

IC 31-33

**ARTICLE 33. JUVENILE LAW: REPORTING AND
INVESTIGATION OF CHILD ABUSE AND NEGLECT**

IC 31-33-1

Chapter 1. General Provisions

IC 31-33-1-1

Purpose of article

Sec. 1. The purpose of this article is to:

- (1) encourage effective reporting of suspected or known incidents of child abuse or neglect;
- (2) provide effective child services to quickly investigate reports of child abuse or neglect;
- (3) provide protection for an abused or a neglected child from further abuse or neglect;
- (4) provide rehabilitative services for an abused or a neglected child and the child's parent, guardian, or custodian; and
- (5) establish a centralized statewide child abuse registry and an automated child protection system.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.94.

IC 31-33-1.5

Repealed

(Repealed by P.L.145-2006, SEC.376.)

IC 31-33-2

Repealed

(Repealed by P.L.145-2006, SEC.376.)

IC 31-33-3

Chapter 3. Community Child Protection Team

IC 31-33-3-1

Community child protection team established; members

Sec. 1. (a) A community child protection team is established in each county. The community child protection team is a countywide, multidisciplinary child protection team. The team must include the following thirteen (13) members who reside in, or provide services to residents of, the county in which the team is to be formed:

- (1) The director of the local office that provides child welfare services in the county or the local office director's designee.
- (2) Two (2) designees of the juvenile court judge.
- (3) The county prosecuting attorney or the prosecuting attorney's designee.
- (4) The county sheriff or the sheriff's designee.
- (5) Either:
 - (A) the president of the county executive in a county not containing a consolidated city or the president's designee; or
 - (B) the executive of a consolidated city in a county containing a consolidated city or the executive's designee.
- (6) A director of a court appointed special advocate or guardian ad litem program or the director's designee in the county in which the team is to be formed.
- (7) Either:
 - (A) a public school superintendent or the superintendent's designee; or
 - (B) a director of a local special education cooperative or the director's designee.
- (8) Two (2) persons, each of whom is a physician or nurse, with experience in pediatrics or family practice.
- (9) Two (2) residents of the county.
- (10) The chief law enforcement officer of the largest law enforcement agency in the county (other than the county sheriff) or the chief law enforcement officer's designee.

(b) The director of the local office serving the county shall appoint, subject to the approval of the director of the department, the members of the team under subsection (a)(7), (a)(8), and (a)(9).

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.102; P.L.146-2008, SEC.574.

IC 31-33-3-2

Election of team coordinator

Sec. 2. The team shall elect a team coordinator from the team's membership.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-3

Duties of team coordinator

Sec. 3. The team coordinator shall supply the community child

protection team with the following:

- (1) Copies of reports of child abuse or neglect under IC 31-33-7-1.
- (2) Any other information or reports that the coordinator considers essential to the team's deliberations.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-4

Meetings; agenda

Sec. 4. (a) The community child protection team shall meet:

- (1) at least one (1) time each month; or
- (2) at the times that the team's services are needed by the department.

(b) Meetings of the team shall be called by the majority vote of the members of the team.

(c) The team coordinator or at least two (2) other members of the team may determine the agenda.

(d) Notwithstanding IC 5-14-1.5, meetings of the team are open only to persons authorized to receive information under this article.
As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.103.

IC 31-33-3-5

Recommendation to the department of child services

Sec. 5. The community child protection team may recommend to the department that a petition be filed in the juvenile court on behalf of the subject child if the team believes this would best serve the interests of the child.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.104; P.L.162-2011, SEC.43.

IC 31-33-3-6

Review of child abuse and neglect cases and complaints

Sec. 6. The community child protection team may receive and review:

- (1) any case that the department has been involved in within the county where the team presides; and
- (2) complaints regarding child abuse and neglect cases that are brought to the team by a person or an agency.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.105.

IC 31-33-3-7

Periodic reports

Sec. 7. (a) The community child protection team shall prepare a periodic report regarding the child abuse and neglect reports and complaints that the team reviews under this chapter.

(b) The periodic report may include the following information:

- (1) The number of complaints under section 6 of this chapter that the team receives and reviews each month.

(2) A description of the child abuse and neglect reports that the team reviews each month, including the following information:

(A) The scope and manner of the interviewing process during the child abuse or neglect assessment.

(B) The timeliness of the assessment.

(C) The number of children removed from the home.

(D) The types of services offered.

(E) The number of child abuse and neglect cases filed with a court.

(F) The reasons that certain child abuse and neglect cases are not filed with a court.

As added by P.L.1-1997, SEC.16. Amended by P.L.146-2008, SEC.575; P.L.131-2009, SEC.39.

IC 31-33-3-8

Confidentiality of matters reviewed

Sec. 8. The members of the community child protection team are bound by all applicable laws regarding the confidentiality of matters reviewed by the team.

As added by P.L.1-1997, SEC.16.

IC 31-33-4

Chapter 4. Local Plan for Provision of Child Protection Services

IC 31-33-4-1

Preparation and submission of local plan

Sec. 1. Before February 2 of each even-numbered year, each regional services council, after a public hearing, shall:

- (1) prepare a local plan for the provision of child protection services; and
- (2) submit the plan to:
 - (A) the director;
 - (B) each juvenile court within the region;
 - (C) the community child protection team as provided for in IC 31-33-3-1; and
 - (D) appropriate public or voluntary agencies, including organizations for the prevention of child abuse or neglect.

As added by P.L.1-1997, SEC.16. Amended by P.L.146-2008, SEC.576.

IC 31-33-4-2

Description of implementation

Sec. 2. The local plan must describe the implementation of this article in the region by the department, including the following:

- (1) Organization.
- (2) Staffing.
- (3) Mode of operations.
- (4) Financing of the child protection services.
- (5) The provisions made for the purchase of service and interagency relations.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.106; P.L.145-2006, SEC.279; P.L.146-2008, SEC.577.

IC 31-33-4-3

Certification

Sec. 3. (a) Not later than sixty (60) days after receiving the plan, the director shall certify whether the local plan fulfills the purposes and meets the requirements of this article.

(b) If the director certifies that the local plan does not fulfill the purposes and meet the requirements of this article, the director shall:

- (1) state the reasons for the decision;
- (2) make revisions to the plan that the director determines are necessary to meet the requirements and fulfill the purposes of this article; and
- (3) approve and certify the revised plan as the local plan required by this chapter.

As added by P.L.1-1997, SEC.16. Amended by P.L.145-2006, SEC.280.

IC 31-33-4-4

Repealed

(Repealed by P.L.146-2008, SEC.806.)

IC 31-33-5

Chapter 5. Duty to Report Child Abuse or Neglect

IC 31-33-5-1

Duty to make report

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-5-2

Notification of individual in charge of institution, school, facility, or agency; report

Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall report or cause a report to be made.

As added by P.L.1-1997, SEC.16.

IC 31-33-5-3

Effect of compliance on individual's own duty to report

Sec. 3. This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

As added by P.L.1-1997, SEC.16.

IC 31-33-5-4

Immediate oral report to department of child services or law enforcement agency

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

- (1) the department; or
- (2) the local law enforcement agency.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.107.

IC 31-33-6

Chapter 6. Immunity of Persons Who Report Child Abuse or Neglect

IC 31-33-6-1

Immunity from civil or criminal liability

Sec. 1. Except as provided in section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

- (1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;
- (2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a physical medical examination to be made under IC 31-33-10;
- (3) makes any other report of a child who may be a victim of child abuse and neglect; or
- (4) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report that a child may be a victim of child abuse or neglect; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

As added by P.L.1-1997, SEC.16.

IC 31-33-6-2

Exception for malice or bad faith

Sec. 2. Immunity does not attach for a person who has acted maliciously or in bad faith.

As added by P.L.1-1997, SEC.16.

IC 31-33-6-3

Presumption of good faith

Sec. 3. A person making a report that a child may be a victim of child abuse or neglect or assisting in any requirement of this article is presumed to have acted in good faith.

As added by P.L.1-1997, SEC.16.

IC 31-33-7

Chapter 7. Receipt of Reports of Suspected Child Abuse or Neglect

IC 31-33-7-1

Arrangement for receipt of reports

Sec. 1. The department shall arrange for receipt, on a twenty-four (24) hour, seven (7) day per week basis, of all reports under this article of suspected child abuse or neglect.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.108.

IC 31-33-7-2

Standardized phone access system

Sec. 2. To carry out section 1 of this chapter, the department must use a phone access system for receiving calls that is standardized among all counties. The department shall adopt rules under IC 4-22-2 for the administration of this section.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.109.

IC 31-33-7-3

Child abuse hotline

Sec. 3. The department shall cause to be inserted in each local telephone directory in the county a listing of the child abuse hotline's telephone number under the name "child abuse hotline". The child abuse hotline number under this section must be included with the other emergency numbers listed in the directory.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.110.

IC 31-33-7-4

Written report; contents

Sec. 4. (a) The department shall make a written report of a child who may be a victim of child abuse or neglect not later than forty-eight (48) hours after receipt of the oral report required of individuals by IC 31-33-5-4.

(b) Written reports under this section must be made on forms supplied by the administrator. The written reports must include, if known, the following information:

- (1) The names and addresses of the following:
 - (A) The child.
 - (B) The child's parents, guardian, custodian, or other person responsible for the child's care.
- (2) The child's age and sex.
- (3) The nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior:
 - (A) injuries of the child; or
 - (B) abuse or neglect of the child or the child's siblings.
- (4) The name of the person allegedly responsible for causing

the injury, abuse, or neglect.

(5) The source of the report.

(6) The person making the report and where the person can be reached.

(7) The actions taken by the reporting source, including the following:

(A) Taking of photographs and x-rays.

(B) Removal or keeping of the child.

(C) Notifying the coroner.

(8) The written documentation required by IC 31-34-2-3 if a child was taken into custody without a court order.

(9) Any other information that:

(A) the director requires by rule; or

(B) the person making the report believes might be helpful.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.111.

IC 31-33-7-5

Written report; copies made available to law enforcement agencies, prosecuting attorney, and coroner

Sec. 5. A copy of the written report of the department shall immediately be made available to:

(1) the appropriate law enforcement agency;

(2) the prosecuting attorney; and

(3) in a case involving death, the coroner for the coroner's consideration.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.112.

IC 31-33-7-6

Coroner's investigation and report

Sec. 6. Upon receiving a written report under section 5(3) of this chapter, the coroner shall:

(1) accept a report for investigation; and

(2) report the coroner's findings to:

(A) the appropriate law enforcement agency;

(B) the prosecuting attorney;

(C) the department; and

(D) the hospital if the institution making the report is a hospital.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.113.

IC 31-33-7-6.5

Expungement of child abuse or neglect information

Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:

(1) an assessment by the department of a report of a child who may be a victim of child abuse or neglect; or

(2) a court proceeding.

As added by P.L.2-1998, SEC.78. Amended by P.L.234-2005, SEC.114; P.L.131-2009, SEC.40.

IC 31-33-7-7

Law enforcement agency investigation and communication of information

Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

(1) immediately communicate the report to the department, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and

(2) conduct an immediate, onsite assessment of the report along with the department whenever the law enforcement agency has reason to believe that an offense has been committed.

(b) In all cases, the law enforcement agency shall forward any information, including copies of assessment reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:

(1) the department; and

(2) the juvenile court under IC 31-34-7.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.115; P.L.131-2009, SEC.41.

IC 31-33-7-8

Reports after initiation of assessment or investigation; contents; confidentiality

Sec. 8. (a) This section applies if the department receives a report of suspected child abuse or neglect from:

(1) a hospital;

(2) a community mental health center;

(3) a managed care provider (as defined in IC 12-7-2-127(b));

(4) a referring physician;

(5) a dentist;

(6) a licensed psychologist;

(7) a school;

(8) a child caring institution licensed under IC 31-27;

(9) a group home licensed under IC 31-27 or IC 12-28-4;

(10) a secure private facility; or

(11) a child placing agency (as defined in IC 31-9-2-17.5).

(b) Not later than thirty (30) days after the date the department initiates an assessment or investigation of a report of suspected child abuse or neglect from a person described in subsection (a), the department shall send a report to:

(1) the administrator of the hospital;

(2) the community mental health center;

- (3) the managed care provider;
- (4) the referring physician;
- (5) the dentist;
- (6) the principal of the school;
- (7) a licensed psychologist;
- (8) a child caring institution licensed under IC 31-27;
- (9) a group home licensed under IC 31-27 or IC 12-28-4;
- (10) a secure private facility; or
- (11) a child placing agency (as defined in IC 31-9-2-17.5).

The report must contain the items listed in subsection (d) that are known at the time the report is sent.

(c) The administrator, director, referring physician, dentist, licensed psychologist, or principal may appoint a designee to receive the report.

(d) A report made by the department under this section must contain the following information:

- (1) The name of the alleged victim of child abuse or neglect.
- (2) The name of the alleged perpetrator and the alleged perpetrator's relationship to the alleged victim.
- (3) Whether the assessment is closed.
- (4) Whether the department has made an assessment of the case and has not taken any further action.
- (5) The caseworker's name and telephone number.
- (6) The date the report is prepared.
- (7) Other information that the department may prescribe.

(e) A report made under this section:

- (1) is confidential; and
- (2) may be made available only to:
 - (A) the agencies named in this section; and
 - (B) the persons and agencies listed in IC 31-33-18-2.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.116; P.L.131-2009, SEC.42; P.L.162-2011, SEC.44.

IC 31-33-8

Chapter 8. Investigation of Reports of Suspected Child Abuse or Neglect

IC 31-33-8-1

Investigations by the department of child services; time of initiation; investigations of child care ministries

Sec. 1. (a) The department shall initiate an appropriately thorough child protection assessment of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

(b) If the department believes that a child is in imminent danger of serious bodily harm, the department shall initiate an onsite assessment immediately, but not later than one (1) hour, after receiving the report.

(c) If the report alleges a child may be a victim of child abuse, the assessment shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(d) If reports of child neglect are received, the assessment shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

(e) If the report alleges that a child lives with a parent, guardian, or custodian who is married to or lives with a person who:

(1) has been convicted of:

(A) neglect of a dependent under IC 35-46-1-4; or

(B) a battery offense under IC 35-42-4; or

(2) is required to register as a sex or violent offender under IC 11-8-8;

the department shall initiate an assessment within a reasonably prompt time, but not later than five (5) days after the department receives the report, with the primary consideration being the well-being of the child who is the subject of the report.

(f) If the safety or well-being of a child appears to be endangered or the facts otherwise warrant, the assessment shall be initiated regardless of the time of day.

(g) If a report alleges abuse or neglect and involves a child care ministry that is exempt from licensure under IC 12-17.2-6, the department and the appropriate law enforcement agency shall jointly conduct an investigation. The investigation shall be conducted under the requirements of this section and section 2(b) of this chapter.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.117; P.L.124-2007, SEC.10; P.L.131-2009, SEC.43.

IC 31-33-8-2

Investigations by law enforcement agencies

Sec. 2. (a) Upon the receipt of each report under this chapter of known or suspected child abuse, the department shall contact the law enforcement agency in the appropriate jurisdiction.

(b) The law enforcement agency, with the department, shall

conduct an immediate onsite investigation of the report if the law enforcement agency has reason to believe that an offense has been committed. The law enforcement agency shall investigate the alleged child abuse or neglect under this chapter in the same manner that the law enforcement agency conducts any other criminal investigation. *As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.118.*

IC 31-33-8-3

Photographs and x-rays

Sec. 3. (a) Except as provided in subsection (b), the department shall:

- (1) cause color photographs to be taken of the areas of trauma visible on a child who is subject to a report; and
- (2) if medically indicated, cause a radiological examination of the child to be performed.

(b) If the law enforcement agency participates in the assessment, the law enforcement agency shall cause the color photographs to be taken as provided by this section.

(c) The department shall reimburse the expenses of the photographs and x-rays.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.119; P.L.131-2009, SEC.44.

IC 31-33-8-4

Notice to prosecuting attorney of reports involving child's death

Sec. 4. The law enforcement agency shall:

- (1) give telephone notice; and
- (2) immediately forward a copy;

of reports made under this article that involve the death of a child to the appropriate prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-5

Forwarding copies of reports to prosecuting attorney

Sec. 5. The department shall immediately forward a copy of all reports made under this article to the appropriate prosecuting attorney if the prosecuting attorney has made a prior request to the service in writing for the copies.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.120.

IC 31-33-8-6

Investigatory duties of department of child services; purpose

Sec. 6. The department shall promptly make a thorough assessment upon either the oral or written report. The primary purpose of the assessment is the protection of the child.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.121; P.L.131-2009, SEC.45.

IC 31-33-8-7

Scope of assessment by department of child services; order for access to home, school, or other place, or for mental or physical examinations; petition to interview child; order; requirements

Sec. 7. (a) The department's assessment, to the extent that is reasonably possible, must include the following:

- (1) The nature, extent, and cause of the known or suspected child abuse or neglect.
- (2) The identity of the person allegedly responsible for the child abuse or neglect.
- (3) The names and conditions of other children in the home.
- (4) An evaluation of the parent, guardian, custodian or person responsible for the care of the child.
- (5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.
- (6) All other data considered pertinent.

(b) The assessment may include the following:

- (1) A visit to the child's home.
- (2) An interview with the subject child.
- (3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

- (1) admission to the home, the school, or any other place that the child may be; or
- (2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

(d) If a custodial parent, a guardian, or a custodian of a child refuses to allow the department to interview the child after the caseworker has attempted to obtain the consent of the custodial parent, guardian, or custodian to interview the child, the department may petition a court to order the custodial parent, guardian, or custodian to make the child available to be interviewed by the caseworker.

(e) If the court finds that:

- (1) a custodial parent, a guardian, or a custodian has been informed of the hearing on a petition described under subsection (d); and
- (2) the department has made reasonable and unsuccessful efforts to obtain the consent of the custodial parent, guardian, or custodian to interview the child;

the court shall specify in the order the efforts the department made to obtain the consent of the custodial parent, guardian, or custodian and may grant the motion to interview the child, either with or without the custodial parent, guardian, or custodian being present.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.122; P.L.131-2009, SEC.46; P.L.162-2011, SEC.45.

IC 31-33-8-8**Order for child's immediate removal; preparation of investigative report**

Sec. 8. (a) If, before the assessment is complete, the opinion of the law enforcement agency or the department is that immediate removal is necessary to protect the child from further abuse or neglect, the juvenile court may issue an order under IC 31-32-13.

(b) The department shall make a complete written report of the assessment.

(c) If a law enforcement agency participates in the assessment, the law enforcement agency shall also make a complete written report of the assessment.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.123; P.L.131-2009, SEC.47.

IC 31-33-8-9**Provision of copies of investigative report by department of child services**

Sec. 9. (a) The department's report under section 8 of this chapter shall be made available to:

- (1) the appropriate court;
- (2) the prosecuting attorney; or
- (3) the appropriate law enforcement agency;

upon request.

(b) If child abuse or neglect is substantiated after an assessment is conducted under section 7 of this chapter, the department shall forward its report to the office of the prosecuting attorney having jurisdiction in the county in which the alleged child abuse or neglect occurred.

(c) If the assessment substantiates a finding of child abuse or neglect as determined by the department, a report shall be sent to the coordinator of the community child protection team under IC 31-33-3.

As added by P.L.1-1997, SEC.16. Amended by P.L.35-1998, SEC.4; P.L.234-2005, SEC.124; P.L.131-2009, SEC.48.

IC 31-33-8-10**Provision of information and copies of investigative report by law enforcement agency**

Sec. 10. If the law enforcement agency participates in the child abuse or neglect assessment, the law enforcement agency shall forward all information, including copies of an assessment report under section 7 of this chapter, on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the office of the prosecuting attorney.

As added by P.L.1-1997, SEC.16. Amended by P.L.131-2009, SEC.49.

IC 31-33-8-11**Law enforcement agency's duty to release information to**

department of child services

Sec. 11. In all cases, the law enforcement agency shall release information on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the department.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.125.

IC 31-33-8-12**Classifying reports as substantiated or unsubstantiated**

Sec. 12. Upon completion of an assessment, the department shall classify reports as substantiated or unsubstantiated.

As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.13; P.L.234-2005, SEC.126; P.L.131-2009, SEC.50.

IC 31-33-8-13**Court findings to be entered in the child protection index**

Sec. 13. Whenever a court finds that a child is a child in need of services on the basis of a child abuse or neglect report classified as substantiated under section 12 of this chapter, the department shall enter into the child protection index established under IC 31-33-26-2 identifiable information concerning the court's judgment.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.127; P.L.138-2007, SEC.65.

IC 31-33-8-14**Repealed**

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-9

Chapter 9. Designation of Public or Private Agencies to Investigate Reports of Abuse or Neglect Involving a Child Under the Care of a Public or Private Institution

IC 31-33-9-1

Written protocol or agreement designating agency primarily responsible for investigation

Sec. 1. (a) Through a written protocol or agreement, the department shall designate the public or private agencies primarily responsible for investigating reports involving a child who:

- (1) may be a victim of child abuse or neglect; and
- (2) is under the care of a public or private institution.

(b) The designated agency must be different from and separately administered from the agency involved in the alleged act or omission. Subject to this limitation, the agency:

- (1) may be:
 - (A) the department; or
 - (B) a law enforcement agency; and
- (2) may not be the office of the prosecuting attorney.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.128.

IC 31-33-9-2

Terms or conditions of protocol or agreement

Sec. 2. The protocol or agreement must describe the specific terms or conditions of the designation, including the following:

- (1) The manner in which reports of a child who may be a victim of child abuse or neglect and who is under the care of a public or private institution will be received.
- (2) The manner in which the reports will be investigated.
- (3) The remedial action that will be taken.
- (4) The manner in which the department will be kept fully informed on the progress, findings, and disposition of the investigation.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.129.

IC 31-33-9-3

Purchase of services of public or private agency

Sec. 3. To fulfill the purposes of this chapter, the department may purchase the services of the public or private agency designated to investigate reports of child abuse or neglect.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.130.

IC 31-33-10

Chapter 10. Duty of Health Care Provider to Examine, Photograph, and X-ray Child Who Is Subject of Child Abuse or Neglect Report

IC 31-33-10-1

Duty to photograph, x-ray, and physically examine trauma visible on child

Sec. 1. (a) A person who:

(1) is required to report cases of known or suspected child abuse or neglect; and

(2) is also a health care provider or a person in charge of a hospital or similar medical institution treating the child;

shall cause photographs to be taken of the areas of trauma visible on the child who is the subject of a report.

(b) If medically indicated, a physician may cause a radiological examination or a physical medical examination, or both, of the child to be performed.

As added by P.L.1-1997, SEC.16.

IC 31-33-10-2

Photographs, x-rays, and physical medical examinations; reimbursement of costs

Sec. 2. The department shall reimburse the reasonable cost of photographs, x-rays, or physical medical examinations made under this chapter.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.131.

IC 31-33-10-3

Photographs, x-rays, and physical medical examinations; delivery to department of child services; notice of existence

Sec. 3. All photographs taken and a summary of x-rays and other medical care shall be sent to the department and, upon request, to a law enforcement agency that investigates the alleged child abuse or neglect, at the time the written report is sent or as soon thereafter as possible. The department shall give notice of the existence of photographs, x-rays, and physical medical examination reports in accordance with IC 31-25-2-12.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.4; P.L.234-2005, SEC.132; P.L.145-2006, SEC.281.

IC 31-33-11

Chapter 11. Duty of Hospital Not to Release Child Who Is Subject of Child Abuse or Neglect Report

IC 31-33-11-1

Conditions for release of child under investigation for abuse or neglect; expenses of extended hospital stay

Sec. 1. (a) Whenever:

- (1) a child is subject to assessment by the department for reported child abuse or neglect;
- (2) the child is a patient in a hospital; and
- (3) the hospital has reported or has been informed of the report and assessment;

the hospital may not release the child to the child's parent, guardian, custodian, or to a court approved placement until the hospital receives authorization or a copy of a court order from the department indicating that the child may be released to the child's parent, guardian, custodian, or court approved placement.

(b) If the authorization that is granted under this section is verbal, the department shall send a letter to the hospital confirming that the department has granted authorization for the child's release.

(c) The individual or third party payor responsible financially for the hospital stay of the child remains responsible for any extended stay under this section. If no party is responsible for the extended stay, the department shall pay the expenses of the extended hospital stay.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.133; P.L.131-2009, SEC.51.

IC 31-33-12

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-13

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-14

Chapter 14. Referral of Case to Juvenile Court Following Investigation of Report of Child Abuse or Neglect; Juvenile Court Proceeding

IC 31-33-14-1**Referral to juvenile court or prosecuting attorney**

Sec. 1. If the department determines that the best interests of the child require action in the juvenile or criminal court, the department shall:

- (1) refer the case to the juvenile court under IC 31-34-7; or
- (2) make a referral to the prosecuting attorney if criminal prosecution is desired.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.142.

IC 31-33-14-2**Duty of department of child services to assist court**

Sec. 2. The department shall assist the juvenile court or the court having criminal jurisdiction during all stages of the proceedings in accordance with the purposes of this article.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.143.

IC 31-33-15**Chapter 15. Appointment of Guardian Ad Litem or Court Appointed Special Advocate****IC 31-33-15-1****Appointment**

Sec. 1. In every judicial proceeding under this article, the court may appoint for the child a guardian ad litem or a court appointed special advocate, or both, under IC 31-32-3.

As added by P.L.1-1997, SEC.16.

IC 31-33-15-2**Access to reports**

Sec. 2. The guardian ad litem or the court appointed special advocate, or both, shall be given access under IC 31-39 to:

- (1) all reports relevant to the case; and
- (2) any reports of examinations of the child's parents or other person responsible for the child's welfare.

As added by P.L.1-1997, SEC.16.

IC 31-33-15-3**Costs of services of guardian ad litem**

Sec. 3. Any costs related to the services of a guardian ad litem shall be paid according to IC 31-40.

As added by P.L.1-1997, SEC.16.

IC 31-33-16

Chapter 16. Review of Status of Child by Juvenile Court

IC 31-33-16-1

Review of status of child removed from family

Sec. 1. The juvenile court shall review the status of a child removed from the child's family under this article (or IC 31-6-11 before its repeal) according to IC 31-34-21.

As added by P.L.1-1997, SEC.16.

IC 31-33-17

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-18

Chapter 18. Disclosure of Reports; Confidentiality Requirements

IC 31-33-18-1

Confidentiality; exceptions

Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

- (1) Reports made under this article (or IC 31-6-11 before its repeal).
- (2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:
 - (A) the division of family resources;
 - (B) the county office;
 - (C) the department; or
 - (D) the department of child services ombudsman established by IC 4-13-19-3.

(b) Except as provided in section 1.5 of this chapter, all records held by:

- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24;
- (5) the statewide child fatality review committee established under IC 31-33-25; or
- (6) the department of child services ombudsman established by IC 4-13-19-3;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.
As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.14; P.L.234-2005, SEC.153; P.L.145-2006, SEC.283; P.L.182-2009(ss), SEC.378.

IC 31-33-18-1.5

Written findings; copies to the department of child services; certain records held by governmental entities not confidential if redacted; procedure for redacting records

Sec. 1.5. (a) This section applies to records held by:

- (1) a county office;
- (2) the department;
- (3) a local child fatality review team established under IC 31-33-24;
- (4) the statewide child fatality review committee established under IC 31-33-25; or
- (5) the department of child services ombudsman established by IC 4-13-19-3;

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:
 - (A) an indictment or information; or
 - (B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) If the juvenile court finds that the child's death or near fatality was the result of abuse, abandonment, or neglect, the court shall make written findings and provide a copy of the findings and the indictment, information, or complaint described under subsection (b)(2) to the department.

(d) As used in this section:

- (1) "case" means:
 - (A) any intake report generated by the department;
 - (B) any investigation or assessment conducted by the department; or
 - (C) ongoing involvement between the department and a child or family that is the result of:
 - (i) a program of informal adjustment; or
 - (ii) a child in need of services action;

for which related records and documents have not been expunged as required by law or by a court at the time the department is notified of a fatality or near fatality;

(2) "contact" means in person communication about a case in which:

- (A) the child who is the victim of a fatality or near fatality is alleged to be a victim; or
- (B) the perpetrator of the fatality or near fatality is alleged to be the perpetrator;

(3) "identifying information" means information that identifies an individual, including an individual's:

- (A) name, address, date of birth, occupation, place of employment, and telephone number;
- (B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
- (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;
- (D) unique electronic identification number, address, or routing code;

- (E) telecommunication identifying information; or
- (F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(e) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(f) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(g) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

- (1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and
- (2) all identifying information of a child less than eighteen (18) years of age.

(h) The court shall disclose the record redacted in accordance with subsection (g) to any person who requests the record, if the person has paid:

- (1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and
- (2) to the court, the reasonable expenses of copying the record.

(i) The data and information in a record disclosed under this section must include the following:

- (1) A summary of the report of abuse or neglect and a factual description of the contents of the report.
- (2) The date of birth and gender of the child.
- (3) The cause of the fatality or near fatality, if the cause has been determined.
- (4) Whether the department had any contact with the child or the perpetrator before the fatality or near fatality, and, if the department had contact, the following:
 - (A) The frequency of the contact with the child or the perpetrator before the fatality or near fatality and the date on which the last contact occurred before the fatality or near fatality.
 - (B) A summary of the status of the child's case at the time of the fatality or near fatality, including:
 - (i) whether the child's case was closed by the department before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the date of closure and the reasons that the case was closed.

(j) The court's determination under subsection (g) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

As added by P.L.70-2004, SEC.15. Amended by P.L.234-2005, SEC.154; P.L.145-2006, SEC.284; P.L.131-2009, SEC.52; P.L.182-2009(ss), SEC.379; P.L.162-2011, SEC.46.

IC 31-33-18-2

Disclosure of unredacted material to certain persons

Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and

other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

- (i) an applicant for a license to operate;
- (ii) a person licensed to operate;
- (iii) an employee of; or
- (iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

(21) The department of child services ombudsman established by IC 4-13-19-3.

As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.16; P.L.234-2005, SEC.155; P.L.145-2006, SEC.285; P.L.146-2006, SEC.43; P.L.138-2007, SEC.66; P.L.182-2009(ss), SEC.380.

IC 31-33-18-3

Disclosure to qualified researchers

Sec. 3. (a) Section 2 of this chapter does not prevent the county office of family and children or the department from disclosing to a qualified individual engaged in a good faith research project either:

(1) information of a general nature, including the incidents of reported child abuse or neglect or other statistical or social data used in connection with studies, reports, or surveys, and information related to their function and activities; or

(2) information relating to case histories of child abuse or neglect if:

(A) the information disclosed does not identify or reasonably tend to identify the persons involved; and

(B) the information is not a subject of pending litigation.

(b) To implement this section, the department shall adopt under IC 4-22-2 rules to govern the dissemination of information to qualifying researchers.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.156.

IC 31-33-18-4

Notice to parent, guardian, or custodian of availability of reports, information, and juvenile court records; release form; copying costs

Sec. 4. (a) Whenever a child abuse or neglect assessment is conducted under this article, the department shall give verbal and written notice to each parent, guardian, or custodian of the child that:

(1) the reports and information described under section 1 of this chapter relating to the child abuse or neglect assessment; and

(2) if the child abuse or neglect allegations are pursued in juvenile court, the juvenile court's records described under IC 31-39;

are available upon the request of the parent, guardian, or custodian except as prohibited by federal law.

(b) A parent, guardian, or custodian requesting information under this section may be required to sign a written release form that

delineates the information that is requested before the information is made available. However, no other prerequisites for obtaining the information may be placed on the parent, guardian, or custodian except for reasonable copying costs.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.157; P.L.131-2009, SEC.53.

IC 31-33-19

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-20

Repealed

(Repealed by P.L.138-2007, SEC.93.)

IC 31-33-21

Repealed

(Repealed by P.L.146-2008, SEC.806.)

IC 31-33-22

Chapter 22. Offenses; Access to Unsubstantiated False Reports

IC 31-33-22-1

Failure to make report

Sec. 1. (a) A person who knowingly fails to make a report required by IC 31-33-5-1 commits a Class B misdemeanor.

(b) A person who knowingly fails to make a report required by IC 31-33-5-2 commits a Class B misdemeanor. This penalty is in addition to the penalty imposed by subsection (a).

As added by P.L.1-1997, SEC.16.

IC 31-33-22-2

Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation

Sec. 2. (a) An individual who knowingly requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses commits a Class B misdemeanor.

(b) A person who knowingly or intentionally:

- (1) falsifies child abuse or neglect information or records; or
- (2) obstructs or interferes with a child abuse assessment, including an assessment conducted by a local child fatality review team or the statewide child fatality review committee;

commits obstruction of a child abuse assessment, a Class A misdemeanor.

As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.17; P.L.131-2009, SEC.54.

IC 31-33-22-3

False reports; criminal and civil liability; notification of prosecuting attorney

Sec. 3. (a) A person who intentionally communicates to:

- (1) a law enforcement agency; or
- (2) the department;

a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false.

(b) A person who intentionally communicates to:

- (1) a law enforcement agency; or
- (2) the department;

a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

(c) The director or the director's designee shall, after review by the department's attorney, notify the prosecuting attorney whenever the director or the director's designee and the department's attorney have reason to believe that a person has violated this section.

(d) A person who:

- (1) has reason to believe that the person is a victim of a false report of child abuse or neglect under this section; and
- (2) is not named in a pending criminal charge or under assessment relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting attorney shall review the relevant child abuse or neglect records of the department and any other relevant evidence.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.166; P.L.131-2009, SEC.55.

IC 31-33-22-4

Failure to notify of name change

Sec. 4. A person who intentionally violates IC 31-33-17-10 commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.16.

IC 31-33-22-5

Access by accused to false report

Sec. 5. A person who is accused of committing child abuse or neglect is entitled to access to a report relevant to an alleged false accusation filed under this article if a court finds that the report:

- (1) is unsubstantiated; and
- (2) was intentionally communicated to a law enforcement agency or the department by a person who knew the report was false.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.167.

IC 31-33-23

Chapter 23. Report to the General Assembly

IC 31-33-23-1**Management of child abuse and neglect cases; report**

Sec. 1. The department shall prepare in an electronic format under IC 5-14-6 for the general assembly a report regarding the department's management of child abuse and neglect cases.

As added by P.L.145-2006, SEC.286.

IC 31-33-23-2**Contents of report**

Sec. 2. The report under section 1 of this chapter must include a description of the following:

- (1) The work of child welfare caseworkers, supervisors, and directors.
- (2) Investigations based on telephone reports of child abuse or neglect.
- (3) Referrals to necessary services arising out of child abuse and neglect reports.
- (4) The department's family preservation efforts.

As added by P.L.145-2006, SEC.286.

IC 31-33-23-3**Deadline for report**

Sec. 3. The department shall submit the report in an electronic format under IC 5-14-6 to the general assembly not later than November 1 of each year.

As added by P.L.145-2006, SEC.286.

IC 31-33-24

Chapter 24. Child Fatality Review Teams

IC 31-33-24-1

"Child"

Sec. 1. As used in this chapter, "child" means an individual less than sixteen (16) years of age.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-2

"Emergency medical services"

Sec. 2. As used in this chapter, "emergency medical services" means the provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-3

"Local child fatality review team"

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under this chapter.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-4

"Mental health provider"

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.
- (6) An individual who claims to be a mental health provider.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-5

"Statewide child fatality review"

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by IC 31-33-25-6.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-6

Purpose

Sec. 6. (a) A county may establish a county child fatality review team to review the death of a child that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained.

(b) The legislative body of a county (as defined in IC 36-1-2-9) must determine by majority vote whether the county will establish a local child fatality review team.

(c) If a county elects not to establish a county child fatality review team, the county may join with one (1) or more other counties that have not established a county child fatality review team and form a regional child fatality review team.

(d) To establish a regional child fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional child fatality review team.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-7

Child fatality review determinations; review of all records; request of records

Sec. 7. (a) A child fatality review consists of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

(c) If a local child fatality review team requests records from a hospital, physician, coroner, or mental health professional regarding a death that the local child fatality review team is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the child fatality review team.

As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.4.

IC 31-33-24-8

Statewide child fatality review committee may review a death upon request of a local child fatality review team

Sec. 8. A local child fatality review team may request that the statewide child fatality review committee make a fatality review of a child from the area served by the local child fatality review team if a majority of the members of a local child fatality review team vote to make the request.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-9

Team members

Sec. 9. (a) A local child fatality review team consists of the

following members:

- (1) A coroner or deputy coroner from the area served by the local child fatality review team.
 - (2) A representative from:
 - (A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;
 - (B) a local health department established under IC 16-20-2; or
 - (C) a multiple county health department established under IC 16-20-3;from the area served by the local child fatality review team.
 - (3) A physician residing or practicing medicine in the area served by the local child fatality review team.
 - (4) A representative of law enforcement from the area served by the local child fatality review team.
 - (5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.
 - (6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.
 - (7) A representative of the prosecuting attorney from the area served by the local child fatality review team.
 - (8) A pathologist with forensic experience who is licensed to practice medicine in Indiana and who, if feasible, is certified by the American Board of Pathology in forensic pathology.
 - (9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.
- (b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 6 of this chapter shall:
- (1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and
 - (2) appoint members to the local child fatality review team under the ordinance adopted.
- (c) If a local child fatality review team is established in a region, the county legislative bodies that voted to establish the local child fatality review team under section 6 of this chapter shall:
- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local child fatality review team; and
 - (2) appoint members to the local child fatality review team under the ordinances adopted.
- As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.5.*

IC 31-33-24-10

Additional team members

Sec. 10. A local child fatality review team may have additional

members from the following categories:

- (1) A representative of a hospital located in the county or region served by the local child fatality review team.
- (2) A mental health provider providing services in the county or region served by the local child fatality review team.
- (3) A representative from a juvenile or probate court in the county or region served by the local child fatality review team.
- (4) Other representatives requested to serve by the members of the local child fatality review team.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-11

Chairperson

Sec. 11. (a) Any member of a local child fatality review team may serve as chairperson. The chairperson shall be elected by the members of the local child fatality review team at the first meeting of the local child fatality review team.

(b) The local child fatality review team shall meet at the call of the chairperson.

(c) The local child fatality review team chairperson shall determine the agenda for each meeting.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-12

Meetings

Sec. 12. (a) Except as provided in subsection (b), meetings of a local child fatality review team are open to the public.

(b) Meetings of a local child fatality review team that involve confidential records or identifying information regarding the death of a child that is confidential under state or federal law shall be held as executive sessions.

(c) If an executive session is held under subsection (b), each individual who:

- (1) attends a meeting of the local child fatality review team; and
- (2) is not a member of the local child fatality review team;

shall sign a confidentiality statement prepared by the department. The local child fatality review team shall keep all confidentiality statements signed under this subsection.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-13

Training

Sec. 13. Members of a local child fatality review team and individuals who attend a meeting of a local child fatality review team as an invitee of the chairperson:

- (1) may discuss among themselves confidential matters that are before the local child fatality review team;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local child fatality review team; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves confidential matters that are before the local child fatality review team.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-14

Documentation and data collection

Sec. 14. The department shall provide training to local child fatality review teams.

As added by P.L.145-2006, SEC.287.

IC 31-33-24-15

Annual report

Sec. 15. (a) The department shall collect and document information surrounding the deaths of children reviewed by local child fatality review teams. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

(1) the appropriate community child protection team;

(2) as appropriate:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) the local health department established under IC 16-20-2; or

(C) the multiple county health department established under IC 16-20-3; and

(3) the appropriate coroner and the pathologist who performed the autopsy on the child.

As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.6.

IC 31-33-25

Chapter 25. Statewide Child Fatality Review Committee

IC 31-33-25-1**"Child"**

Sec. 1. As used in this chapter, "child" means an individual less than eighteen (18) years of age.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-2**"Emergency medical services"**

Sec. 2. As used in this chapter, "emergency medical services" means emergency ambulance services or other services, including extrication and rescue services, provided to an individual in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-3**"Local child fatality review team"**

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under IC 31-33-24.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-4**"Mental health provider"**

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-5**"Statewide child fatality review committee"**

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by section 6 of this chapter.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-6**Purpose**

Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual or the department of child services ombudsman established by IC 4-13-19-3.

(c) A request submitted under subsection (b) must set forth:

- (1) the name of the child;
- (2) the age of the child;
- (3) the county where the child died;
- (4) whether a local child fatality review team reviewed the death; and
- (5) the cause of death of the deceased child.

As added by P.L.145-2006, SEC.288. Amended by P.L.182-2009(ss), SEC.381.

IC 31-33-25-7

Child fatality review determinations; review of all records; request of records

Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

- (1) the department of child services; or
- (2) a local child fatality review team.

(c) If the statewide child fatality review committee requests records from a hospital, physician, coroner, or mental health professional regarding a death that the statewide child fatality review committee is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288. Amended by P.L.225-2007, SEC.7.

IC 31-33-25-8

Team members

Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) a coroner or deputy coroner;
- (2) a representative from:
 - (A) the state department of health established by IC 16-19-1-1;

- (B) a local health department established under IC 16-20-2;
or
- (C) a multiple county health department established under
IC 16-20-3;
- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services
provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;
- (8) a pathologist who is:
 - (A) certified by the American Board of Pathology in forensic
pathology; and
 - (B) licensed to practice medicine in Indiana;
- (9) a mental health provider;
- (10) a representative of a child abuse prevention program;
- (11) a representative of the department of education; and
- (12) at the discretion of the department of child services
ombudsman, a representative of the department of child
services ombudsman established by IC 4-13-19-3.

*As added by P.L.145-2006, SEC.288. Amended by P.L.225-2007,
SEC.8; P.L.182-2009(ss), SEC.382.*

IC 31-33-25-9

Chairperson

Sec. 9. (a) The chairperson of the statewide child fatality review committee shall be selected by the governor.

(b) The statewide child fatality review committee shall meet at the call of the chairperson.

(c) The statewide child fatality review committee chairperson shall determine the agenda for each meeting.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-10

Meetings open; exceptions

Sec. 10. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) Except as provided in subsection (d), a meeting of the statewide child fatality review committee that involves:

- (1) confidential records; or
- (2) identifying information regarding the death of a child that is
confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

- (1) attends the meeting; and
- (2) is not a member of the statewide child fatality review
committee;

shall sign a confidentiality statement prepared by the department.
The statewide child fatality review committee shall keep all

confidentiality statements signed under this subsection.

(d) A majority of the members of the statewide child fatality review committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-11

Confidentiality; immunity

Sec. 11. Members of the statewide child fatality review committee and individuals who attend a meeting of the statewide child fatality review committee as an invitee of the chairperson:

- (1) may discuss among themselves confidential matters that are before the statewide child fatality review committee;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child fatality review committee; and
- (3) except when acting:
 - (A) with malice;
 - (B) in bad faith; or
 - (C) with gross negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-12

Training

Sec. 12. The department shall provide training to the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-13

Data collection and sharing

Sec. 13. (a) The department shall collect and document information surrounding the deaths of children reviewed by the statewide child fatality review committee. The department shall develop a data collection form that includes:

- (1) identifying and nonidentifying information;
- (2) information regarding the circumstances surrounding a death;
- (3) factors contributing to a death; and
- (4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

- (1) the appropriate community child protection team established under IC 31-33-3;
- (2) the appropriate:

- (A) local health department established under IC 16-20-2; or
- (B) multiple county health department established under IC 16-20-3; and
- (3) the appropriate coroner and the pathologist who performed the autopsy on the child.

As added by P.L.145-2006, SEC.288. Amended by P.L.225-2007, SEC.9.

IC 31-33-25-14

Affirmative votes of voting members required for action

Sec. 14. The affirmative votes of the voting members of a majority of the statewide child fatality review committee are required for the committee to take action on any measure.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-15

Expenses

Sec. 15. The expenses of the statewide child fatality review committee shall be paid from funds appropriated to the department.

As added by P.L.145-2006, SEC.288.

IC 31-33-25-16

Testimony

Sec. 16. The testimony of a member of the statewide child fatality review committee is not admissible as evidence concerning an investigation by the statewide child fatality review committee.

As added by P.L.145-2006, SEC.288.

IC 31-33-26

Chapter 26. Child Protection Index

IC 31-33-26-1

"Child care provider"; "index"

Sec. 1. (a) As used in this chapter, "child care provider" means a person who:

- (1) provides child care (as defined in IC 12-7-2-28.2) regardless of whether the person is required to be licensed or registered under IC 12-17.2; or
- (2) is a child caring institution, a foster family home, a group home, or a child placing agency that is licensed or required to be licensed under IC 31-27.

(b) As used in this chapter, "index" refers to the child protection index established under section 2 of this chapter.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-2

Establishment and maintenance of child protection index

Sec. 2. The department shall establish and maintain a centralized, computerized child protection index to organize and access data regarding substantiated reports of child abuse and neglect that the department receives from throughout Indiana under this article.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-3

Index components

Sec. 3. In addition to the equipment needed to establish, operate, and maintain the index, the index must include the following components:

- (1) One (1) computer to be purchased for every two (2) family case managers.
- (2) Automated risk assessment in which a family case manager or supervisor is able to review a substantiated child abuse or neglect case to determine prior case history during the intake, assessment, and case management processes.
- (3) The capability to allow supervisors to monitor child abuse and neglect cases and reports relating to the cases.
- (4) The automated production of standard reports to enable the automated compilation of information gathered on forms used by family case managers to report the information and results of child abuse and neglect cases. The index must also provide for the automation of other data for planning and evaluation as determined by the department.
- (5) The capability of same day notification and transfer of statistical information to the department regarding new and closed child abuse and neglect cases.
- (6) The enabling of child welfare supervisors to review a child abuse or neglect determination at any point after the assessment is initially classified as substantiated abuse or neglect, to

confirm the status of the case, and to allow for the consolidated management of cases.

(7) The capability for adjusting the index's programming at a later date if additional reporting requirements occur.

(8) A word processing capability to allow case notes to be recorded with each substantiated child abuse and neglect case.

As added by P.L.138-2007, SEC.67. Amended by P.L.131-2009, SEC.56.

IC 31-33-26-4

Case history file; automatic search requirements

Sec. 4. (a) In addition to the components described in section 3 of this chapter, the index must have the capability to maintain a case history file.

(b) Whenever a person enters a new child abuse or neglect report into the index, the index must have the capability to automatically search for reports that match the name of the:

(1) perpetrator;

(2) victim; or

(3) person who is legally responsible for the victim's welfare; with the persons named in the new report as described in this chapter.

(c) If the index identifies a previous, substantiated report, the index must have the capability to transfer the report to the county where the new report originated not later than twenty-four (24) hours after receipt of the new report. If a previous, matching report is located, a case history extract must be made available to the assigned caseworker.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-5

Establish access restrictions; maintain confidentiality; read only access by child services ombudsman

Sec. 5. (a) The department shall establish access restrictions in order to maintain the security and confidentiality of the index as required by this chapter.

(b) The department of child services ombudsman established by IC 4-13-19-3 shall have read only access to the index concerning:

(1) children who are the subject of complaints filed with; or

(2) cases being investigated by;

the department of child services ombudsman. The office of the department of child services ombudsman shall not have access to any information related to cases or information that involves the ombudsman or any member of the ombudsman's immediate family.

As added by P.L.138-2007, SEC.67. Amended by P.L.182-2009(ss), SEC.383; P.L.162-2011, SEC.47.

IC 31-33-26-6

Data storage and retrieval requirements

Sec. 6. The department shall store data regarding child abuse or

neglect reports in a manner that allows the data to be retrieved based on the following, if known:

- (1) The child's name.
- (2) The child's date of birth.
- (3) The alleged perpetrator's name.
- (4) The child's mother's name.
- (5) The child's father's name.
- (6) The name of a sibling of the child.
- (7) The name of the child's guardian or custodian if applicable.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-7

Adoption of rules

Sec. 7. The department may adopt rules under IC 4-22-2 to ensure that the confidentiality of and access to reports of child abuse or neglect are maintained as provided in this chapter.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-8

Notification after index entry; notice to perpetrators; request for administrative hearing

Sec. 8. (a) This section does not apply to substantiated reports if a court has determined that a child is a child in need of services based on:

- (1) a report of child abuse or neglect that names the perpetrator as the individual who committed the child abuse or neglect; or
- (2) facts presented to the court at a hearing in a child in need of services case commenced under IC 31-34 that are consistent with the facts and conclusions stated in the report, if the department approved the substantiated report after the court's determination.

(b) Not later than thirty (30) days after the department enters a substantiated child abuse or neglect report into the index, the department shall notify:

- (1) the parent, guardian, or custodian of the child who is named in the report as the victim of the child abuse or neglect; and
- (2) any person identified as the perpetrator, if other than the child's parent, guardian, or custodian;

that the department has entered the report into the index.

(c) The department shall state the following in a notice to the perpetrator of a substantiated report under subsection (b):

- (1) The report has been classified as substantiated.
- (2) The perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the perpetrator does not agree with the classification of the report unless a court is in the process of making a determination.
- (3) The perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the department not more than thirty (30) days after the notice is served on the perpetrator as provided in

IC 4-21.5-3-1(b). Time shall be computed as provided in IC 4-21.5-3-2.

(d) If the perpetrator fails to request an administrative hearing within the time specified in subsection (c)(3), the perpetrator named in a substantiated report may request an administrative hearing to contest the classification of the report if the perpetrator demonstrates that the failure to request an administrative hearing was due to excusable neglect or fraud. The Indiana Rules of Civil Procedure provide the standard for excusable neglect or fraud.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-9

Administrative hearings; evidentiary standards; consideration of hearsay; amendment or expungement of reports; confidentiality

Sec. 9. (a) Except as provided in sections 11 and 12 of this chapter, the department shall conduct an administrative hearing upon a request made under section 8 of this chapter.

(b) At the administrative hearing, the department must prove by a preponderance of credible evidence that the perpetrator is responsible for the child's abuse or neglect.

(c) During an administrative hearing under this section, the administrative hearing officer shall consider hearsay evidence to be competent evidence and may not exclude hearsay based on the technical rules of evidence. If not objected to, the hearsay evidence may form the basis for an order. However, if the evidence is properly objected to and does not fall within a recognized exception to the hearsay rule, the resulting order may not be based solely upon the hearsay evidence.

(d) If the department fails to carry the burden of proof under subsection (b), the department shall amend or expunge the report as ordered by the administrative hearing officer within the period provided under section 15 of this chapter.

(e) The department shall maintain the confidentiality of an abuse or a neglect report during the administrative process.

(f) The administrative hearing shall be closed.

(g) The administrative files shall be closed and not disclosed to the public.

As added by P.L.138-2007, SEC.67. Amended by P.L.162-2011, SEC.48.

IC 31-33-26-10

Administration of index

Sec. 10. The department shall administer the index in a manner that enables the department to do the following:

(1) Immediately identify and locate prior reports of child abuse or neglect through the use of the department's:

(A) computerized tracking system; and

(B) automated risk assessment system.

(2) Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse or

neglect.

(3) Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the department shall make available to the public upon request.

(4) Serve as a resource for the evaluation, management, and planning of preventive and remedial services to children who have been subject to child abuse or neglect.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-11

Binding court determinations; stay of administrative hearings; perpetrator entitlement to administrative hearings

Sec. 11. (a) If a court having jurisdiction over a child in need of services case under IC 31-34 has determined or is anticipated to determine whether:

(1) a report of suspected child abuse or neglect is properly substantiated;

(2) child abuse or neglect occurred; or

(3) any person was a perpetrator of child abuse or neglect;

the determination of the court is binding.

(b) The administrative hearing under this chapter shall be stayed pending an anticipated action by the court.

(c) A person named as a perpetrator in a report of suspected child abuse or neglect is not entitled to an administrative hearing under this chapter if a court has determined that:

(1) the alleged child abuse or neglect did not occur; or

(2) the person was not a perpetrator of the alleged child abuse or neglect.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-12

Criminal charges against a perpetrator; entitlement to administrative hearings

Sec. 12. (a) If criminal charges are filed against a perpetrator based on the same facts and circumstances on which the department classified a child abuse or neglect report as substantiated, any administrative hearing requested by the perpetrator under this chapter shall be stayed pending disposition of the criminal charges.

(b) If the criminal charges result in the conviction of the perpetrator and the facts that provided a necessary element for the conviction also provided the basis for the substantiated report under IC 31-33-8-12, the person named in the report as a perpetrator of child abuse or neglect is not entitled to an administrative hearing under this chapter.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-13

Adoption of rules

Sec. 13. The department shall adopt rules under IC 4-22-2:

(1) to provide procedures not inconsistent with section 9 of this

chapter by which any person identified as a perpetrator in a substantiated report of child abuse or neglect that is entered into the child protection index may request and obtain an administrative hearing as provided in this chapter;

(2) to establish procedures for the conduct of the administrative hearing; and

(3) to establish provisions for administrative review by the department of a proposed or approved substantiated report, before or after an administrative hearing is available or conducted.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-14

Amendment or expungement from index of inaccurate report

Sec. 14. The department shall immediately amend or expunge from the index a substantiated report containing an inaccuracy arising from an administrative or a clerical error.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-15

Expungement and amendment of record procedures

Sec. 15. (a) The department shall expunge a substantiated report contained within the index as follows:

(1) Not later than ten (10) working days after any of the following occurs:

(A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.

(B) An administrative hearing officer under this chapter finds that the child abuse or neglect report is unsubstantiated.

(C) A court having juvenile jurisdiction enters an order for expungement of the report under IC 31-33-7-6.5.

(2) Not later than twenty (20) years after a court determines that a child is a child in need of services based upon the report.

(b) The department shall amend a substantiated report contained in the index by deleting the name of an alleged perpetrator if:

(1) a court having jurisdiction over a child in need of services proceeding; or

(2) an administrative hearing officer under this chapter; finds that the person was not a perpetrator of the child abuse or neglect that occurred.

(c) If subsection (a) does not apply, the department shall expunge the substantiated report not later than the date on which any child who is named in the report as a victim of child abuse or neglect becomes twenty-four (24) years of age.

(d) The department shall expunge an unsubstantiated report contained in the index not later than six (6) months after the date the report was entered into the index.

As added by P.L.138-2007, SEC.67. Amended by P.L.131-2009,

SEC.57.

IC 31-33-26-16

Access to index information

Sec. 16. (a) A person or an organization may have access to information contained in the index as follows:

(1) A law enforcement agency may have access to a substantiated report for purposes of investigating or criminally prosecuting a person identified as a perpetrator of child abuse or neglect.

(2) A child care provider, upon submitting a written consent for release of information signed by an individual who:

(A) is employed by or who has applied for employment with the child care provider;

(B) has volunteered to provide services to the child care provider in a capacity that would place the individual in direct contact, on a regular and continuous basis, with children who are or will be under the direct supervision of the child care provider; or

(C) is at least eighteen (18) years of age and resides in the home of the child care provider;

may have access to any information relating to a substantiated report of child abuse or neglect that names the employee, applicant, volunteer, or household resident as the perpetrator of child abuse or neglect.

(3) A person may have access to any information that is contained in the index pertaining to the person, with protection for the identity of:

(A) a person who reports the child abuse or neglect; and

(B) any other appropriate person.

(4) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may have access to information contained in the index.

(5) Representatives of the division of family resources designated by the director of the division may have access to and use any information relating to a substantiated report of child abuse or neglect that would constitute a basis for denial or revocation of a license for a child care center under IC 12-17.2-4 or a child care home under IC 12-17.2-5.

(6) Representatives of the department designated by the director may have access to and use any information relating to a substantiated report of child abuse or neglect that would constitute a basis for denial or revocation of a license for a child caring institution, foster family home, group home, or child placing agency under IC 31-27.

(7) Any representative of the department, a court having juvenile jurisdiction, and any party in a case under IC 31-34 or IC 31-37 may have access to and use any information relating to a substantiated report of child abuse or neglect in connection with a determination of an appropriate out of home placement

for a child under any applicable provision of IC 31-34 or IC 31-37 that requires a criminal history check (as described in IC 31-9-2-22.5) concerning any person.

(8) The department shall provide any information contained in a substantiated report of child abuse or neglect that is included in the index to an authorized agency of another state that requests information concerning a prospective foster or adoptive parent, or any other adult living in the home of a prospective foster or adoptive parent, in accordance with 42 U.S.C. 671(a)(20)(C).

(9) The department shall transmit or provide to a national index of substantiated cases of child abuse or neglect established in accordance with 42 U.S.C. 16990:

(A) a copy of any substantiated report and related information entered into the index; and

(B) information concerning expungement or amendment of any substantiated report as provided in section 14 or 15 of this chapter.

(10) To determine the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3), the division of family resources may use information contained in the index concerning whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming an individual described in IC 12-17.2-3.5-4.1(a) as a perpetrator.

(b) Except as provided in this section or in rules adopted under subsection (c), the department may not disclose information used in connection with the department's activities under this section.

(c) The department shall adopt rules under IC 4-22-2 relating to the procedure for disclosure of information described in this section.
As added by P.L.138-2007, SEC.67.

IC 31-33-26-17

Name changes

Sec. 17. (a) If a court grants a name change under IC 34-28-2 (or IC 34-4-6 before its repeal) to a person:

(1) against whom an allegation of child abuse or neglect has been substantiated; and

(2) whose name is maintained within the index in accordance with this chapter;

the person must notify the department regarding the name change not more than ten (10) business days after the court enters a decree changing the person's name.

(b) The notice under subsection (a) must include a copy of the decree of the court that changes the name of the person, certified under the seal of the clerk of court.

As added by P.L.138-2007, SEC.67.

IC 31-33-26-18

Transfer of records to the index

Sec. 18. On July 1, 2007, all substantiated reports and other documents relating to child abuse or neglect cases contained in the child abuse registry under IC 31-33-17 (before its repeal) and the automated child protection system under IC 31-33-20 (before its repeal) shall be transferred to and be included in the child protection index. The department shall maintain and administer all reports and documents transferred to and included in the child protection index as provided in this chapter.

As added by P.L.138-2007, SEC.67.