

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1123

---

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 31-9-2-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14.2. "Child advocacy center", for purposes of IC 31-25-2-14.5 and IC 31-33-18-2, means a child focused, trauma informed community based organization that:**

**(1) is:**

**(A) recognized by the Indiana Chapter of National Children's Alliance; and**

**(B) designed to collaborate on reports of child abuse or neglect;**

**(2) coordinates a multidisciplinary team; and**

**(3) facilitates forensic interviews.**

SECTION 2. IC 31-9-2-47.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 47.1. "Forensic interview", for purposes of section 14.2 of this chapter and IC 31-25-2-14.5, means an interview in response to a report of child abuse or neglect conducted by a professional specially trained in a nationally recognized model using a multidisciplinary team approach.**

SECTION 3. IC 31-25-2-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**

**HEA 1123 — Concur**



[EFFECTIVE JULY 1, 2024]: **Sec. 14.5. (a) The department may use a child advocacy center to coordinate a multidisciplinary team for responding to, and through the conclusion of, reports involving child abuse or neglect.**

**(b) A child advocacy center shall do the following:**

**(1) Coordinate a multidisciplinary team that consists of a representative from or described by each of the following:**

- (A) The child advocacy center.**
- (B) Law enforcement.**
- (C) The department.**
- (D) The prosecuting attorney's office.**
- (E) A medical provider.**
- (F) A mental health provider.**
- (G) A victim advocate.**

**Multidisciplinary team members may fill more than one (1) role, within the scope of the team member's practice, as needed.**

**(2) Offer cultural competency and diversity training to the multidisciplinary team members.**

**(3) Provide a dedicated child-focused setting designed to provide a safe, comfortable, and neutral place for a forensic interview and other child advocacy center services.**

**(4) Use written protocols signed by each member of the multidisciplinary team.**

**(5) Use a case tracking system to provide information on essential demographic and case information.**

**(6) Verify that multidisciplinary team members who are responsible for providing:**

- (A) medical evaluations have specific training in child abuse or child sexual abuse examinations; and**
- (B) mental health services are trained in and deliver trauma-focused, evidence-supported mental health treatments.**

**(c) Except as provided in subsection (d), the files, reports, records, communications, and working papers used or developed in providing services through a child advocacy center are confidential and are not public records.**

**(d) A multidisciplinary team member may share with other multidisciplinary team members any information or records concerning the child, the child's family, or the person who is the subject of the investigation of suspected child abuse or neglect for the purpose of:**



- (1) facilitating a forensic interview;**
- (2) facilitating a case discussion or case review; or**
- (3) providing services to the child or the child's caregivers.**

**The information shared under this subsection remains confidential.**

**(e) Except as provided in subsection (f), a:**

- (1) member of a child advocacy center's board of directors; or**
- (2) volunteer or employee of a child advocacy center;**

**is immune from civil liability for acts or omissions related to the individual's participation in the multidisciplinary team response described in subsection (a).**

**(f) An individual is not immune from civil liability under subsection (e) if the:**

- (1) act or omission amounts to:**
  - (A) gross negligence; or**
  - (B) willful or wanton misconduct; or**
- (2) individual has been charged with or suspected of abusing or neglecting the child who is the subject of the investigation or services provided.**

SECTION 4. IC 31-33-18-2, AS AMENDED BY P.L.77-2023, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. Except as otherwise prohibited by federal law, 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) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:
  - (A) A police officer or other law enforcement agency.
  - (B) A prosecuting attorney.
  - (C) A coroner, in the case of the death of a child.
- (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) 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.

(13) 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.

(14) 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).

(15) A local child fatality review team established under IC 16-49-2.

(16) The statewide child fatality review committee established by IC 16-49-4.

(17) The department.

(18) 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.

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

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

(21) The secretary of education 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.

(22) The state child fatality review coordinator employed by the Indiana department of health under IC 16-49-5-1.

(23) A person who operates a child caring institution, group home, or secure private facility if all the following apply:

- (A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.
- (B) The report or other materials concern:
  - (i) an employee of;
  - (ii) a volunteer providing services at; or
  - (iii) a child placed at;

the child caring institution, group home, or secure private facility.



- (C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.
- (24) A person who operates a child placing agency if all the following apply:
  - (A) The child placing agency is licensed under IC 31-27.
  - (B) The report or other materials concern:
    - (i) a child placed in a foster home licensed by the child placing agency;
    - (ii) a person licensed by the child placing agency to operate a foster family home;
    - (iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or
    - (iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.
  - (C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.
- (25) The National Center for Missing and Exploited Children.
- (26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.
- (27) The statewide domestic violence fatality review committee established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.
- (28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.
- (29) A local fetal-infant mortality review team established under IC 16-49-6, as determined by the department to be relevant to the case of fetal or infant fatality that the local fetal-infant mortality review team is reviewing.
- (30) A suicide and overdose fatality review team established under IC 16-49.5-2, as determined by the department to be relevant to the case of a suicide or overdose fatality that the suicide and overdose fatality review team is reviewing.
- (31) The office of administrative law proceedings for a matter that is the subject of an administrative proceeding before the office of



administrative law proceedings.

(32) A tribal representative, agency, or organization authorized by the Indian child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, and the Indian child's parent, guardian, or custodian.

(33) The United States Department of State and foreign governments to comply with federal law and treaties.

**(34) A child advocacy center when the child advocacy center has before it an investigation of child abuse or neglect in which it is facilitating a forensic interview or facilitating a case discussion or case review.**

SECTION 5. IC 34-30-2.1-506.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 506.2. IC 31-25-2-14.5 (Concerning child advocacy center volunteers, employees, and board of directors members).**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

---

Governor of the State of Indiana

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

**HEA 1123 — Concur**

