HOUSE BILL No. 1412

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-19-5; IC 12-17.2-3.5-8.5; IC 25-1-9-4; IC 31-33.

Synopsis: Reporting of child abuse or neglect. Provides that staff members of a medical institution, a medical facility, or any other health care facility have a duty to report child abuse immediately to both the department of child services and a local law enforcement agency. Provides that an individual's duty to report is nondelegable. Requires that if a report alleges that a staff member, youth coach, or volunteer of an institution, school, facility, organization, or agency is the abuser, local law enforcement shall investigate to determine whether the institution, school, facility, organization, or agency knew that the alleged abuse was happening and failed to report the alleged abuse. Allows local law enforcement to consider certain facts when determining whether the institution, school, facility, organization, or agency knew about the alleged abuse. Raises the penalty for failure to report for certain individuals to a Class A misdemeanor. (Under current law, it is a Class B misdemeanor.) Makes conforming changes.

Effective: July 1, 2025.

Cash, Olthoff

January 13, 2025, read first time and referred to Committee on Family, Children and Human Affairs.

Introduced

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

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

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

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

HOUSE BILL No. 1412

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

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

SECTION 1. IC 4-13-19-5, AS AMENDED BY P.L.128-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) The office of the department of child services ombudsman may receive, investigate, and attempt to resolve a complaint alleging that the department of child services, by an action or omission occurring on or after January 11, 2005, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies.

(b) The office of the department of child services ombudsman may also do the following:

(1) Take action, including the establishing of a program of public education, to secure and ensure the legal rights of children.

(2) Periodically review relevant policies and procedures with a view toward the safety and welfare of children.

(3) When appropriate, refer a person making a report of child abuse or neglect to the department of child services and ~~if appropriate,~~ to an appropriate **local** law enforcement agency **in**

Indiana.

(4) Recommend changes in procedures for investigating reports of abuse and neglect and overseeing the welfare of children who are under the jurisdiction of a juvenile court.

(5) Make the public aware of the services of the ombudsman, the purpose of the office, and information concerning contacting the office.

(6) Examine policies and procedures and evaluate the effectiveness of the child protection system, specifically the respective roles of the department of child services, the court, the medical community, service providers, guardians ad litem, court appointed special advocates, and law enforcement agencies.

(7) Review and make recommendations concerning investigative procedures and emergency responses contained in the report prepared under section 10 of this chapter.

(c) Upon request of the office of the department of child services ombudsman, the local child protection team shall assist the office of the department of child services ombudsman by investigating and making recommendations on a matter. If a local child protection team was involved in an initial investigation, a different local child protection team may assist in the investigation under this subsection.

(d) At the end of an investigation of a complaint, the office of the department of child services ombudsman shall provide an appropriate report as follows:

(1) If the complainant is a parent, guardian, custodian, court appointed special advocate, guardian ad litem, or court, the ombudsman may provide the same report to the complainant and the department of child services.

(2) If the complainant is not a person described in subdivision (1), the ombudsman shall provide a redacted version of its findings to the complainant stating in general terms that the actions of the department of child services were or were not appropriate.

(e) The department of child services ombudsman shall provide a copy of the report and recommendations to the department of child services. The office of the department of child services ombudsman may not disclose to:

(1) a complainant;

(2) another person who is not a parent, guardian, or custodian of the child who was the subject of the department of child services' action or omission; or

(3) the court, court appointed special advocate, or guardian ad litem of the child in a case that was filed as a child in need of

services or a termination of parental rights action;

any information that the department of child services could not, by law, reveal to the complainant, parent, guardian, custodian, person, court, court appointed special advocate, or guardian ad litem.

(f) If, after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the office of the department of child services ombudsman determines that the complaint has merit or the investigation reveals a problem, the ombudsman may recommend that the agency, facility, or program:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a rule, order, or internal policy; or

(4) explain more fully the action in question.

(g) At the office of the department of child services ombudsman's request, the agency, facility, or program shall, within a reasonable time, inform the office of the department of child services ombudsman about the action taken on the recommendation or the reasons for not complying with it.

(h) The office of the department of child services ombudsman may not investigate the following:

(1) A complaint from an employee of the department of child services that relates to the employee's employment relationship with the department of child services.

(2) A complaint challenging a department of child services substantiation of abuse or neglect that is currently the subject of a pending administrative review procedure before the exhaustion of administrative remedies provided by law, rule, or written policy. Investigation of any such complaint received shall be stayed until the administrative remedy has been exhausted. However, if the administrative process is not completed or terminated within six (6) months after initiation of the administrative process, the office of child services ombudsman may proceed with its investigation.

(i) If the office of the department of child services ombudsman does not investigate a complaint, the office of the department of child services ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

SECTION 2. 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~~ **Class A** misdemeanor under IC 31-33-22-1.

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

SECTION 3. 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~~ **and** a local law enforcement agency **in Indiana** 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 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) Except as provided in subsection (c),** 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 law enforcement agency **in Indiana based on the child's location at the moment the individual knows about or suspects child abuse or neglect.**

The individual does not have discretion to decide not to report known or suspected child abuse or neglect.

(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.

(c) If an individual is required to report under this article in the individual's capacity as a member of the staff at:

(1) a medical institution;

(2) a medical facility; or

(3) any other health care facility;

the individual shall immediately make a report to the department and the local law enforcement agency in Indiana based on the child's location at the moment the individual knows about or

suspects child abuse or neglect. The individual does not have discretion to decide not to report known or suspected child abuse or neglect.

(d) After making the report, the individual 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 law enforcement agency **in Indiana based on the child's location at the moment the individual suspects child abuse or neglect.**

(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; and

(2) the local law enforcement agency in Indiana based on the child's location at the moment the individual suspects child abuse or neglect.

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, local law enforcement 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, local 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 local law enforcement determines that an institution, school, facility, organization, or agency knew that the alleged abuse was happening and failed to report the alleged abuse, local 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~~ **Class A** 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.