-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 1.5. (a) The following definitions apply throughout this section:

(1) "Covered false statement" means a statement for which a person is convicted of: (A) perjury under section 1 of this chapter; (B) false informing under section 3(d)(1) of this chapter; or (C) making a false report of child abuse or neglect under IC 31-33-22-3(a).

(2) "Restraint" means any of the following, if issued, imposed, or entered against the victim: (A) An order for protection under IC 34-26-5, a no contact order, or a workplace violence restraining order under IC 34-26-6. (B) An order that removes the victim from the victim's residence. (C) A custody or parenting time order that denies, suspends, restricts, or requires supervision of the victim's custody of or parenting time with the victim's child. (D) The removal of the victim's child from the victim's home under IC 31-34.

(3) "Victim" means a person, other than the defendant, whom the covered false statement accused of an offense, of domestic or family violence, or of child abuse or neglect.

(b) A person who makes a covered false statement that is a proximate cause of the victim's conviction of an offense commits wrongful conviction by false statement. The offense is: (1) a Level 1 felony if the most serious offense of which the victim was convicted as a result of

the covered false statement is murder or a Level 1 felony; (2) a felony of the same level as the most serious offense of which the victim was convicted as a result of the covered false statement, if that offense is a Level 2, Level 3, Level 4, or Level 5 felony; and (3) a Level 6 felony in all other cases.

(c) A person who makes a covered false statement that is a proximate cause of the victim's arrest and detention for at least seventy-two (72) hours, but not the victim's conviction, commits wrongful detention by false statement. The offense is: (1) a felony one (1) level lower than the most serious offense with which the victim was charged as a result of the covered false statement, but not higher than a Level 3 felony, if the victim was charged with a Level 1, Level 2, Level 3, or Level 4 felony or murder; and (2) a Level 6 felony in all other cases.

(d) A person who makes a covered false statement that is a proximate cause of a restraint commits wrongful restraint by false statement, a Level 6 felony.

(e) The facts that elevate an offense under subsection (b), (c), or (d), including that the covered false statement was a proximate cause of the conviction, detention, or restraint, are elements of the offense. The state must allege them in the indictment or information and prove them beyond a reasonable doubt.

(f) The following apply to a prosecution under this section: (1) The acquittal of the victim, the dismissal of a charge, a decision not to prosecute, the vacating of the victim's conviction, the denial or dismissal of a petition, or a recantation, standing alone, is not sufficient evidence that a statement was false. (2) The falsity of the statement may not be established solely by the uncorroborated testimony of one (1) witness. (3) A statement of opinion or belief, or a statement made in good faith that is later shown to be mistaken, is not a covered false statement.

(g) A person may not be convicted under this section, and may be prosecuted only under section 1 or 3 of this chapter or IC 31-33-22-3, if the person: (1) voluntarily discloses in writing to a prosecuting attorney, a court, or the victim's attorney that the covered false statement was false; (2) makes the disclosure before the person knew or had reason to know that a law enforcement agency or prosecuting attorney was investigating the falsity of the statement; and (3) cooperates in good faith with any proceeding to vacate the victim's conviction or to dissolve or modify the restraint. A disclosure described in this subsection is a mitigating circumstance in any prosecution under section 1 or 3 of this chapter or IC 31-33-22-3.

(h) In addition to any other penalty, the court shall order a person convicted under this section to pay restitution to the victim under IC 35-50-5-3, including the victim's lost earnings during any period of incarceration, detention, or restraint and the reasonable attorney's fees and costs the victim incurred in defending against the charge or petition and in obtaining relief from the conviction, detention, or restraint.

(i) This section applies to every person who makes a covered false statement, including a law enforcement officer, a public official, a complaining witness, and an informant.

> Drafter's note: Model: Ga. Code Ann. § 16-10-70(b) (perjury that "was a cause of another's being imprisoned" is punished up to the sentence for the crime of conviction); compare Cal. Penal Code § 128 (perjury procuring the execution of an innocent person). The recantation safe harbor in (g) and the corroboration rule in (f)(2) are drafting choices with no single verified model; see the memo.

TITLE II. NO CLOCK ON THE LIE

SECTION 3. IC 33-39-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Chapter 11. Charging Decisions After Exoneration

Sec. 1. As used in this chapter, "exoneration order" means a final order or judgment that vacates, reverses, or sets aside a person's conviction, or that grants post-conviction relief from a conviction, if: (1) the order or the record on which it is based contains a finding or evidence that testimony, a report, or other information provided by a witness, complainant, informant, or law enforcement officer was false; or (2) the prosecuting attorney moved to vacate the conviction or dismissed the charge because a witness or complainant recanted or was found not credible.

Sec. 2. As used in this chapter, "covered offense" means perjury (IC 35-44.1-2-1), wrongful conviction, detention, or restraint by false statement (IC 35-44.1-2-1.5), false informing (IC 35-44.1-2-3), false accusation causing loss (IC 35-44.1-2-3.5), or making a false report of child abuse or neglect (IC 31-33-22-3).

Sec. 3. Not later than one hundred eighty (180) days after an exoneration order becomes final, the prosecuting attorney of the county in which the conviction was entered shall determine whether to file charges for a covered offense against any person whose false statement contributed to the conviction and shall issue a written charging decision.

Sec. 4. The written charging decision must state: (1) whether charges have been or will be filed and, if so, the offenses charged; (2) each covered offense the prosecuting attorney considered; (3) the reasons for the decision, including whether a period of limitation bars prosecution; and (4) whether the investigation remains open. The decision may not identify a victim of a sex offense or a minor, and may omit information whose release would jeopardize an ongoing investigation, if the decision states that information has been omitted for that reason.

Sec. 5. The prosecuting attorney shall: (1) file the written charging decision with the court that issued the exoneration order; (2) serve a copy on the person who was exonerated or that person's attorney; (3) publish the decision, redacted as provided in section 4 of this chapter, on the prosecuting attorney's website or, if the prosecuting attorney has no website, on the county's website; and (4) send a copy to the prosecuting attorneys council of Indiana.

Sec. 6. (a) If the office of the prosecuting attorney prosecuted the vacated conviction, the prosecuting attorney may request the appointment of a special prosecutor under IC 33-39-10 to make the determination required by this chapter. (b) If a special prosecutor is

appointed, the one hundred eighty (180) day period under section 3 of this chapter begins on the date of the appointment.

Sec. 7. The person who was exonerated may submit information to the prosecuting attorney for consideration before the charging decision is issued.

Sec. 8. (a) This chapter does not require a prosecuting attorney to file charges, does not limit a prosecuting attorney's discretion, and does not create a private cause of action. (b) The failure to issue a charging decision within the time required by this chapter does not bar a later prosecution.

Sec. 9. Not later than March 1 of each year, the prosecuting attorneys council of Indiana shall compile and publish a report listing, for the preceding calendar year, the number of written charging decisions received under this chapter, the number of decisions to file charges, and the offenses charged, reported by the sex of the person charged and of the person exonerated.

Sec. 10. The provisions of this chapter are severable in the manner provided by IC 1-1-1-8(b).

> Drafter's note: No verified model statute requires a written charging decision after exoneration; this is new law. Structure borrows from Indiana's own written-findings rule for custody orders (IC 31-17-2-8.2) and the special prosecutor statute (IC 33-39-10). Inform the Prosecuting Attorneys Council early.

SECTION 4. IC 35-41-4-2, AS AMENDED BY P.L.112-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced: (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or (2) within two (2) years after the commission of the offense, in the case of a misdemeanor. (b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state: (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence. However, if the offense is a sex offense against a child described in subsection (m), a prosecution otherwise barred under this section may be prosecuted in accordance with subsection (p). (c) Except as provided in subsection (e), a prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time. (d) A prosecution for murder may be commenced: (1) at any time; and (2) regardless of the amount of time that passes between: (A) the date a person allegedly commits the elements of murder; and (B) the date the alleged victim of the murder dies. (e) Except as provided in subsection (p), a prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age: (1) IC 35-42-4-3 (Child molesting). (2) IC 35-42-4-5 (Vicarious sexual gratification). (3) IC 35-42-4-6 (Child solicitation). (4) IC 35-42-4-7 (Child seduction). (5) IC 35-42-4-9 (Sexual misconduct with a minor). (6) IC 35-46-1-3 (Incest). (f) A prosecution for forgery of an instrument for payment of money, or for the uttering

of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument. (g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal. (h) The period within which a prosecution must be commenced does not include any period in which: (1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served; (2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office. (i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates: (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction. (2) The date of issuance of a valid arrest warrant. (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest. (j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired. (k) The following apply to the specified offenses: (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9). (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10). (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9). (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5, IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5) years after the earlier of the date on which the state: (1) first discovers evidence sufficient to charge the offender with the offense; or (2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence. (m) Except as provided in subsection (p), a prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not: (1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014); or (2) listed in subsection (e); is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later. (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced not later than ten (10) years after the earlier of the date on which: (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or (3) a person confesses to the offense. (o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which: (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or (3)

a person confesses to the offense. (p) A prosecution for an offense described in subsection (e) or subsection (m) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which: (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or (3) a person confesses to the offense. **(q) A prosecution for perjury (IC 35-44.1-2-1), wrongful conviction, detention, or restraint by false statement (IC 35-44.1-2-1.5), false informing (IC 35-44.1-2-3), false accusation causing loss (IC 35-44.1-2-3.5), or making a false report of child abuse or neglect (IC 31-33-22-3) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which: (1) a conviction of another person that rested in whole or in part on the false statement is vacated, reversed, or set aside, or the other person is pardoned on the basis of innocence; (2) the state first discovers evidence sufficient to charge the offender with the offense; or (3) the offender confesses to making the false statement. (r) Subsection (q) does not revive a prosecution for an offense for which the period of limitation expired before July 1, 2028.**

> Drafter's note: Model: Indiana's own discovery-based clocks in IC 35-41-4-2(b), (l), (n), and (p) of this section. Subsection (r) is required by Stogner v. California, 539 U.S. 607 (2003) (reviving an already time-barred prosecution violates the Ex Post Facto Clause).

TITLE III. LIE FOR MONEY, PAY THE MONEY

SECTION 5. IC 34-52-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Chapter 5. Knowingly False Statements in Family Proceedings

Sec. 1. This chapter applies to a family proceeding filed or pending after June 30, 2028.

Sec. 2. As used in this chapter, "family proceeding" means a proceeding under any of the following: (1) IC 31-14 (paternity). (2) IC 31-15 (dissolution of marriage and legal separation). (3) IC 31-16 (support of children and other dependents). (4) IC 31-17 (custody and parenting time). (5) IC 34-26-5 (orders for protection), if the petitioner and respondent are family or household members.

Sec. 3. (a) As used in this chapter, "knowingly false statement" means a statement of fact that: (1) is made by a party in a pleading, petition, affidavit, motion, or testimony in a family proceeding, or by a party to a guardian ad litem, court appointed special advocate, custody evaluator, or other person appointed by the court in the proceeding; and (2) the party knew was false at the time the party made it. (b) The term does not include: (1) a statement of opinion or belief; (2) a statement made in good faith that is later not substantiated or is shown to be mistaken; or (3) a report made in good faith to a law enforcement agency, the department of child services, a court, or a provider of services to victims of domestic or family violence.

Sec. 4. (a) Upon motion of a party, or on its own motion, and after notice and a hearing, a court shall make a finding under this section if the court finds by clear and convincing evidence that a party made a knowingly false statement of material fact in a family proceeding for the purpose of obtaining: (1) custody of a child, or a denial, suspension, restriction, or supervision of the other party's custody or parenting time; (2) child support, maintenance, or attorney's fees; (3) a disposition of property; or (4) an order for protection. (b) If the court makes a finding under subsection (a), the court: (1) shall order the party who made the knowingly false statement to pay the reasonable attorney's fees, costs, and expenses that the other party incurred as a result of the statement; (2) may order the party who made the knowingly false statement to pay a civil penalty in an amount that does not exceed: (A) the monetary value of the relief the party sought to obtain by the statement; or (B) ten thousand dollars ($10,000), if the relief sought was not monetary or its value cannot reasonably be determined; and (3) shall consider the finding in any determination of custody or parenting time under IC 31-14-13-2 or IC 31-17-2-8. (c) In setting the amount of a civil penalty under subsection (b)(2), the court shall consider: (1) the harm the statement caused; (2) whether the party corrected or withdrew the statement, and how promptly; (3) the party's ability to pay; and (4) the effect of the penalty on any child of the parties. (d) A civil penalty collected under this section shall be deposited in the civil legal aid fund administered under IC 33-24-12.

Sec. 5. (a) The fact that a party did not prove an allegation, or that a petition was denied or dismissed, is not by itself evidence that a statement was knowingly false. (b) A finding under this chapter is not a criminal conviction and does not bar a prosecution for the same conduct. (c) A motion under this chapter must be filed not later than one (1) year after the later of: (1) the entry of the final order in the family proceeding; or (2) the date the moving party discovered, or by the exercise of reasonable diligence could have discovered, that the statement was false.

Sec. 6. The remedies in this chapter are in addition to the remedies under IC 34-52-1-1, IC 31-15-10-1, IC 31-17-7-1, IC 31-33-22-3, and Trial Rule 11, and to any other civil or criminal remedy.

Sec. 7. The provisions of this chapter are severable in the manner provided by IC 1-1-1-8(b).

> Drafter's note: Models: Cal. Fam. Code § 3027.1 (sanctions up to the accused party's costs for a knowingly false child abuse accusation in a custody case, on order to show cause); Conn. Gen. Stat. § 46b-1a (mandatory sanction for a pattern of intentionally fabricated pleadings in family matters); Indiana's IC 31-33-22-3(b) (damages, punitive damages, and fees for a knowingly false child abuse report) and IC 34-52-1-1(b).

TITLE IV. BOTH PARENTS

SECTION 6. IC 31-14-13-1, AS AMENDED BY P.L.25-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 1. **(a)** A biological mother of a child born out of wedlock has sole legal custody of the child, except as provided in **subsection (b) and** IC 16-37-2-2.1, and unless a statute or court order provides otherwise under the following: (1) IC 12-26 (involuntary

commitment of a child). (2) IC 29-3 (guardianship and protective proceedings under the probate code). (3) IC 31-14 (custody of a child born outside of a marriage). (4) IC 31-34 (child in need of services). (5) IC 31-37 (delinquent child). (6) IC 35-46 (offenses against the family). (7) IC 35-50 (criminal sentences). (8) An order by a court that has jurisdiction over the child. **(b) If paternity has been established by a paternity affidavit and a genetic test performed by an accredited laboratory indicates that the man who executed the affidavit is the child's biological father, the child's biological parents share joint legal custody of the child unless a court orders otherwise. Until a court enters a custody order, the parent with whom the child primarily resides has primary physical custody of the child.**

> Drafter's note: Model: 2024 Ind. HB 1061 and 2025 Ind. HB 1067 (Rep. DeVon; joint legal custody for both biological parents; died in House Judiciary). Ties the change to genetic confirmation so the default rests on established parentage, not on sex.

SECTION 7. IC 31-14-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 2. The court shall determine custody in accordance with the best interests of the child **and section 2.6 of this chapter**. In determining the child's best interests, there is not a presumption favoring either parent. The court shall consider all relevant factors, including the following: (1) The age and sex of the child. (2) The wishes of the child's parents. (3) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age. (4) The interaction and interrelationship of the child with: (A) the child's parents; (B) the child's siblings; and (C) any other person who may significantly affect the child's best interest. (5) The child's adjustment to home, school, and community. (6) The mental and physical health of all individuals involved. (7) Evidence of a pattern of domestic or family violence by either parent. (8) Evidence that the child has been cared for by a de facto custodian, and if the evidence is sufficient, the court shall consider the factors described in section 2.5(b) of this chapter. **(9) A finding under IC 34-52-5, or a finding by the court by clear and convincing evidence, that a parent made a knowingly false allegation that the other parent committed domestic or family violence, child abuse or neglect, or a crime. A good faith allegation that is not substantiated is not a knowingly false allegation. (10) Evidence that a parent, without justifiable cause, has engaged in a pattern of conduct intended to damage or interfere with the child's relationship with the other parent, if the other parent is fit and has not committed domestic or family violence or child abuse or neglect. The conduct may include repeated interference with court ordered parenting time and knowingly false statements of fact to the child about the other parent. The court may not make a finding under this subdivision based solely on a child's reluctance to spend time with a parent, or based on a parent's good faith action to protect the child or report suspected abuse. (11) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and the other parent, except where the other parent has committed domestic or family violence or child abuse or neglect.**

> Drafter's note: Models: (9) 2025 Ind. HB 1090 (knowing false allegation of abuse as a custody factor; died in House Judiciary) and Cal. Fam. Code § 3027.5(b); (10)-(11) Mo. Rev. Stat. § 452.375.2(4) (which parent is more likely to allow frequent, continuing, meaningful contact) and Ark. Code § 9-13-101(b)(1)(A)(iii) (pattern of willfully creating conflict to disrupt joint custody). Written to stay within 34 U.S.C. 10446(k)(3)(B) (Kayden's Law); see SECTION 8(f).

SECTION 8. IC 31-14-13-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 2.6. (a) In a proceeding under this chapter in which paternity has been established, there is a rebuttable presumption that it is in the best interests of the child for the parents to have joint legal custody and equal or approximately equal parenting time. (b) The presumption may be rebutted by a preponderance of the evidence, considering the factors in section 2 of this chapter. (c) The presumption does not apply if: (1) the parents agree to a different arrangement and the court approves the agreement; (2) a parent does not request joint legal custody or equal parenting time; (3) the court finds that a parent has committed a pattern of domestic or family violence, has been convicted of a crime involving domestic or family violence, or is the respondent in an order for protection issued after notice and a hearing that is in effect; (4) the court finds that a parent has committed child abuse or neglect, or a parent has been convicted of an offense described in IC 31-17-4-1(d); or (5) the distance between the parents' residences makes equal parenting time impracticable for the child. (d) An order for protection issued ex parte, or an allegation that has not been adjudicated, does not by itself make the presumption inapplicable, but the court shall consider the underlying evidence under section 2 of this chapter. (e) If the presumption is rebutted or does not apply, the court shall, unless the parents agree otherwise, establish a parenting time schedule that maximizes the time each parent has with the child consistent with the child's safety and welfare, and shall state its findings as required by IC 31-17-2-8.2. (f) This section does not authorize a court to: (1) remove a child from a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded, solely to improve the child's relationship with the other parent; (2) restrict contact between the child and such a parent solely to improve the child's relationship with the other parent; or (3) order reunification treatment unless there is generally accepted and scientifically valid proof of its safety, effectiveness, and therapeutic value.

> Drafter's note: Models: Ky. Rev. Stat. § 403.270(2) (presumption, rebuttable by a preponderance, that "joint custody and equally shared parenting time" is in the child's best interests; schedule that "maximizes the time each parent" has); Fla. Stat. § 61.13(2)(c)1. (2023); W. Va. Code § 48-9-102a (2022); Mo. Rev. Stat. § 452.375.2 (2023); Ark. Code § 9-13-101(a)(1)(A)(iv) (2021). Subsection (f) tracks 34 U.S.C. 10446(k)(3)(B).

SECTION 9. IC 31-17-2-8, AS AMENDED BY P.L.194-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 8. The court shall determine custody and enter a custody order in accordance with the best interests of the child **and section 8.6 of this chapter**. In determining the best interests of the child, there is no presumption favoring either parent. The court shall consider all relevant factors, including the following: (1) The age and sex of the child. (2) The wishes of the child's parent or parents. (3) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age. (4) The interaction and interrelationship of the child with: (A) the child's parent or parents; (B) the child's sibling; and (C) any other person who may significantly affect the child's best interests. (5) The child's adjustment to the child's: (A) home; (B) school; and (C) community. (6) The mental and physical health of all individuals involved. (7) Evidence of a pattern of domestic or family violence by either parent. (8) Evidence that the child has been cared for by a de facto custodian, and if the evidence is sufficient, the court shall consider the factors described in section 8.5(b) of

this chapter. (9) A designation in a power of attorney of: (A) the child's parent; or (B) a person found to be a de facto custodian of the child. **(10) A finding under IC 34-52-5, or a finding by the court by clear and convincing evidence, that a parent made a knowingly false allegation that the other parent committed domestic or family violence, child abuse or neglect, or a crime. A good faith allegation that is not substantiated is not a knowingly false allegation. (11) Evidence that a parent, without justifiable cause, has engaged in a pattern of conduct intended to damage or interfere with the child's relationship with the other parent, if the other parent is fit and has not committed domestic or family violence or child abuse or neglect. The conduct may include repeated interference with court ordered parenting time and knowingly false statements of fact to the child about the other parent. The court may not make a finding under this subdivision based solely on a child's reluctance to spend time with a parent, or based on a parent's good faith action to protect the child or report suspected abuse. (12) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and the other parent, except where the other parent has committed domestic or family violence or child abuse or neglect.**

> Drafter's note: Same models as SECTION 7. Mirrors the paternity factors so that children of married and unmarried parents are treated alike.

SECTION 10. IC 31-17-2-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 8.6. (a) In a proceeding under this chapter, there is a rebuttable presumption that it is in the best interests of the child for the parents to have joint legal custody and equal or approximately equal parenting time. (b) The presumption may be rebutted by a preponderance of the evidence, considering the factors in section 8 of this chapter. (c) The presumption does not apply if: (1) the parents agree to a different arrangement and the court approves the agreement; (2) a parent does not request joint legal custody or equal parenting time; (3) the court finds that a parent has committed a pattern of domestic or family violence, has been convicted of a crime involving domestic or family violence, or is the respondent in an order for protection issued after notice and a hearing that is in effect; (4) the court finds that a parent has committed child abuse or neglect, or a parent has been convicted of an offense described in IC 31-17-4-1(d); or (5) the distance between the parents' residences makes equal parenting time impracticable for the child. (d) An order for protection issued ex parte, or an allegation that has not been adjudicated, does not by itself make the presumption inapplicable, but the court shall consider the underlying evidence under section 8 of this chapter. (e) If the presumption is rebutted or does not apply, the court shall, unless the parents agree otherwise, establish a parenting time schedule that maximizes the time each parent has with the child consistent with the child's safety and welfare, and shall state its findings as required by section 8.2 of this chapter. (f) This section does not authorize a court to: (1) remove a child from a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded, solely to improve the child's relationship with the other parent; (2) restrict contact between the child and such a parent solely to improve the child's relationship with the other parent; or (3) order

reunification treatment unless there is generally accepted and scientifically valid proof of its safety, effectiveness, and therapeutic value. (g) The enactment of this section does not by itself constitute a substantial change in circumstances under section 21 of this chapter.

> Drafter's note: Same models as SECTION 8. Subsection (g) prevents a wave of modification petitions on effective date; Florida's 2016 and 2022 vetoes turned in part on retroactivity.

SECTION 11. IC 31-17-4-3, AS AMENDED BY P.L.68-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 3. (a) In any action filed to enforce or modify an order granting or denying parenting time rights, a court may award: (1) reasonable attorney's fees; (2) court costs; and (3) other reasonable expenses of litigation. (b) In determining whether to award reasonable attorney's fees, court costs, and other reasonable expenses of litigation, the court may consider among other factors: (1) whether the petitioner substantially prevailed and whether the court found that the respondent knowingly or intentionally violated an order granting or denying rights; and (2) whether the respondent substantially prevailed and the court found that the action was frivolous or vexatious. **(c) Notwithstanding subsection (a), if the court finds that a parent knowingly or intentionally violated an order granting parenting time without justifiable cause, the court shall order that parent to pay the reasonable attorney's fees, court costs, and other reasonable expenses of litigation of the parent who brought the enforcement action, unless the court finds that the award would be unjust and states the reasons in writing.**

> Drafter's note: Indiana analog: IC 31-16-12 (support enforcement remedies). Moves fees from "may" to "shall" for a knowing violation, as plank 4 asks.

SECTION 12. IC 31-17-4-8, AS AMENDED BY P.L.68-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 8. A court that finds an intentional violation without justifiable cause by a ~~custodial~~ parent of an injunction ~~or~~**,** a temporary restraining order issued under this chapter (or IC 31-1-11.5-26 before its repeal)**, or an order granting parenting time under this chapter or IC 31-14-14**: (1) shall find the ~~custodial~~ parent in contempt of court; (2) shall order the exercise of parenting time that was not exercised due to the violation under this section at a time the court considers compatible with the schedules of the ~~noncustodial~~ **other** parent and the child; (3) ~~may~~ **shall** order payment by the ~~custodial~~ parent **who committed the violation** of reasonable attorney's fees, costs, and expenses to the ~~noncustodial~~ **other** parent **as provided in section 3(c) of this chapter**; and (4) may order the ~~custodial~~ parent **who committed the violation** to perform community restitution or service without compensation in a manner specified by the court.

> Drafter's note: Indiana analog: IC 31-16-12-6 (contempt for support). Extends existing contempt remedy from violations of an injunction to violations of the parenting time order itself, and to either parent.

SECTION 13. IC 31-17-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 12. (a) This section applies to an order granting parenting time under this chapter or IC 31-14-14. (b) A parent may file a petition to enforce parenting time on a form prescribed by the office of judicial administration. The clerk may not charge a filing fee for the petition. (c) The court shall hold a hearing on the petition not later than thirty (30) days after the

petition is filed, unless the parties agree to a later date. (d) If the court finds that a parent knowingly or intentionally violated the order without justifiable cause, the court shall order make-up parenting time and shall award fees under section 3(c) of this chapter, and may do any of the following: (1) Find the parent in contempt and impose any sanction available for contempt under IC 31-16-12-6 or IC 34-47, subject to IC 31-16-12-6.7. (2) Require the parent to post a bond or other security to secure compliance. (3) Order the parent to attend a parenting education program at the parent's expense. (e) Three (3) or more findings under subsection (d) concerning the same child within a twenty-four (24) month period constitute a substantial change in circumstances for purposes of IC 31-14-13-6 and IC 31-17-2-21. (f) The remedies in this section are available to a parent regardless of the parent's child support payment status. A failure to pay child support is not a defense to a violation of a parenting time order, and a violation of a parenting time order is not a defense to a failure to pay child support. (g) The Title IV-D agency may use funds received under 42 U.S.C. 669b to assist parents in enforcing parenting time orders under this section.

> Drafter's note: Indiana analog: IC 31-16-12 (support enforcement: contempt, bond, show-cause procedure); federal funding source 42 U.S.C. 669b (access and visitation grants, which expressly include "visitation enforcement"). Subsection (f) restates the independence of support and parenting time.

TITLE V. NO PAYOUT FOR WALKING OUT

SECTION 14. IC 31-15-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 2. **(a)** A court may make the following findings concerning maintenance**, subject to subsection (b)**: (1) If the court finds a spouse to be physically or mentally incapacitated to the extent that the ability of the incapacitated spouse to support himself or herself is materially affected, the court may find that maintenance for the spouse is necessary during the period of incapacity, subject to further order of the court. (2) If the court finds that: (A) a spouse lacks sufficient property, including marital property apportioned to the spouse, to provide for the spouse's needs; and (B) the spouse is the custodian of a child whose physical or mental incapacity requires the custodian to forgo employment; the court may find that maintenance is necessary for the spouse in an amount and for a period of time that the court considers appropriate. (3) After considering: (A) the educational level of each spouse at the time of marriage and at the time the action is commenced; (B) whether an interruption in the education, training, or employment of a spouse who is seeking maintenance occurred during the marriage as a result of homemaking or child care responsibilities, or both; (C) the earning capacity of each spouse, including educational background, training, employment skills, work experience, and length of presence in or absence from the job market; and (D) the time and expense necessary to acquire sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment; a court may find that rehabilitative maintenance for the spouse seeking maintenance is necessary in an amount and for a period of time that the court considers appropriate, but not to exceed three (3) years from the date of the final decree. **(b) A court may not order maintenance under subsection (a)(2) or (a)(3) for a spouse whom the court finds, under section 2.5 of this chapter, to have committed marital fault. A court may not order maintenance under subsection (a)(1) for that spouse unless the court finds that, without**

maintenance, the spouse would be unable to obtain food, shelter, or necessary medical care, and in that case the court shall limit the amount and duration of maintenance to what is necessary for those purposes.

> Drafter's note: Models: N.C. Gen. Stat. § 50-16.3A(a) (no alimony to a dependent spouse who engaged in illicit sexual behavior before separation; condonation and mutual-fault rules); Ga. Code Ann. § 19-6-1(b) (no alimony where separation was caused by that party's adultery or desertion). The narrow necessities exception keeps an incapacitated spouse off public assistance; see memo.

SECTION 15. IC 31-15-7-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 2.5. (a) As used in this section and sections 2 and 5 of this chapter, "marital fault" means any of the following committed by a spouse during the marriage and before the date of final separation: (1) Adultery, meaning sexual intercourse or other sexual conduct with a person other than the spouse. (2) Abandonment without cause, meaning that the spouse voluntarily ended cohabitation and the marital relationship when the other spouse had not committed domestic or family violence, adultery, abandonment, or coercive control (as defined in IC 31-9-2.1-54.5) against the spouse, and had not engaged in other conduct that made continued cohabitation unsafe or unreasonable. (3) Coercive control (as defined in IC 31-9-2.1-54.5) of the other spouse, including a campaign of knowingly false statements described in that section. (b) Filing a petition for dissolution of marriage or legal separation, by itself, is not abandonment without cause. (c) Conduct described in subsection (a) that the other spouse condoned is not marital fault. (d) In a proceeding in which maintenance is sought or in which a party asks the court to apply section 5(b) of this chapter, the court shall receive evidence of marital fault on request of a party. The party alleging marital fault must prove it by a preponderance of the evidence. (e) If the court finds that both spouses committed marital fault, the court may award or deny maintenance, and may divide property, in its discretion as if neither spouse had committed marital fault. (f) A finding of marital fault does not affect a determination of custody or parenting time, except to the extent the conduct is relevant under IC 31-17-2-8.

> Drafter's note: Models: N.C. Gen. Stat. §§ 50-16.1A and 50-16.3A (definitions of marital misconduct; condonation; mutual fault); Ga. Code Ann. § 19-6-1(b) (the court "shall receive evidence of the factual cause of the separation"). Indiana dissolution remains no-fault (IC 31-15-2-3); fault affects only money.

SECTION 16. IC 31-15-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 5. **(a)** The court shall presume that an equal division of the marital property between the parties is just and reasonable. However, this presumption may be rebutted by a party who presents relevant evidence, including evidence concerning the following factors, that an equal division would not be just and reasonable: (1) The contribution of each spouse to the acquisition of the property, regardless of whether the contribution was income producing. (2) The extent to which the property was acquired by each spouse: (A) before the marriage; or (B) through inheritance or gift. (3) The economic circumstances of each spouse at the time the disposition of the property is to become effective, including the desirability of awarding the family residence or the right to dwell in the family residence for such periods as the court considers just to the spouse having custody of any children. (4) The conduct of the parties during the marriage as related to

the disposition or dissipation of their property. (5) The earnings or earning ability of the parties as related to: (A) a final division of property; and (B) a final determination of the property rights of the parties. **(b) Notwithstanding subsection (a), the court may not award to a spouse whom the court finds under section 2.5 of this chapter to have committed marital fault more than fifty percent (50%) of the net value of the marital property. This subsection does not reduce the share of the marital property that the spouse would receive under an equal division, and does not apply to property described in subsection (a)(2).**

> Drafter's note: No verified model caps a faulty spouse's share at one half; drafted from Indiana's existing equal-division presumption. It removes only the ability to win more than half; it takes nothing from a spouse's own half.

TITLE VI. TEST BEFORE YOU SIGN

SECTION 17. IC 16-37-2-2.1, AS AMENDED BY P.L.128-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through: (1) a hospital; or (2) a local health department. (b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall: (1) provide an opportunity for: (A) the child's mother; and (B) a man who reasonably appears to be the child's biological father; to execute an affidavit acknowledging paternity of the child; and (2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (j). (c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows: (1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth. (2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation. (d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed. (e) A paternity affidavit form executed under this section must contain the following: (1) The mother's: (A) full name; (B) Social Security number; (C) date of birth; and (D) address. (2) The father's: (A) full name; (B) Social Security number; (C) date of birth; and (D) address. (3) The child's: (A) full name; (B) date of birth; and (C) birthplace. (4) A brief explanation of the legal significance of signing a voluntary paternity affidavit. (5) A statement signed by both parents indicating that: (A) they understand that signing a paternity acknowledgment affidavit is voluntary; (B) they understand: (i) their rights and responsibilities under the affidavit; (ii) the alternatives to signing the affidavit; and (iii) the consequences of signing the affidavit; and (C) they have been informed of the alternatives to signing the affidavit. (6) Separate signature lines for the mother and father. (7) Separate signature lines for the witness or notary indicating that the witness or notary observed the father or mother signing the affidavit. **(8) A statement, with a signature line for the man described in subsection (b)(1)(B), that he was offered a genetic test under subsection (f)(2) before signing and either obtained the result or chose to sign without it.** (f) **(1)** Before a paternity affidavit is signed, both the mother and father must be informed of the alternatives to signing the affidavit. **(2) Before a paternity affidavit is signed, the man described in subsection (b)(1)(B) must be: (A) informed orally and in writing that he may obtain a genetic test before signing the affidavit and that, after sixty (60) days, the affidavit may be set aside only as**

provided in subsections (l) and (n) and IC 31-14-6-7; (B) offered a genetic test performed by an accredited laboratory at no cost to him, paid by the department of child services; and (C) informed that he may execute the affidavit at a local health department after the test result is available. (3) A genetic test may not be required as a condition of executing a paternity affidavit, and a paternity affidavit is not invalid because the man declined the test. (g) A paternity affidavit executed under this section must contain or be attached to all of the following: (1) The mother's sworn statement asserting that a person described in subsection (b)(1)(B) is the child's biological father. (2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father. (3) Written information furnished by the child support bureau of the department of child services: (A) explaining the effect of an executed paternity affidavit as described in subsection (j); and (B) describing the availability of child support enforcement services. (4) The Social Security number of each parent. (h) A paternity affidavit executed under this section must contain all of the following: (1) A statement: (A) that, if the mother and the person described in subsection (g)(2) check the box located next to this statement and sign on the signature lines described in subdivision (2), the mother and the person described in subsection (g)(2) agree to share joint legal custody of the child; and (B) that joint legal custody means that the persons sharing joint legal custody: (i) share authority and responsibility for the major decisions concerning the child's upbringing, including the child's education, health care, and religious training; and (ii) have equal access to the child's school and medical records. (2) Two (2) signature lines located below the statements described in subdivision (1). (3) A statement that, if the mother and the person described in subsection (g)(2) do not agree to share joint legal custody, the mother has sole legal custody unless **a genetic test confirms paternity as described in IC 31-14-13-1(b) or** another determination is made by a court in a proceeding under IC 31-14. (4) A statement that even if the mother and the person described in subsection (g)(2) share joint legal custody, the ~~mother~~ **parent with whom the child primarily resides** has primary physical custody of the child unless another determination is made by a court in a proceeding under IC 31-14. (5) A statement that, if the mother and the person described in subsection (g)(2) agree to share joint legal custody as described under subdivision (1)(A), the agreement to share joint legal custody is void unless the result of a genetic test performed by an accredited laboratory: (A) indicates that the person described in subsection (g)(2) is the child's biological father; and (B) is submitted to a local health officer not later than sixty (60) days after the child's birth. (6) A statement with signature lines that affirms that an individual described in subsection (t) has had an opportunity to consult with an adult chosen by the individual. (i) A ~~woman~~ **person** who knowingly or intentionally falsely names a man as the child's biological father under this section**, or who knowingly or intentionally falsely attests under this section to a belief that he is the child's biological father,** commits a Class A misdemeanor. (j) A paternity affidavit executed under this section: (1) establishes paternity; (2) gives rise to parental rights and responsibilities of the person described in subsection (g)(2), including: (A) the right of the child's mother or the Title IV-D agency to obtain a child support order against the person, which may include an order requiring the provision of health insurance coverage; and (B) parenting time in accordance with the parenting time guidelines adopted by the Indiana supreme court, unless another determination is made by a court in a proceeding under IC 31-14-14; and (3) may be filed with a court by the department of child services. However, if a paternity affidavit is executed under this section, unless another determination is made by a court in a proceeding under IC 31-14 or the child's mother and the person described in subsection (g)(2) agree to share joint legal custody of the child as described in subsection (h), the child's mother has sole legal ~~and primary physical~~ custody of the child **and the parent with whom the child**

primarily resides has primary physical custody of the child. If a genetic test confirms paternity as described in IC 31-14-13-1(b), the parents share joint legal custody under IC 31-14-13-1(b). (k) Notwithstanding any other law, a man who is a party to a paternity affidavit executed under this section may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test. **After the sixty (60) day period, the man may file a motion under IC 31-14-6-7.** (l) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court: (1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; and (2) at the request of a man described in subsection (k), has ordered a genetic test, and the test indicates that the man is excluded as the father of the child. **A genetic test result that excludes the man as the child's biological father constitutes a material mistake of fact for purposes of subdivision (1), unless the court finds that the man knew, when he executed the paternity affidavit, that he was not the child's biological father.** (m) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (j)(2)(A) of a party to the executed paternity affidavit during a challenge to the affidavit. **A genetic test result excluding the man as the child's biological father constitutes good cause.** (n) The court may not set aside the paternity affidavit unless a genetic test ordered under subsection (k) or (l) **or IC 31-14-6-7** excludes the person who executed the paternity affidavit as the child's biological father. (o) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity. (p) Except as provided in this section, if a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court. (q) If both the mother and the person described in subsection (g)(2) check the box and sign as described in subsection (h)(1)(A), the mother and the person described in subsection (g)(2): (1) share joint legal custody of the child; and (2) have equal access to the child's school and medical records. An action to establish custody or parenting time of a party who has agreed under subsection (h) to share joint legal custody shall be tried de novo. (r) Before a paternity affidavit executed under this section is signed, it must be presented separately to: (1) the child's mother; and (2) the man who reasonably appears to be the child's biological father; so that the child's mother may review the affidavit alone and without the presence of the man who reasonably appears to be the child's biological father, and so that the man who reasonably appears to be the child's biological father may review the affidavit alone and without the presence of the child's mother. A signed paternity affidavit is voidable if the requirements of this subsection are not satisfied. (s) An agreement to share joint legal custody described under subsection (h) is void if either of the following applies: (1) A genetic test performed by an accredited laboratory indicates a person described in subsection (g)(2) is not the biological father of the child. (2) A person described in subsection (g)(2) fails to submit: (A) to a local health officer; and (B) not later than sixty (60) days after the date of the child's birth; the results of a genetic test performed by an accredited laboratory that indicates the person is the biological father of the child. (t) An individual who is: (1) a: (A) child's mother; or (B) person identified as the father under subsection (g)(1); and (2) less than eighteen (18) years of age; must have an opportunity to consult with any adult chosen by the individual regarding the contents of a paternity affidavit before signing the paternity affidavit under this section. A signed paternity affidavit is voidable if the individual does not have the opportunity to consult with an adult chosen by the individual.

> Drafter's note: Indiana already makes it a Class A misdemeanor for "a woman" to knowingly name the wrong man (subsection (i)); this SECTION makes that offense sex-neutral and covers a false attestation. Models: 42 U.S.C. 666(a)(5)(D)(iii) (after 60 days, challenge "only on the basis of fraud, duress, or material mistake of fact"; support not suspended "except for good cause shown"); Tex. Fam. Code § 161.005(c) (relief for a man who signed "without obtaining genetic testing"). OCSE PIQ-03-01 says a state may not *require* genetic testing before accepting an acknowledgment; (f)(3) keeps the test an offer.

SECTION 18. IC 31-14-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 6. (a) This section applies to an action to establish paternity or to establish a child support order in which the alleged father's paternity has not been established by a genetic test. (b) Before a court enters an order establishing paternity or a child support order against an alleged father, including an order entered by default, the petitioner or the Title IV-D agency shall serve on the alleged father a written notice, in a form prescribed by the department of child services, stating that he may request a genetic test at no cost to him, subject to recoupment if paternity is established, as provided in section 4 of this chapter and 42 U.S.C. 666(a)(5)(B). (c) A court may not enter a default order establishing paternity unless the record shows that the notice required by subsection (b) was served. (d) Upon the alleged father's request, the court shall order a genetic test under section 1 of this chapter before entering an order establishing paternity.

> Drafter's note: Models: 42 U.S.C. 666(a)(5)(B) (genetic testing on request in contested cases, paid by the state subject to recoupment) and Ga. Code Ann. § 19-7-54(d) (testing available through the IV-D agency). Indiana analog: IC 31-14-6-1 (court "shall order" testing on motion).

SECTION 19. IC 31-14-6-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 7. (a) A man who is the legal father of a child by a paternity affidavit, a presumption under IC 31-14-7-1(1) or (2), or a court order may file a motion at any time to set aside his paternity and any support order based on it. The motion must include: (1) the man's affidavit that the genetic test result is newly discovered evidence or was not available to him when paternity was established; and (2) the result of a genetic test performed by an accredited laboratory not more than ninety (90) days before the motion is filed, excluding the man as the child's biological father. (b) If the genetic test was obtained by the man alone, the court shall order the child, the man, and, if available, the child's mother to submit to a genetic test under section 1 of this chapter. If a party willfully fails to submit to the test or to make the child available, the court may resolve the motion against that party. (c) If a genetic test admitted under this section excludes the man as the child's biological father, the court shall vacate the man's paternity and any support order based on it, unless the court finds that: (1) the man adopted the child; (2) the child was conceived by assisted reproduction to which the man consented; or (3) the man knew he was not the child's biological father when he executed the paternity affidavit, married the child's mother, or consented to the court order, and voluntarily assumed the duty of support with that knowledge. (d) A genetic test result that excludes the man constitutes a material mistake of fact for purposes of IC 16-37-

2-2.1(l), Trial Rule 60(B), and 42 U.S.C. 666(a)(5)(D)(iii). (e) If the court vacates paternity under this section, IC 31-14-11-23 applies to the support obligation and any arrearage, including any arrearage assigned to the state. The Title IV-D agency must be made a party to a motion under this section if the state holds an assigned arrearage or provided services in the case. (f) Before vacating paternity, the court may, at the man's request, order continued parenting time with the child if the court finds that ending contact would significantly impair the child's physical health or emotional development. (g) An order under this section does not prevent an action to establish the paternity of another man.

> Drafter's note: Models: Ga. Code Ann. § 19-7-54 (motion "at any time"; test within 90 days; exclusion; exceptions for adoption, assisted reproduction, and knowing assumption; relief on past-due amounts owed to the state if the IV-D agency is joined); Tex. Fam. Code § 161.005(c)-(h), (l) (termination on exclusion; possible continued access). Indiana analog: Fairrow v. Fairrow, 559 N.E.2d 597 (Ind. 1990) (relief from a support order on externally obtained medical proof of non-paternity).

SECTION 20. IC 31-14-6-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 8. (a) A person who knowingly or intentionally identifies a man as a child's biological father to a court or to the Title IV-D agency in a paternity or support proceeding, knowing that the man is not the child's biological father, commits paternity fraud, a Class A misdemeanor. The offense is a Level 6 felony if a child support order is entered against the man as a result of the identification. (b) A person who identifies a man in good faith, including a person who is uncertain which of two (2) or more men is the child's biological father and says so, does not commit an offense under subsection (a). (c) A man whose paternity is vacated under section 7 of this chapter or IC 16-37-2-2.1 may bring a civil action against a person who committed an offense under subsection (a) or IC 16-37-2-2.1(i) against him, whether or not the person is prosecuted, to recover the support he paid for the child and the reasonable attorney's fees and costs of the action. The action must be brought not later than two (2) years after the date paternity is vacated.

> Drafter's note: Indiana analog: IC 16-37-2-2.1(i) (existing Class A misdemeanor for falsely naming a man on a paternity affidavit). Civil recovery model: Hodge v. Craig (Tenn. 2012) (ex-husband may recover support paid on intentional misrepresentation of paternity); see Sources for verification status.

SECTION 21. IC 31-14-11-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 23. **(a)** If a court vacates or has vacated a man's paternity of a child based on fraud ~~or~~**,** mistake of fact, **or a genetic test result excluding the man under IC 31-14-6-7,** the man's child support obligation, including any arrearage **and any arrearage assigned to the state**, terminates. **The order vacating paternity shall also vacate any judgment for the arrearage. (b) Subsection (a) does not require the state or any other person to refund support paid before the date of the order. Recovery of support paid is governed by IC 31-14-6-8(c).**

> Drafter's note: Indiana already terminates "any arrearage" when paternity is vacated for fraud or mistake of fact. Federal authority: OCSE PIQ-03-01 (Apr. 28, 2003) ("Vacating a support order and arrearages that accrued under an order once paternity has been disestablished in accordance with state law is distinct from modifying arrearages").

> Compare Tex. Fam. Code § 161.005(i), which does *not* vacate pre-termination arrears.

TITLE VII. NO JAIL WITHOUT A LAWYER. NO DOOR CLOSED. COUNT IT.

SECTION 22. IC 5-2-6-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 28. (a) This section applies to an entity that receives money from the institute, or from a fund the institute or the victim services division administers, including the funds established by IC 5-2-6-14, IC 5-2-6-23, IC 5-2-6.7, and IC 5-2-6.8, to provide services to victims of domestic or family violence, sexual assault, or stalking. (b) An entity described in subsection (a) shall provide services to eligible victims without regard to the victim's sex. (c) If sex-segregated or sex-specific programming is necessary to the essential operation of a program, the entity may consider an individual's sex, but shall provide comparable services, which may include safe alternative shelter, to an eligible victim who cannot be served in that program. (d) Not later than August 1 of each year, an entity described in subsection (a) shall report to the institute, in a form the institute prescribes and without personally identifying information, the number of persons who requested services, the number served, and the number referred elsewhere because the entity could not serve them, each by sex. (e) The institute shall publish a statewide summary of the reports under subsection (d) not later than December 1 of each year, and may withhold money from an entity that does not comply with this section.

> Drafter's note: Model: 34 U.S.C. 12291(b)(13) (VAWA nondiscrimination, including the sex-segregation exception and the "comparable services" duty); 42 U.S.C. 10406(c)(2)(B) (FVPSA bar on sex discrimination). Indiana analog: IC 5-2-6.7-12 (funded centers must provide shelter and hotline service "to a person" who fears domestic or family violence).

SECTION 23. IC 31-16-12-6, AS AMENDED BY P.L.131-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 6. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court. If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after: (1) the child becomes eighteen (18) years of age; or (2) the emancipation of the child; whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court. (b) The court may order a party who is found in contempt of court under this section to: (1) perform community restitution or service without compensation in a manner specified by the court; or (2) seek employment. (c) The court may order a party who is alleged to be in contempt of court under this section to show cause as to why the party should not be held in contempt for violating an order for support. The order to show cause must set forth: (1) the contempt allegations; (2) the failure to pay child support allegations; (3) when the court issued the order for support; (4) the party's history of child support payments; (5) the specific: (A) date and time when; and (B) place where; the party is required to show cause in the court; ~~and~~ (6) the party's arrearage**; and** **(7) the**

notices required by section 6.7(b) of this chapter. (d) A court may not order a party incarcerated for contempt under this section, or under section 6.5 of this chapter, except as provided in section 6.7 of this chapter.

> Drafter's note: Conforming amendment; carries the safeguards of SECTION 24 into the existing show-cause procedure.

SECTION 24. IC 31-16-12-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 6.7. (a) This section applies to a proceeding in which a party may be incarcerated for contempt for failure to comply with an order for support, or with an order granting parenting time under IC 31-14-14 or IC 31-17-4. (b) An order to show cause, or notice of a contempt hearing, must inform the party that: (1) the party has a right to be represented by an attorney and, if the party cannot afford an attorney, to have one appointed before the hearing; and (2) the party's ability to comply with the order is the critical issue in the proceeding. (c) If the party is indigent, the court shall appoint counsel for the party before conducting the contempt hearing, unless the party knowingly and voluntarily waives counsel on the record after being advised of the right. (d) Before the hearing, the party shall be given a form on which to provide information concerning the party's income, assets, expenses, and ability to work. (e) A court may not order the party incarcerated for contempt unless the court finds in a written order, based on evidence at the hearing, that: (1) the party had the ability to comply with the order and willfully failed to do so; and (2) the party has the present ability to pay the purge amount or perform the purge condition set by the court. (f) The purge amount or condition must be within the party's present ability to pay or perform. (g) The reasonable fees of counsel appointed under this section shall be paid as provided in IC 34-10-1-2(f).

> Drafter's note: Codifies Indiana case law: Marks v. Tolliver, 839 N.E.2d 703, 706 (Ind. Ct. App. 2005) ("if the individual in jeopardy of incarceration is indigent, he or she may not be incarcerated without having counsel appointed"), citing Branum v. State, 822 N.E.2d 1102 (Ind. Ct. App. 2005) and In re Marriage of Stariha, 509 N.E.2d 1117 (Ind. Ct. App. 1987); Pettit v. Pettit, 626 N.E.2d 444 (Ind. 1993) (contempt only for willful failure with ability to pay). Federal: Turner v. Rogers, 564 U.S. 431 (2011); 45 C.F.R. 303.6(c)(4).

SECTION 25. IC 33-24-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 16. (a) Not later than July 1, 2030, and not later than July 1 of each year thereafter, the office of judicial administration shall publish on its website a report on the following for the preceding calendar year, by county and statewide, with each category reported by the sex of each party: (1) Custody orders entered under IC 31-14-13 and IC 31-17-2, by type: joint legal custody, sole legal custody, equal or approximately equal parenting time, and other parenting time, and the sex of the parent awarded primary physical custody. (2) Parenting time orders that deviate below the parenting time guidelines. (3) Petitions for orders for protection under IC 34-26-5 filed by and against family or household members, and the number granted ex parte, granted after a hearing, denied, and dismissed. (4) Charges filed,

and convictions entered, under IC 35-44.1-2-1, IC 35-44.1-2-1.5, IC 35-44.1-2-3, IC 35-44.1-2-3.5, IC 31-14-6-8, and IC 31-33-22-3. (5) Findings entered under IC 34-52-5 and IC 31-14-6-7. (6) Persons incarcerated for contempt for failure to pay support or failure to comply with a parenting time order, and whether each was represented by counsel. (b) The report may not contain information that identifies a party or a child. (c) The office may require courts and clerks to record the sex of each party in a case management system for purposes of this section.

> Drafter's note: Indiana analog: 2025 Ind. HB 1090 (would have required the office of judicial administration to publish annual custody-order statistics; died in House Judiciary) and IC 33-24-6-3(a)(2)-(3) (existing duty to collect and publish court statistics).

TITLE VIII. THE SMEAR IS ABUSE

SECTION 26. IC 31-9-2.1-54.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 54.5. (a) "Coercive control" means a pattern of behavior by a family or household member that, in purpose or effect, unreasonably interferes with another family or household member's free will and personal liberty. The term includes unreasonably engaging in any of the following: (1) Isolating the other person from friends, relatives, or other sources of support. (2) Depriving the other person of basic necessities. (3) Controlling, regulating, or monitoring the other person's movements, communications, daily behavior, finances, economic resources, or access to services. (4) Compelling the other person by force, threat of force, or intimidation to engage in conduct from which the other person has a right to abstain, or to abstain from conduct in which the other person has a right to engage. (5) Making two (2) or more knowingly false statements of fact about the other person to the other person's relatives, friends, employer, coworkers, school, religious community, or child, with the intent to isolate the other person from them or to cause the other person to lose employment, housing, or the relationship with the other person's child. (b) The term does not include: (1) a statement of opinion, or a true statement of fact; (2) a report made in good faith to a law enforcement agency, the department of child services, a court, a health care provider, or a provider of services to victims of domestic or family violence; (3) an action taken in good faith to protect oneself or a child from a risk of harm; or (4) statutorily or constitutionally protected activity.

> Drafter's note: Models: Cal. Fam. Code § 6320(c) (coercive control "is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty," including "isolating the other party from friends, relatives, or other sources of support"); Conn. Gen. Stat. § 46b-1(b)(4); Wash. Rev. Code § 7.105.010(4) (includes "vexatious litigation" and a good-faith protective-action exclusion); Mass. Gen. Laws ch. 209A, § 1. Subdivision (a)(5) is new: no verified statute names a campaign of knowingly false statements.

SECTION 27. IC 31-9-2.1-84, AS ADDED BY P.L.145-2026, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 84. **(a)** "Domestic or family violence" means, except for an act of self-defense, the occurrence of one (1) or more of the following acts committed by a

family or household member: (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification. (2) Placing a family or household member in fear of physical harm without legal justification. (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress. (4) Abusing (as described in IC 35-46-3-0.5), torturing (as described in IC 35-46-3-0.5), mutilating (as described in IC 35-46-3-0.5), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member. **(5) Engaging in coercive control (as defined in section 54.5 of this chapter) of a family or household member.** For purposes of IC 22-4-15-1 and IC 34-26-5, domestic or family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member. **(b) Subsection (a)(5) applies only for purposes of IC 31-14, IC 31-15, IC 31-17, and IC 34-26-5. Coercive control is not by itself a crime and does not by itself constitute a crime involving domestic or family violence.**

> Drafter's note: Same models as SECTION 26. Subsection (b) keeps coercive control civil, as in California, Connecticut, Washington, and Massachusetts (Hawaii enacted a criminal coercive-control provision in 2021, HRS § 709-906(6), a petty misdemeanor; its current status after a June 30, 2026 repeal-and-reenactment date should be confirmed).

SECTION 28. IC 34-6-2.1-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 28.5. "Coercive control", for purposes of IC 34-26-5, has the meaning set forth in IC 31-9-2.1-54.5.

> Drafter's note: Conforming definition so the protective-order statute and family law use one text.

SECTION 29. IC 34-6-2.1-50, AS ADDED BY P.L.186-2025, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 50. "Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member: (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member. (2) Placing a family or household member in fear of physical harm. (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress. (4) Abusing (as described in IC 35-46-3-0.5), torturing (as described in IC 35-46-3-0.5), mutilating (as described in IC 35-46-3-0.5), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member. **(5) Engaging in coercive control (as defined in section 28.5 of this chapter) of a family or household member.** For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

> Drafter's note: Same models as SECTION 26.

SECTION 30. IC 34-26-5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 9.5. (a) This section applies to a petition for an order for protection, or to modify an order for protection, in which the only domestic or family violence alleged is coercive control under IC 34-6-2.1-50(5). (b) A court may not issue or modify an order for protection ex parte on a petition described in subsection (a), but may issue or modify an order after notice and a hearing, whether or not the respondent appears. The court shall hold the hearing not later than thirty (30) days after the petition is filed. (c) In an order issued on a petition described in subsection (a), the court may grant the relief described in section 9(c)(1), 9(c)(2), 9(c)(3), 9(c)(5), and 9(d)(3)(A) and (F) of this chapter, and any other relief necessary to end the coercive control that does not restrain the respondent's speech to persons other than the petitioner. (d) The petitioner must prove coercive control by a preponderance of the evidence. When the conduct alleged is a statement described in IC 31-9-2.1-54.5(a)(5), the petitioner must prove by clear and convincing evidence that the statement was false and that the respondent knew it was false.

> Drafter's note: Model: IC 34-26-5-9(b) (Indiana already bars ex parte orders on harassment-only petitions and requires a hearing within 30 days). The clear-and-convincing standard for knowing falsity follows Garrison v. Louisiana, 379 U.S. 64 (1964), and New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

SECTION 31. IC 35-42-2-3, AS AMENDED BY P.L.158-2013, SECTION 425, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]: Sec. 3. **(a)** A person who recklessly, knowingly, or intentionally engages in conduct that is likely to provoke a reasonable person to commit battery commits provocation, a Class C infraction. **(b) However, the offense is a Class B misdemeanor if: (1) the person intentionally engages in the conduct with the intent that the other person commit battery so that the other person will be arrested, prosecuted, or made subject to an order for protection; and (2) the person reports, or causes another person to report, to a law enforcement officer that the other person committed battery or another offense arising from the incident, and in making or causing the report knowingly conceals or denies the person's own provoking conduct. (c) Subsection (b) does not apply to conduct that is a lawful act of self-defense, to a good faith request for assistance from law enforcement, or to statutorily or constitutionally protected activity. A conviction under subsection (b) does not excuse or justify a battery committed by the other person.**

> Drafter's note: No verified model statute; built on Indiana's existing provocation infraction (this section) and the mitigating factor in IC 35-38-1-7.1(b)(3) ("the victim of the crime induced or facilitated the offense"). The report element requires a knowing concealment, so a truthful report is never the crime.

SECTION 32. IC 35-44.1-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2028]:

Sec. 3.5. (a) A person who knowingly makes a false statement of fact that accuses an identifiable person of committing: (1) a crime; or (2) domestic or family violence (as defined in IC 34-6-2.1-50(1) through (4)), child abuse or neglect, or a sex offense; to any person, knowing the statement to be false, commits false accusation causing loss if the statement is a proximate cause of the accused person's arrest, detention, loss or suspension of employment or of a professional license, suspension or expulsion from school, removal

from the person's residence, loss or restriction of custody of or parenting time with the person's child, or becoming subject to an order for protection. Except as provided in subsection (b), the offense is a Class A misdemeanor. (b) The offense is a Level 6 felony if the statement is a proximate cause of the accused person's arrest or detention, or of the removal of the accused person's child from the accused person's custody. (c) The state must prove beyond a reasonable doubt that the statement was false, that the person knew it was false when the person made it, and that it caused the loss. (d) The following are not offenses under this section: (1) A statement of opinion, belief, or suspicion that is identified as such. (2) A statement made in good faith, including a good faith report that is not substantiated. (3) A true statement. (e) The acquittal of the accused person, the dismissal of a charge, a decision not to prosecute, or the denial of a petition is not by itself evidence that a statement was false. (f) A statement that is a covered false statement under section 1.5 of this chapter may be prosecuted under this section or section 1.5 of this chapter, but not both.

> Drafter's note: Models: Indiana's false informing offense, IC 35-44.1-2-3(d) and (e) (penalty rises when the false report "results in harm to another person"); Garrison v. Louisiana, 379 U.S. 64 (1964) (knowingly false statements may be subject to criminal sanctions); United States v. Alvarez, 567 U.S. 709 (2012) (false statements may be punished where they cause "legally cognizable harm"). Ind. Const. art. 1, § 10 (truth may be given in justification) is built in at (d)(3).

GENERAL PROVISIONS

SECTION 33. [EFFECTIVE JULY 1, 2028] (a) The following definitions apply throughout this SECTION: (1) "Criminal provisions" means IC 31-14-6-8, IC 35-42-2-3, IC 35-44.1-2-1.5, IC 35-44.1-2-3.5, and IC 16-37-2-2.1(i), all as added or amended by this act. (2) "Family law provisions" means the provisions of this act that add or amend IC 31-14-13, IC 31-17-2, IC 31-17-4, IC 34-26-5-9.5, and IC 34-52-5. (b) The criminal provisions apply only to crimes committed after June 30, 2028. (c) IC 35-41-4-2(q), as added by this act, applies to a prosecution for an offense committed before, on, or after July 1, 2028, if the period of limitation for the offense had not expired before July 1, 2028. (d) IC 33-39-11, as added by this act, applies to an exoneration order that becomes final after June 30, 2028. (e) The family law provisions apply to a petition filed after June 30, 2028, including a petition to modify an order entered before July 1, 2028. The enactment of this act does not by itself constitute a substantial change in circumstances. (f) The amendments made by this act to IC 31-15-7 apply only to a petition for dissolution of marriage or legal separation filed after June 30, 2028. (g) IC 31-14-6-7 and the amendments made by this act to IC 16-37-2-2.1(k) through (n) and IC 31-14-11-23 apply to a motion filed after June 30, 2028, regardless of when paternity was established. IC 16-37-2-2.1(e)(8) and (f)(2), IC 31-14-6-6, and IC 31-14-13-1(b), as added by this act, apply to an affidavit executed or an action filed after June 30, 2028. (h) The department of child services and the state department of health shall revise the paternity affidavit form and the notices required by this act before July 1, 2028. (i) This SECTION expires July 1, 2033.

> Drafter's note: Noncode transition SECTION. (b) and (c) are required by the Ex Post Facto Clauses (U.S. Const. art. I, § 10; Ind. Const. art. 1, § 24) and Stogner v. California. (e) and (f) answer the retroactivity objection that sank Florida's 2016 and 2022 bills.

SECTION 34. [EFFECTIVE JULY 1, 2028] The General Assembly declares that each SECTION of this act, and each part and application of each SECTION, is severable as provided in IC 1-1-1-8(b).

> Drafter's note: IC 1-1-1-8(b) already makes every Indiana statute severable unless it says otherwise; this SECTION restates that for the reader. Do not add a nonseverability clause.

FISCAL NOTE FOR THE DRAFTER (LSA will prepare the official Fiscal Impact Statement)

- **State:** (1) Department of Child Services: cost of offering a no-cost genetic test before each paternity affidavit (non-IV-D cases get no federal match under OCSE PIQ-03-01; laboratory costs of IV-D paternity testing are federally matched at 66% under 42 U.S.C. 655(a)(1)(C); PIQ-03-01's 2003 reference to 90% predates the 2006 change made by Pub. L. 109-171); amount indeterminable until LSA estimates take-up and contract price. (2) Criminal Justice Institute: grant compliance and annual report (SECTION 22). (3) Office of Judicial Administration: data collection and report (SECTION 25); possible case management system changes. (4) Department of Correction: added bed time from new felonies in SECTIONS 2 and 32; LSA will estimate from current perjury and false informing caseloads. (5) Civil legal aid fund: new revenue from civil penalties (SECTION 5).
- **Local:** (1) Counties: appointed counsel in contempt cases (SECTION 24) — Indiana case law already requires it for indigent parties facing jail, so the cost is largely existing; the statute may increase compliance. (2) Clerks: lost filing fees on parenting time enforcement petitions (SECTION 13). (3) Prosecutors: written charging decisions after exonerations (SECTION 3); exonerations are few each year.
- **Offsets:** LSA's 2024 note on HB 1423 said an equal-time presumption could *decrease* custody modification caseload; the same may hold here.

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1. National Registry of Exonerations homepage, https://exonerationregistry.org/ (opened Nov 24, 2026): "3,875 exonerations and more than 36,259 years lost since 1989." (The campaign's Nov 18 evidence file recorded 3,874 and 36,253.) The figure changes as cases are added; update before introduction. ↩
2. National Registry of Exonerations, *2025 Annual Report* (Apr. 6, 2026), https://exonerationregistry.org/sites/exonerationregistry.org/files/documents/2025Exonerations.pdf: "Seventy-one exonerations (73%) included perjury or false accusations. This is the same as 2024 when 73% (115/158)". ↩
3. Innocence Project, https://innocenceproject.org/with-consent-of-new-york-county-district-attorneys-office-two-men-exonerated-of-1992-rape-conviction (opened Nov 24, 2026; Gregory Counts "served 26 years," VanDyke Perry "served 10 years," for "a 1991 gang-rape that the complainant now acknowledges never occurred"). ↩
4. Congressional Research Service, RS22380 (Jan. 2026), https://www.congress.gov/crs_external_products/RS/PDF/RS22380/RS22380.48.pdf. ↩

5. U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2017*, P60-269 (2020), https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf. ↩
6. Peer-reviewed review citing AABB annual reports, https://pmc.ncbi.nlm.nih.gov/articles/PMC7425842/ ("approximately 24% to 29% over the years"). Applies to tested cases only. ↩
7. CDC, MMWR Surveillance Summaries 63(8) (2014), NISVS 2011 data, Table 6, https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm. Survey estimates with confidence intervals. ↩
8. Turner v. Rogers, 564 U.S. 431 (2011), https://www.law.cornell.edu/supremecourt/text/10-10. ↩
9. Marks v. Tolliver, No. 59A05-0507-CV-389 (Ind. Ct. App. Nov. 15, 2005), 839 N.E.2d 703, https://cases.justia.com/indiana/court-of-appeals/59a05-0507-cv-389-0.pdf. ↩
10. U.S. Dep't of Health & Human Services, OCSE, PIQ-03-01, *Paternity Disestablishment* (Apr. 28, 2003; archived), https://acf.gov/archive/ocse/policy-guidance/paternity-disestablishment. ↩