



January 29, 2024

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## HOUSE BILL No. 1164

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DIGEST OF HB 1164 (Updated January 25, 2024 11:33 am - DI 148)

**Citations Affected:** IC 4-13; IC 12-17.2; IC 16-34; IC 25-1; IC 31-9; IC 31-33.

**Synopsis:** Reporting of child abuse or neglect. Provides that certain individuals at least 18 years of age but less than 21 years of age are included in the definitions for "child", "child abuse or neglect", and "victim of child abuse or neglect". Requires the department of child services to initiate an onsite assessment within 24 hours if a report alleges child abuse or neglect involving a residential facility licensed by the department. 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 the 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 is the abuser, local law enforcement shall investigate to determine whether the school or athletic facility reasonably should have known that the alleged abuse was happening. Allows local law enforcement to consider certain facts when determining whether the school or athletic facility reasonably should have known about the alleged abuse. Raises the penalty for failure to report to a Class A misdemeanor. (Under current law, it is a Class B misdemeanor.) Makes conforming changes.

**Effective:** July 1, 2024.

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### Cash, Schaibley, Bartlett, Sweet

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January 8, 2024, read first time and referred to Committee on Family, Children and Human Affairs.

January 29, 2024, amended, reported — Do Pass. Referred to Committee on Courts and Criminal Code pursuant to Rule 127.

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HB 1164—LS 6539/DI 148





January 29, 2024

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 BILL No. 1164

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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:*

1 SECTION 1. IC 4-13-19-5, AS AMENDED BY P.L.128-2012,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 5. (a) The office of the department of child  
4 services ombudsman may receive, investigate, and attempt to resolve  
5 a complaint alleging that the department of child services, by an action  
6 or omission occurring on or after January 11, 2005, failed to protect the  
7 physical or mental health or safety of any child or failed to follow  
8 specific laws, rules, or written policies.  
9 (b) The office of the department of child services ombudsman may  
10 also do the following:  
11 (1) Take action, including the establishing of a program of public  
12 education, to secure and ensure the legal rights of children.  
13 (2) Periodically review relevant policies and procedures with a  
14 view toward the safety and welfare of children.  
15 (3) When appropriate, refer a person making a report of child  
16 abuse or neglect to the department of child services and if  
17 ~~appropriate~~, to an appropriate **local** law enforcement agency **in**

HB 1164—LS 6539/DI 148



- 1           **Indiana.**  
2           (4) Recommend changes in procedures for investigating reports  
3           of abuse and neglect and overseeing the welfare of children who  
4           are under the jurisdiction of a juvenile court.  
5           (5) Make the public aware of the services of the ombudsman, the  
6           purpose of the office, and information concerning contacting the  
7           office.  
8           (6) Examine policies and procedures and evaluate the  
9           effectiveness of the child protection system, specifically the  
10          respective roles of the department of child services, the court, the  
11          medical community, service providers, guardians ad litem, court  
12          appointed special advocates, and law enforcement agencies.  
13          (7) Review and make recommendations concerning investigative  
14          procedures and emergency responses contained in the report  
15          prepared under section 10 of this chapter.  
16          (c) Upon request of the office of the department of child services  
17          ombudsman, the local child protection team shall assist the office of the  
18          department of child services ombudsman by investigating and making  
19          recommendations on a matter. If a local child protection team was  
20          involved in an initial investigation, a different local child protection  
21          team may assist in the investigation under this subsection.  
22          (d) At the end of an investigation of a complaint, the office of the  
23          department of child services ombudsman shall provide an appropriate  
24          report as follows:  
25                  (1) If the complainant is a parent, guardian, custodian, court  
26                  appointed special advocate, guardian ad litem, or court, the  
27                  ombudsman may provide the same report to the complainant and  
28                  the department of child services.  
29                  (2) If the complainant is not a person described in subdivision (1),  
30                  the ombudsman shall provide a redacted version of its findings to  
31                  the complainant stating in general terms that the actions of the  
32                  department of child services were or were not appropriate.  
33          (e) The department of child services ombudsman shall provide a  
34          copy of the report and recommendations to the department of child  
35          services. The office of the department of child services ombudsman  
36          may not disclose to:  
37                  (1) a complainant;  
38                  (2) another person who is not a parent, guardian, or custodian of  
39                  the child who was the subject of the department of child services'  
40                  action or omission; or  
41                  (3) the court, court appointed special advocate, or guardian ad  
42                  litem of the child in a case that was filed as a child in need of



1 services or a termination of parental rights action;  
 2 any information that the department of child services could not, by law,  
 3 reveal to the complainant, parent, guardian, custodian, person, court,  
 4 court appointed special advocate, or guardian ad litem.

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

- 11 (1) consider the matter further;
- 12 (2) modify or cancel its actions;
- 13 (3) alter a rule, order, or internal policy; or
- 14 (4) explain more fully the action in question.

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

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

- 22 (1) A complaint from an employee of the department of child  
 23 services that relates to the employee's employment relationship  
 24 with the department of child services.
- 25 (2) A complaint challenging a department of child services  
 26 substantiation of abuse or neglect that is currently the subject of  
 27 a pending administrative review procedure before the exhaustion  
 28 of administrative remedies provided by law, rule, or written  
 29 policy. Investigation of any such complaint received shall be  
 30 stayed until the administrative remedy has been exhausted.  
 31 However, if the administrative process is not completed or  
 32 terminated within six (6) months after initiation of the  
 33 administrative process, the office of child services ombudsman  
 34 may proceed with its investigation.

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

39 SECTION 2. IC 12-17.2-3.5-8.5, AS AMENDED BY P.L.183-2017,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2024]: Sec. 8.5. (a) A provider shall provide to all employees  
 42 and volunteers of the provider the written material prepared and made



1 available by the division under subsection (c).

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

5 (c) The division shall do the following:

6 (1) Prepare written material specifying the following:

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

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

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

11 (ii) IC 31-33-5-2; **or**

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

13 is a Class ~~B~~ **A** misdemeanor under IC 31-33-22-1.

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

16 SECTION 3. IC 16-34-2-1.1, AS AMENDED BY P.L.56-2023,  
17 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2024]: Sec. 1.1. (a) An abortion shall not be  
19 performed except with the voluntary and informed consent of the  
20 pregnant woman upon whom the abortion is to be performed. Except  
21 in the case of a medical emergency, consent to an abortion is voluntary  
22 and informed only if the following conditions are met:

23 (1) At least eighteen (18) hours before the abortion and in the  
24 private, not group, presence of the pregnant woman, the physician  
25 who is to perform the abortion, the referring physician or a  
26 physician assistant (as defined in IC 25-27.5-2-10), an advanced  
27 practice registered nurse (as defined in IC 25-23-1-1(b)), or a  
28 certified nurse midwife (as defined in IC 34-18-2-6.5) to whom  
29 the responsibility has been delegated by the physician who is to  
30 perform the abortion or the referring physician has informed the  
31 pregnant woman orally and in writing of the following:

32 (A) The name of the physician performing the abortion, the  
33 physician's medical license number, and an emergency  
34 telephone number where the physician or the physician's  
35 designee may be contacted on a twenty-four (24) hour a day,  
36 seven (7) day a week basis.

37 (B) That follow-up care by the physician or the physician's  
38 designee (if the designee is licensed under IC 25-22.5) is  
39 available on an appropriate and timely basis when clinically  
40 necessary.

41 (C) The nature of the proposed procedure or information  
42 concerning the abortion inducing drug that includes the



1 following statement: "Some evidence suggests that effects of  
 2 Mifepristone may be avoided, ceased, or reversed if the  
 3 second pill, Misoprostol, has not been taken. Immediately  
 4 contact the following for more information at (insert  
 5 applicable abortion inducing drug reversal website and  
 6 corresponding hotline number)."

7 (D) Objective scientific information of the risks of and  
 8 alternatives to the procedure or the use of an abortion inducing  
 9 drug, including:

- 10 (i) the risk of infection and hemorrhage;
- 11 (ii) the potential danger to a subsequent pregnancy; and
- 12 (iii) the potential danger of infertility.

13 (E) That human physical life begins when a human ovum is  
 14 fertilized by a human sperm.

15 (F) The probable gestational age of the fetus at the time the  
 16 abortion is to be performed, including:

- 17 (i) a picture of a fetus;
- 18 (ii) the dimensions of a fetus; and
- 19 (iii) relevant information on the potential survival of an  
 20 unborn fetus;

21 at this stage of development.

22 (G) That objective scientific information shows that a fetus  
 23 can feel pain at or before twenty (20) weeks of postfertilization  
 24 age.

25 (H) The medical risks associated with carrying the fetus to  
 26 term.

27 (I) The availability of fetal ultrasound imaging and  
 28 auscultation of fetal heart tone services to enable the pregnant  
 29 woman to view the image and hear the heartbeat of the fetus  
 30 and how to obtain access to these services.

31 (J) That the pregnancy of a child less than fifteen (15) years of  
 32 age may constitute child abuse under Indiana law if the act  
 33 included an adult and must be reported to the department of  
 34 child services ~~or~~ **and** the local law enforcement agency **in**  
 35 **Indiana** under IC 31-33-5.

36 (K) That Indiana does not allow a fetus to be aborted solely  
 37 because of the fetus's race, color, national origin, ancestry, sex,  
 38 or diagnosis or potential diagnosis of the fetus having Down  
 39 syndrome or any other disability.

40 (L) That no one has the right to coerce the pregnant woman to  
 41 have an abortion.

42 (2) At least eighteen (18) hours before the abortion, the pregnant



- 1 woman will be informed orally and in writing of the following:
- 2 (A) That medical assistance benefits may be available for
- 3 prenatal care, childbirth, and neonatal care from the county
- 4 office of the division of family resources.
- 5 (B) That the father of the unborn fetus is legally required to
- 6 assist in the support of the child. In the case of rape, the
- 7 information required under this clause may be omitted.
- 8 (C) That adoption alternatives are available and that adoptive
- 9 parents may legally pay the costs of prenatal care, childbirth,
- 10 and neonatal care.
- 11 (D) That there are physical risks to the pregnant woman in
- 12 having an abortion, both during the abortion procedure and
- 13 after.
- 14 (E) That Indiana has enacted the safe haven law under
- 15 IC 31-34-2.5.
- 16 (F) The:
- 17 (i) website address of the state department's website; and
- 18 (ii) description of the information that will be provided on
- 19 the website and that is;
- 20 described in section 1.5 of this chapter.
- 21 (G) For the facility in which the abortion is to be performed,
- 22 an emergency telephone number that is available and
- 23 answered on a twenty-four (24) hour a day, seven (7) day a
- 24 week basis.
- 25 (H) On a form developed by the state department and as
- 26 described in IC 16-34-3, that the pregnant woman has a right
- 27 to determine the final disposition of the remains of the aborted
- 28 fetus.
- 29 (I) On a form developed by the state department, that the
- 30 pregnant woman has a right, after a surgical abortion, to:
- 31 (i) dispose of the remains of the aborted fetus by interment
- 32 in compliance with IC 23-14-54, or cremation through a
- 33 licensee (as defined in IC 25-15-2-19) and in compliance
- 34 with IC 23-14-31; or
- 35 (ii) have the health care facility dispose of the remains of the
- 36 aborted fetus by interment in compliance with IC 23-14-54,
- 37 or cremation through a licensee (as defined in
- 38 IC 25-15-2-19) and in compliance with IC 23-14-31, and ask
- 39 which method of disposition will be used by the health care
- 40 facility.
- 41 (J) On a form developed by the state department:
- 42 (i) that a pregnant woman, after an abortion induced by an





- 1 abortion inducing drug, will expel an aborted fetus; and  
 2 (ii) the disposition policy of the health care facility  
 3 concerning the disposition of the aborted fetus. The  
 4 disposition policy must allow the pregnant woman to return  
 5 the aborted fetus to the health care facility for disposition by  
 6 interment in compliance with IC 23-14-54, or cremation  
 7 through a licensee (as defined in IC 25-15-2-19) and in  
 8 compliance with IC 23-14-31.
- 9 (K) On a form developed by the state department, information  
 10 concerning any counseling that is available to a pregnant  
 11 woman after having an abortion.
- 12 The state department shall develop and distribute the forms  
 13 required by clauses (H) through (K).
- 14 (3) The pregnant woman certifies in writing, on a form developed  
 15 by the state department, before the abortion is performed, that:
- 16 (A) the information required by subdivisions (1) and (2) has  
 17 been provided to the pregnant woman;
- 18 (B) the pregnant woman has been offered by the provider the  
 19 opportunity to view the fetal ultrasound imaging and hear the  
 20 auscultation of the fetal heart tone if the fetal heart tone is  
 21 audible and that the woman has:
- 22 (i) viewed or refused to view the offered fetal ultrasound  
 23 imaging; and  
 24 (ii) listened to or refused to listen to the offered auscultation  
 25 of the fetal heart tone if the fetal heart tone is audible; and
- 26 (C) the pregnant woman has been given a written copy of the  
 27 printed materials described in section 1.5 of this chapter.
- 28 (4) At least eighteen (18) hours before the abortion and in the  
 29 presence of the pregnant woman, the physician who is to perform  
 30 the abortion, the referring physician or a physician assistant (as  
 31 defined in IC 25-27.5-2-10), an advanced practice registered  
 32 nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife  
 33 (as defined in IC 34-18-2-6.5) to whom the responsibility has  
 34 been delegated by the physician who is to perform the abortion or  
 35 the referring physician has provided the pregnant woman with a  
 36 color copy of the informed consent brochure described in section  
 37 1.5 of this chapter by printing the informed consent brochure from  
 38 the state department's website and including the following  
 39 information on the back cover of the brochure:
- 40 (A) The name of the physician performing the abortion and the  
 41 physician's medical license number.
- 42 (B) An emergency telephone number where the physician or



- 1 the physician's designee may be contacted twenty-four (24)  
 2 hours a day, seven (7) days a week.
- 3 (C) A statement that follow-up care by the physician or the  
 4 physician's designee who is licensed under IC 25-22.5 is  
 5 available on an appropriate and timely basis when clinically  
 6 necessary.
- 7 (5) At least eighteen (18) hours before an abortion is performed  
 8 and at the same time that the pregnant woman receives the  
 9 information required by subdivision (1), the provider shall  
 10 perform, and the pregnant woman shall view, the fetal ultrasound  
 11 imaging and hear the auscultation of the fetal heart tone if the  
 12 fetal heart tone is audible unless the pregnant woman certifies in  
 13 writing, on a form developed by the state department, before the  
 14 abortion is performed, that the pregnant woman:
- 15 (A) does not want to view the fetal ultrasound imaging; and  
 16 (B) does not want to listen to the auscultation of the fetal heart  
 17 tone if the fetal heart tone is audible.
- 18 A pregnant woman must be advised, prior to the pregnant  
 19 woman's decision concerning fetal ultrasound imaging, that an  
 20 ultrasound image of the fetus will be provided to the pregnant  
 21 woman to keep at no charge to the pregnant woman if the fetal  
 22 ultrasound is performed.
- 23 (6) At least eighteen (18) hours before the abortion, the physician  
 24 who is to perform the abortion, the referring physician or a  
 25 physician assistant (as defined in IC 25-27.5-2-10), an advanced  
 26 practice registered nurse (as defined in IC 25-23-1-1(b)), or a  
 27 certified nurse midwife (as defined in IC 34-18-2-6.5) to whom  
 28 the responsibility has been delegated by the physician who is to  
 29 perform the abortion or the referring physician shall, in the  
 30 private, not group, presence of the pregnant woman, verbally ask  
 31 the pregnant woman if she is being coerced to have an abortion.
- 32 (b) This subsection applies to a pregnant woman whose unborn  
 33 child has been diagnosed with a lethal fetal anomaly. The requirements  
 34 of this subsection are in addition to the other requirements of this  
 35 section. At least eighteen (18) hours before an abortion is performed on  
 36 the pregnant woman, the physician who will perform the abortion shall:
- 37 (1) orally and in person, inform the pregnant woman of the  
 38 availability of perinatal hospice services; and  
 39 (2) provide the pregnant woman copies of the perinatal hospice  
 40 brochure developed by the state department under IC 16-25-4.5-4  
 41 and the list of perinatal hospice providers and programs  
 42 developed under IC 16-25-4.5-5, by printing the perinatal hospice



1 brochure and list of perinatal hospice providers from the state  
2 department's website.

3 (c) If a pregnant woman described in subsection (b) chooses to have  
4 an abortion rather than continuing the pregnancy in perinatal hospice  
5 care, the pregnant woman shall certify in writing, on a form developed  
6 by the state department under IC 16-25-4.5-6, at least eighteen (18)  
7 hours before the abortion is performed, that the pregnant woman has  
8 been provided the information described in subsection (b) in the  
9 manner required by subsection (b).

10 (d) For any abortion performed under this article, the physician who  
11 is to perform the abortion, the referring physician or a physician  
12 assistant (as defined in IC 25-27.5-2-10), an advanced practice  
13 registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse  
14 midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has  
15 been delegated by the physician who is to perform the abortion or the  
16 referring physician shall include, or ensure the inclusion of, a copy of  
17 a pregnant woman's ultrasound report in the pregnant woman's patient  
18 file.

19 (e) If the physician who is to perform the abortion, the referring  
20 physician, a physician assistant (as defined in IC 25-27.5-2-10), an  
21 advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or  
22 a certified nurse midwife (as defined in IC 34-18-2-6.5) suspects a  
23 pregnant woman is being coerced to have an abortion after making the  
24 inquiry required under subsection (a)(6), the physician, physician  
25 assistant, advanced practice registered nurse, or certified nurse midwife  
26 shall:

- 27 (1) inform the pregnant woman that coercing a pregnant woman  
28 to have an abortion is illegal;
- 29 (2) inform the pregnant woman that a demand by the father to  
30 have an abortion does not relieve him of financial support  
31 responsibilities; and
- 32 (3) provide the pregnant woman with:
- 33 (A) information about:
- 34 (i) assistance;
- 35 (ii) counseling; and
- 36 (iii) protective services offered by social programs and local  
37 or state law enforcement agencies;
- 38 (B) access to a telephone if she needs to make a private  
39 telephone call; and
- 40 (C) access to an alternate exit from the health care facility.

41 (f) Except as provided in subsection (g), if a physician, physician  
42 assistant (as defined in IC 25-27.5-2-10), advanced practice registered



1 nurse (as defined in IC 25-23-1-1(b)), or certified nurse midwife (as  
 2 defined in IC 34-18-2-6.5) has specific and credible information that  
 3 a pregnant woman is being coerced into having an abortion, then an  
 4 abortion may not be provided to the pregnant woman during the  
 5 twenty-four (24) hour period after the physician, physician assistant (as  
 6 defined in IC 25-27.5-2-10), advanced practice registered nurse (as  
 7 defined in IC 25-23-1-1(b)), or certified nurse midwife (as defined in  
 8 IC 34-18-2-6.5) makes a report under IC 16-34-6-6(b).

9 (g) The twenty-four (24) hour period described in subsection (f) may  
 10 be waived if a physician, in the physician's best medical judgment,  
 11 determines that an abortion is necessary to prevent the death of the  
 12 pregnant woman or to prevent substantial and irreversible injury to a  
 13 major bodily function of the pregnant woman.

14 SECTION 4. IC 25-1-9-4, AS AMENDED BY P.L.35-2018,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 4. (a) A practitioner shall conduct the  
 17 practitioner's practice in accordance with the standards established by  
 18 the board regulating the profession in question and is subject to the  
 19 exercise of the disciplinary sanctions under section 9 of this chapter if,  
 20 after a hearing, the board finds:

21 (1) a practitioner has:

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

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

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

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

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

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

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

34 (iv) insurance claims;

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

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

38 (B) is harmful to the public;

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

42 (4) a practitioner has continued to practice although the



- 1 practitioner has become unfit to practice due to:
- 2 (A) professional incompetence that:
- 3 (i) may include the undertaking of professional activities
- 4 that the practitioner is not qualified by training or experience
- 5 to undertake; and
- 6 (ii) does not include activities performed under
- 7 IC 16-21-2-9;
- 8 (B) failure to keep abreast of current professional theory or
- 9 practice;
- 10 (C) physical or mental disability; or
- 11 (D) addiction to, abuse of, or severe dependency upon alcohol
- 12 or other drugs that endanger the public by impairing a
- 13 practitioner's ability to practice safely;
- 14 (5) a practitioner has engaged in a course of lewd or immoral
- 15 conduct in connection with the delivery of services to the public;
- 16 (6) a practitioner has allowed the practitioner's name or a license
- 17 issued under this chapter to be used in connection with an
- 18 individual who renders services beyond the scope of that
- 19 individual's training, experience, or competence;
- 20 (7) a practitioner has had disciplinary action taken against the
- 21 practitioner or the practitioner's license to practice in any state or
- 22 jurisdiction on grounds similar to those under this chapter;
- 23 (8) a practitioner has diverted:
- 24 (A) a legend drug (as defined in IC 16-18-2-199); or
- 25 (B) any other drug or device issued under a drug order (as
- 26 defined in IC 16-42-19-3) for another person;
- 27 (9) a practitioner, except as otherwise provided by law, has
- 28 knowingly prescribed, sold, or administered any drug classified
- 29 as a narcotic, addicting, or dangerous drug to a habitue or addict;
- 30 (10) a practitioner has failed to comply with an order imposing a
- 31 sanction under section 9 of this chapter;
- 32 (11) a practitioner has engaged in sexual contact with a patient
- 33 under the practitioner's care or has used the practitioner-patient
- 34 relationship to solicit sexual contact with a patient under the
- 35 practitioner's care;
- 36 (12) a practitioner who is a participating provider of a health
- 37 maintenance organization has knowingly collected or attempted
- 38 to collect from a subscriber or enrollee of the health maintenance
- 39 organization any sums that are owed by the health maintenance
- 40 organization;
- 41 (13) a practitioner has assisted another person in committing an
- 42 act that would be grounds for disciplinary sanctions under this



- 1 chapter; or
- 2 (14) a practitioner has failed to report to the department of child
- 3 services ~~or~~ **and** a local law enforcement agency **in Indiana**
- 4 suspected child abuse in accordance with IC 31-33-5.
- 5 (b) A practitioner who provides health care services to the
- 6 practitioner's spouse is not subject to disciplinary action under
- 7 subsection (a)(11).
- 8 (c) A certified copy of the record of disciplinary action is conclusive
- 9 evidence of the other jurisdiction's disciplinary action under subsection
- 10 (a)(7).
- 11 SECTION 5. IC 31-9-2-13, AS AMENDED BY P.L.243-2019,
- 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2024]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16
- 14 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of
- 15 both parties to the marriage. The term includes the following:
- 16 (1) Children born out of wedlock to the parties.
- 17 (2) Children born or adopted during the marriage of the parties.
- 18 (b) "Child", for purposes of the Uniform Interstate Family Support
- 19 Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.
- 20 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
- 21 (d) Except as otherwise provided in this section, "child", for
- 22 purposes of the juvenile law and IC 31-27, means:
- 23 (1) a person who is less than eighteen (18) years of age;
- 24 (2) a person:
- 25 (A) who is eighteen (18), nineteen (19), or twenty (20) years
- 26 of age; and
- 27 (B) who either:
- 28 (i) is charged with a delinquent act committed before the
- 29 person's eighteenth birthday; or
- 30 (ii) has been adjudicated a child in need of services before
- 31 the person's eighteenth birthday; or
- 32 (3) a person:
- 33 (A) who is alleged to have committed an act that would have
- 34 been murder if committed by an adult;
- 35 (B) who was less than eighteen (18) years of age at the time of
- 36 the alleged act; and
- 37 (C) who is less than twenty-one (21) years of age.
- 38 (e) "Child", for purposes of IC 31-36-3, means a person who is less
- 39 than eighteen (18) years of age.
- 40 (f) "Child", for purposes of the Interstate Compact on Juveniles
- 41 under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
- 42 (g) "Child", for purposes of IC 31-16-12.5, means an individual to



- 1 whom child support is owed under:
- 2 (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
- 3 or
- 4 (2) any other child support order that is enforceable under
- 5 IC 31-16-12.5.
- 6 (h) "Child", for purposes of IC 31-32-5, means an individual who is
- 7 less than eighteen (18) years of age.
- 8 (i) "Child", for purposes of the Uniform Child Custody Jurisdiction
- 9 Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.
- 10 (j) "Child", for purposes of IC 31-35-2-4.5, means an individual who
- 11 is:
- 12 (1) less than eighteen (18) years of age; and
- 13 (2) a delinquent child or a child in need of services.
- 14 **(k) "Child", for purposes of IC 31-33, includes an individual**
- 15 **who:**
- 16 **(1) is at least eighteen (18) years of age but less than**
- 17 **twenty-one (21) years of age; and**
- 18 **(2) resides, or has previously resided, at a residential facility**
- 19 **licensed by the department.**
- 20 SECTION 6. IC 31-9-2-14, AS AMENDED BY P.L.46-2016,
- 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2024]: Sec. 14. (a) "Child abuse or neglect", for purposes of
- 23 IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to:
- 24 (1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and
- 25 IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the
- 26 child needs care, treatment, rehabilitation, or the coercive
- 27 intervention of a court; or
- 28 (2) an individual who:
- 29 (A) is at least eighteen (18) years of age but less than
- 30 twenty-one (21) years of age;
- 31 (B) resides, or has previously resided, at a residential
- 32 facility licensed by the department; and
- 33 (C) is harmed or threatened with harm as a result of:
- 34 (i) neglect;
- 35 (ii) a battery offense included in IC 35-42-2; or
- 36 (iii) sexual activity (as defined in IC 35-42-4-13(b))
- 37 committed by a member of the staff at the residential
- 38 facility.
- 39 (b) For purposes of subsection (a), the term under subsection (a)
- 40 does not refer to a child who is alleged to be a victim of a sexual
- 41 offense under IC 35-42-4-3 unless the alleged offense under
- 42 IC 35-42-4-3 involves the fondling or touching of the buttocks,



1 genitals, or female breasts, regardless of whether the child needs care,  
2 treatment, rehabilitation, or the coercive intervention of a court.

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

8 SECTION 7. IC 31-9-2-133, AS AMENDED BY P.L.86-2018,  
9 SECTION 216, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2024]: Sec. 133. (a) "Victim of child abuse or  
11 neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to:

12 (1) a child as described in:

13 (†) (A) IC 31-34-1-1 through IC 31-34-1-5;

14 (‡) (B) IC 31-34-1-10; or

15 (⊖) (C) IC 31-34-1-11;

16 regardless of whether the child needs care, treatment,  
17 rehabilitation, or the coercive intervention of a court; or

18 (2) an individual who:

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

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

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

24 (i) neglect;

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

26 (iii) sexual activity (as defined in IC 35-42-4-13(b))  
27 committed by a member of the staff at the residential  
28 facility.

29 (b) The term does not include a child who is alleged to be a victim  
30 of a sexual offense under IC 35-42-4-3 unless the alleged offense under  
31 IC 35-42-4-3 involves the fondling or touching of the buttocks,  
32 genitals, or female breasts.

33 SECTION 8. IC 31-33-5-2, AS AMENDED BY P.L.183-2017,  
34 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2024]: Sec. 2. (a) This section does not apply to an individual  
36 required to make a report under this article in the individual's capacity  
37 as a member of the staff of a hospital licensed under IC 16-21-2. An  
38 individual required to make a report under this article in the  
39 individual's capacity as a member of the staff of a hospital licensed  
40 under IC 16-21-2 is subject to section 2.5 of this chapter.

41 (b) (a) Except as provided in subsection (c), if an individual is  
42 required to make a report under this article in the individual's capacity





1 as a member of the staff of a ~~medical or other~~ public or private  
 2 institution, school, facility, or agency, the individual shall immediately  
 3 make a report to:

4 (1) the department; or

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

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

10 (b) **An individual required to make a report of known or**  
 11 **suspected child abuse or neglect may not delegate the duty to make**  
 12 **the report to another individual.**

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

15 (1) **a medical institution;**

16 (2) **a medical facility; or**

17 (3) **any other health care facility;**

18 **the individual shall immediately make a report to the department**  
 19 **and the local law enforcement agency in Indiana based on the**  
 20 **child's location at the moment the individual knows or suspects**  
 21 **child abuse or neglect. The individual does not have discretion to**  
 22 **decide not to report known or suspected child abuse or neglect.**

23 (d) After making the report, the individual shall notify the  
 24 individual in charge of the institution, school, facility, or agency or the  
 25 designated agent of the individual in charge of the institution, school,  
 26 facility, or agency that the report was made.

27 SECTION 9. IC 31-33-5-2.5 IS REPEALED [EFFECTIVE JULY  
 28 1, 2024]. ~~Sec. 2.5: (a) This section applies only to an individual~~  
 29 ~~required to make a report under this article in the individual's capacity~~  
 30 ~~as a member of the staff of a hospital licensed under IC 16-21-2:~~

31 (b) ~~If an individual is required to make a report under this article in~~  
 32 ~~the individual's capacity as a member of the staff of a hospital licensed~~  
 33 ~~under IC 16-21-2, the individual shall immediately notify the individual~~  
 34 ~~in charge of the hospital or the designated agent of the individual in~~  
 35 ~~charge of the hospital.~~

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

38 (1) ~~the department; or~~

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

40 SECTION 10. IC 31-33-5-4, AS AMENDED BY P.L.183-2017,  
 41 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2024]: Sec. 4. (a) **Except as provided in subsection (b), a**



1 person who has a duty under this chapter to report that a child may be  
 2 a victim of child abuse or neglect shall immediately make an oral or  
 3 written report to:

- 4 (1) the department; or  
 5 (2) the local law enforcement agency **in Indiana based on the**  
 6 **child's location at the moment the individual suspects child**  
 7 **abuse or neglect.**

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

- 11 **(1) the department; and**  
 12 **(2) the local law enforcement agency in Indiana based on the**  
 13 **child's location at the moment the individual suspects child**  
 14 **abuse or neglect.**

15 SECTION 11. IC 31-33-8-1, AS AMENDED BY P.L.198-2019,  
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2024]: Sec. 1. (a) The department shall initiate an  
 18 appropriately thorough child protection assessment of every report of  
 19 known or suspected child abuse or neglect the department receives,  
 20 whether in accordance with this article or otherwise.

21 (b) If a report of known or suspected child abuse or neglect is  
 22 received from a judge or prosecutor requesting the department to  
 23 initiate a child protection assessment, the department shall initiate an  
 24 assessment in accordance with this section.

25 (c) If a report of known or suspected child abuse or neglect is  
 26 received from:

- 27 (1) medical personnel;  
 28 (2) school personnel;  
 29 (3) a social worker;  
 30 (4) law enforcement officials or personnel;  
 31 (5) judiciary personnel; or  
 32 (6) prosecuting attorney personnel;

33 the department shall forward the report to the local office to determine  
 34 if the department will initiate an assessment in accordance with this  
 35 section.

36 (d) If the department believes that a child is in imminent danger of  
 37 serious bodily harm, the department shall initiate an onsite assessment  
 38 immediately, but not later than two (2) hours, after receiving the report.

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

42 (f) If reports of child neglect are received, the assessment shall be



1 initiated within a reasonably prompt time, but not later than five (5)  
 2 days, with the primary consideration being the well-being of the child  
 3 who is the subject of the report.

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

6 (1) has been convicted of:

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

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

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

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

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

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

23 **(j) If a report alleges child abuse or neglect involving a**  
 24 **residential facility licensed by the department, the department**  
 25 **shall initiate an onsite assessment immediately, but not later than**  
 26 **twenty-four (24) hours, after receiving the report.**

27 SECTION 12. IC 31-33-8.5 IS ADDED TO THE INDIANA CODE  
 28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2024]:

30 **Chapter 8.5. Investigation of a School or Athletic Facility**

31 **Sec. 1. If a report made under IC 31-33-5 alleges that a staff**  
 32 **member, youth coach, or volunteer of a school or athletic facility**  
 33 **is the abuser, local law enforcement shall investigate the school or**  
 34 **athletic facility to determine whether the school or athletic facility**  
 35 **reasonably should have known that the alleged abuse was**  
 36 **happening. In determining whether the school or athletic facility**  
 37 **should have known, local law enforcement may consider the**  
 38 **following:**

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

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



1           **(3) Whether the school or athletic facility properly reported**  
 2           **any previous:**  
 3           **(A) allegations against the staff member, youth coach, or**  
 4           **volunteer; or**  
 5           **(B) disciplinary records involving the staff member's,**  
 6           **youth coach's, or volunteer's inappropriate behavior with**  
 7           **a minor.**  
 8           **Sec. 2. If local law enforcement determines that a school or**  
 9           **athletic facility reasonably should have known that the alleged**  
 10           **abuse was happening, local law enforcement shall provide the**  
 11           **prosecuting attorney with a complete written report of the**  
 12           **investigation.**  
 13           SECTION 13. IC 31-33-22-1, AS AMENDED BY P.L.183-2017,  
 14           SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15           JULY 1, 2024]: Sec. 1. (a) A person who knowingly fails to make a  
 16           report required by IC 31-33-5-1 commits a Class B A misdemeanor.  
 17           (b) A person who knowingly fails to make a report required by  
 18           IC 31-33-5-2 ~~or IC 31-33-5-2.5~~ commits a Class B A misdemeanor.  
 19           This penalty is in addition to the penalty imposed by subsection (a).  
 20           **(c) A criminal investigation does not affect the victim's right to**  
 21           **seek a civil remedy against the person being investigated for a**  
 22           **crime under this section.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1164, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 5. IC 31-9-2-13, AS AMENDED BY P.L.243-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

- (1) Children born out of wedlock to the parties.
- (2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) Except as otherwise provided in this section, "child", for purposes of the juvenile law and IC 31-27, means:

- (1) a person who is less than eighteen (18) years of age;
- (2) a person:
  - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and
  - (B) who either:
    - (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
    - (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

- (3) a person:
  - (A) who is alleged to have committed an act that would have been murder if committed by an adult;
  - (B) who was less than eighteen (18) years of age at the time of the alleged act; and
  - (C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

- (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
- or



(2) any other child support order that is enforceable under IC 31-16-12.5.

(h) "Child", for purposes of IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

(j) "Child", for purposes of IC 31-35-2-4.5, means an individual who is:

- (1) less than eighteen (18) years of age; and
- (2) a delinquent child or a child in need of services.

**(k) "Child", for purposes of IC 31-33, includes an individual who:**

- (1) is at least eighteen (18) years of age but less than twenty-one (21) years of age; and**
- (2) resides, or has previously resided, at a residential facility licensed by the department.**

SECTION 6. IC 31-9-2-14, AS AMENDED BY P.L.46-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) neglect;**

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

**(iii) 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.

SECTION 7. IC 31-9-2-133, AS AMENDED BY P.L.86-2018, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 133. (a) "Victim of child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to:

(1) a child as described in:

(+) (A) IC 31-34-1-1 through IC 31-34-1-5;

(-) (B) IC 31-34-1-10; or

(-) (C) 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) neglect;

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

(iii) sexual activity (as defined in IC 35-42-4-13(b)) committed by a member of the staff at the residential facility.

(b) The term does not include 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."

Page 12, line 38, delete "immediately, but not later than two (2) hours," and insert "**immediately**".

Page 13, line 31, delete "immediately, but not later than two (2) hours," and insert "**immediately**".

Page 15, delete lines 3 through 16, begin a new paragraph and insert:

**"(j) If a report alleges child abuse or neglect involving a residential facility licensed by the department, the department shall initiate an onsite assessment immediately, but not later than twenty-four (24) hours, after receiving the report.**

SECTION 8. IC 31-33-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:



**Chapter 8.5. Investigation of a School or Athletic Facility**

**Sec. 1. If a report made under IC 31-33-5 alleges that a staff member, youth coach, or volunteer of a school or athletic facility is the abuser, local law enforcement shall investigate the school or athletic facility to determine whether the school or athletic facility reasonably should have known that the alleged abuse was happening. In determining whether the school or athletic facility should have known, 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 school or athletic facility 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 a school or athletic facility reasonably should have known that the alleged abuse was happening, local law enforcement shall provide the prosecuting attorney with a complete written report of the investigation."**

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1164 as introduced.)

DEVON

Committee Vote: yeas 13, nays 0.

