

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1032

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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 16-34-2-1.5, AS AMENDED BY P.L.73-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) The state department shall develop an informed consent brochure and post the informed consent brochure on the state department's Internet web site.

(b) The state department shall develop an informed consent brochure that includes the following:

(1) Objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two (2) weeks of gestational age, including the following:

(A) Realistic pictures in color for each age of the fetus, including the dimensions of the fetus.

(B) Whether there is any possibility of the fetus surviving outside the womb.

(2) Objective scientific information concerning the medical risks associated with each abortion procedure or the use of an abortion inducing drug, including the following:

(A) The risks of infection and hemorrhaging.

(B) The potential danger:

(i) to a subsequent pregnancy; or

(ii) of infertility.

**HEA 1032 — Concur**



- (3) Information concerning the medical risks associated with carrying the child to term.
- (4) Information that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care.
- (5) Information that the biological father is liable for assistance in support of the child, regardless of whether the biological father has offered to pay for an abortion.
- (6) Information regarding telephone 211 dialing code services for accessing human services as described in IC 12-13-16, and the types of services that are available through this service.
- (7) Information concerning Indiana's safe haven law under IC 31-34-2.5-1.
- (8) Information that, under certain conditions, a pregnant woman may relinquish a child who is, or who appears to be, not more than thirty (30) days of age:
  - (A) to an emergency medical services provider (as defined in IC 16-41-10-1); or
  - (B) in a newborn safety device described in IC 31-34-2.5-1. ~~at a participating fire department or other site that is staffed by an emergency medical services provider.~~
- (c) In the development of the informed consent brochure described in this section, the state department shall use information and pictures that are available at no cost or nominal cost to the state department.
- (d) The informed consent brochure must include the requirements specified in this chapter.

SECTION 2. IC 31-34-2.5-1, AS AMENDED BY P.L.205-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An emergency medical services provider (as defined in IC 16-41-10-1) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if

- (i) the child is voluntarily left:
  - (A) (1) with the provider by the child's parent;
  - (B) (2) in a newborn safety device that:
    - (A) has been approved by a hospital licensed under IC 16-21;
    - (B) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and
    - (C) is located in an area that is conspicuous and visible to hospital staff;
  - (3) in a newborn safety device that was installed on or



before January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1); **or**

**(D) (4)** in a newborn safety device that:

- (i) (A)** is located at a **fire department, including a volunteer fire department, facility** that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1) on a twenty-four (24) hour seven (7) day a week basis;
- (ii) (B)** is located in an area that is conspicuous and visible to staff; and
- (iii) (C)** includes an adequate dual alarm system connected to the site that is tested at least one (1) time per month to ensure the alarm system is in working order; **and or**

**(5) in a newborn safety device that:**

**(A) is located at a fire department, including a volunteer fire department, that:**

- (i) meets the minimum response time established by the county, not to exceed four (4) minutes; and**
- (ii) is located within one (1) mile of a hospital, police station, or emergency medical services station that is staffed on a twenty-four (24) hour per day, seven (7) day a week basis with full-time personnel who hold a valid cardiopulmonary resuscitation certification and that meets the minimum response time established by the county, not to exceed four (4) minutes;**

**(B) is equipped with an alert system:**

- (i) that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider (as defined in IC 16-41-10-1) to the location of the newborn safety device; and**
- (ii) that is tested at least one (1) time per month to ensure the alert system is in working order; and**

**(C) is equipped with a video surveillance system that allows members of a fire department to monitor the inside of the newborn safety device twenty-four (24) hours a day and that:**

- (i) has at least two (2) firefighters who are responsible for monitoring the inside of the newborn safety device twenty-four (24) hours a day; and**
- (ii) is an independent surveillance system from the alert system described in clause (B);**



**(2) and** the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.

(c) Any person who in good faith voluntarily leaves a child:

(1) with an emergency medical services provider; or

(2) in a newborn safety device described in subsection (a)(1)(B);  
**this section;**

is not obligated to disclose the parent's name or the person's name.

(d) A hospital that approves the operation of a newborn safety device that meets the requirements set forth in subsection (a)(1)(B) **(a)(2)** is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(e) A newborn safety device described in subsection (a)(1)(C) **(a)(3)** may continue to operate without meeting the conditions set forth in subsection (a)(1)(B); **(a)(2).**

(f) A:

**(1) facility that meets the requirements set forth in subsection (a)(4); or**

**(2) fire department, including a volunteer fire department, that meets the requirements set forth in subsection (a)(1)(D) **(a)(5);**** is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

SECTION 3. IC 34-30-2-134.5, AS AMENDED BY P.L.205-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 134.5. IC 31-34-2.5-1 (Concerning a hospital, **or** fire department, **or other facility** operating a newborn safety device).

SECTION 4. IC 35-46-1-4, AS AMENDED BY P.L.184-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

(1) places the dependent in a situation that endangers the dependent's life or health;

(2) abandons or cruelly confines the dependent;

(3) deprives the dependent of necessary support; or

(4) deprives the dependent of education as required by law;

commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

**HEA 1032 — Concur**



(1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine); or

(ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine);

(2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death or catastrophic injury of a dependent who is less than fourteen (14) years of age or in the death or catastrophic injury of a dependent of any age who has a mental or physical disability; and

(4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age:

(A) in a newborn safety device described in ~~IC 31-34-2.5-1(a)(B)~~, ~~IC 31-34-2.5-1(a)(1)(C)~~, or ~~IC 31-34-2.5-1(a)(1)(D)~~; IC 31-34-2.5-1(a)(2), IC 31-34-2.5-1(a)(3), IC 31-34-2.5-1(a)(4), or IC 31-34-2.5-1(a)(5); or

(B) with a person who is an emergency medical services provider (as defined in IC 16-41-10-1) who took custody of the child under IC 31-34-2.5;

when the prosecution is based solely on the alleged act of leaving the child in the newborn safety device or with the emergency



medical services provider and the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(d) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 5. IC 36-8-16.7-45, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) This section does not apply to:

(1) a person that connects to a 911 network using automatic crash notification technology subject to an established protocol; **or**

**(2) a newborn safety device described in IC 31-34-2.5-1(a)(5).**

(b) A person may not connect to a 911 network an automatic alarm, automatic dialer, or other automated alerting device that:

(1) causes the number 911 to be automatically dialed; or

(2) provides through a prerecorded message information regarding obtaining 911 emergency service.

(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 6. **An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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