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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

# HOUSE ENROLLED ACT No. 1412

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 12-17.2-3.5-8.5, AS AMENDED BY P.L.183-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8.5. (a) A provider shall provide to all employees and volunteers of the provider the written material prepared and made available by the division under subsection (c).

(b) An employee or a volunteer of a provider who has reason to believe that a child in the provider's care is a victim of child abuse or neglect shall make a report as required under IC 31-33-5.

(c) The division shall do the following:

(1) Prepare written material specifying the following:

(A) The duty to report known or suspected child abuse or neglect under IC 31-33-5.

(B) That knowing failure to make a report required by:

(i) IC 31-33-5-1; **or**

(ii) IC 31-33-5-2; ~~or~~

~~(iii) IC 31-33-5-2.5;~~

is a Class B misdemeanor under IC 31-33-22-1.

(2) Make the written material under subdivision (1) available to providers.

SECTION 2. IC 25-1-9-4, AS AMENDED BY P.L.35-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2025]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(C) advertised services in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:

(i) Medicaid (42 U.S.C. 1396 et seq.);

(ii) Medicare (42 U.S.C. 1395 et seq.);

(iii) the children's health insurance program under IC 12-17.6; or

(iv) insurance claims;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization;

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter; or

(14) a practitioner has failed to report to the department of child services or ~~a local~~ **an appropriate** law enforcement agency suspected child abuse in accordance with IC 31-33-5.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

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

(1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and

IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court; or

(2) an individual who:

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

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

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

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

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

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

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

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

**(d) "Child abuse or neglect" does not include raising or referring to a child in a manner consistent with the child's biological sex.**

SECTION 4. IC 31-33-5-2, AS AMENDED BY P.L.183-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. ~~(a) This section does not apply to an individual required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2. An individual required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2 is subject to section 2.5 of this chapter.~~

~~(b)~~ **(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, **organization,** or agency, the individual shall immediately make a report to:

(1) the department; or

(2) the ~~local~~ **appropriate** law enforcement agency.

**The individual does not have discretion to decide not to report known or suspected child abuse or neglect, unless a report has**

**already been made and documented by the individual in charge under subsection (d).**

**(b) An individual required to make a report of known or suspected child abuse or neglect may not delegate the duty to make the report to another individual, unless:**

**(1) the individual to whom the duty is being delegated is part of the child's care team and has personally been involved in the child's care; and**

**(2) the notification of suspected child abuse or neglect made to the individual described in subdivision (1) is in writing.**

**(c) The individual described in subsection (b)(1) shall immediately report the suspected child abuse or neglect to the appropriate law enforcement agency or the department. As soon as possible after making the report to law enforcement or the department, the individual described in subsection (b)(1) shall do the following:**

**(1) Record in writing that they were notified of suspected child abuse or neglect, including the identity of the person who notified them, the date and time that they received the notification, and the date and time that they reported the suspected child abuse or neglect to law enforcement or the department of child services.**

**(2) Place or cause to be placed in the child's medical file:**

**(A) the details included in the report to law enforcement or the department of child services, including the date and time;**

**(B) the condition of the child at the time the report was made, if known; and**

**(C) any other relevant and necessary information.**

**(d)** After making the report, the individual **required to make the report and the individual described in subsection (b)(1)** shall notify the individual in charge of the institution, school, facility, **organization,** or agency or the designated agent of the individual in charge of the institution, school, facility, **organization,** or agency that the report was made.

SECTION 5. IC 31-33-5-2.5 IS REPEALED [EFFECTIVE JULY 1, 2025]. ~~Sec. 2.5. (a) This section applies only to an individual required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2.~~

~~(b) 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 hospital licensed under IC 16-21-2, the individual shall immediately notify the individual~~

~~in charge of the hospital or the designated agent of the individual in charge of the hospital.~~

~~(c) An individual notified under subsection (b) shall immediately report or cause a report to be made to:~~

~~(1) the department; or~~

~~(2) the local law enforcement agency.~~

SECTION 6. IC 31-33-5-4, AS AMENDED BY P.L.183-2017, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. **(a) Except as provided in subsection (b),** 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 or written report to:

(1) the department; or

(2) the ~~local~~ **appropriate** law enforcement agency.

**(b) A person who has a duty under section 2(c) of this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral or written report to:**

**(1) the department; or**

**(2) the appropriate law enforcement agency.**

SECTION 7. IC 31-33-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 8.5. Investigation of a School, Facility, or Organization**

**Sec. 1. If a report made under IC 31-33-5 alleges that a staff member, youth coach, or volunteer of an institution, school, facility, organization, or agency is the abuser, the appropriate law enforcement agency shall investigate the institution, school, facility, organization, or agency to determine whether the institution, school, facility, organization, or agency knew that the alleged abuse was happening and failed to report the alleged abuse. In determining whether the institution, school, facility, organization, or agency knew that the alleged abuse was happening, law enforcement may consider the following:**

**(1) Whether there have been previous allegations against the staff member, youth coach, or volunteer.**

**(2) Whether there are disciplinary records for the staff member, youth coach, or volunteer.**

**(3) Whether the institution, school, facility, organization, or agency properly reported any previous:**

**(A) allegations against the staff member, youth coach, or volunteer; or**

**(B) disciplinary records involving the staff member's,**

**youth coach's, or volunteer's inappropriate behavior with a minor.**

**Sec. 2. If the appropriate law enforcement agency determines that an institution, school, facility, organization, or agency knew that the alleged abuse was happening and failed to report the alleged abuse, law enforcement shall provide the prosecuting attorney with a complete written report of the investigation.**

SECTION 8. IC 31-33-22-1, AS AMENDED BY P.L.183-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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 ~~or IC 31-33-5-2.5~~ commits a Class B misdemeanor. This penalty is in addition to the penalty imposed by subsection (a).

**(c) A criminal investigation does not affect the victim's right to seek a civil remedy against the person being investigated for a crime under this section.**

SECTION 9. IC 31-34-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 17. A child is not a child in need of services under any section of this chapter due to the child's parent, guardian, or custodian referring to and raising the child consistent with the child's biological sex.**

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____