

SENATE BILL No. 219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-33.

Synopsis: DCS investigations and mandatory reporting. Requires a person that contracts with the department of child services (DCS) as a residential facility to immediately report any allegation of child abuse or neglect directly to DCS. Requires DCS to do the following if the person fails to immediately report directly to DCS: (1) Stop referrals to the facility. (2) Audit the person's handbook and internal policies regarding mandatory reporting requirements. (3) Require, before DCS may resume referrals to the person's facility, that: (A) the handbook and internal policies fully comply with mandatory reporting laws; and (B) DCS conduct onsite training for the person's employees regarding the mandatory reporting laws and penalties. 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 DCS to initiate an onsite assessment within 24 hours if a report alleges child abuse or neglect involving a residential facility licensed by DCS.

Effective: July 1, 2024.

Ford J.D.

January 9, 2024, read first time and referred to Committee on Family and Children Services.



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.

SENATE BILL No. 219

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 31-9-2-13, AS AMENDED BY P.L.243-2019,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16
4 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of
5 both parties to the marriage. The term includes the following:
6 (1) Children born out of wedlock to the parties.
7 (2) Children born or adopted during the marriage of the parties.
8 (b) "Child", for purposes of the Uniform Interstate Family Support
9 Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.
10 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
11 (d) Except as otherwise provided in this section, "child", for
12 purposes of the juvenile law and IC 31-27, means:
13 (1) a person who is less than eighteen (18) years of age;
14 (2) a person:
15 (A) who is eighteen (18), nineteen (19), or twenty (20) years
16 of age; and
17 (B) who either:



- 1 (i) is charged with a delinquent act committed before the
 2 person's eighteenth birthday; or
 3 (ii) has been adjudicated a child in need of services before
 4 the person's eighteenth birthday; or
 5 (3) a person:
 6 (A) who is alleged to have committed an act that would have
 7 been murder if committed by an adult;
 8 (B) who was less than eighteen (18) years of age at the time of
 9 the alleged act; and
 10 (C) who is less than twenty-one (21) years of age.
 11 (e) "Child", for purposes of IC 31-36-3, means a person who is less
 12 than eighteen (18) years of age.
 13 (f) "Child", for purposes of the Interstate Compact on Juveniles
 14 under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
 15 (g) "Child", for purposes of IC 31-16-12.5, means an individual to
 16 whom child support is owed under:
 17 (1) a child support order issued under IC 31-14-10 or IC 31-16-6;
 18 or
 19 (2) any other child support order that is enforceable under
 20 IC 31-16-12.5.
 21 (h) "Child", for purposes of IC 31-32-5, means an individual who is
 22 less than eighteen (18) years of age.
 23 (i) "Child", for purposes of the Uniform Child Custody Jurisdiction
 24 Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.
 25 (j) "Child", for purposes of IC 31-35-2-4.5, means an individual who
 26 is:
 27 (1) less than eighteen (18) years of age; and
 28 (2) a delinquent child or a child in need of services.
 29 **(k) "Child", for purposes of IC 31-33, includes an individual**
 30 **who is:**
 31 **(1) at least eighteen (18) years of age but less than twenty-one**
 32 **(21) years of age; and**
 33 **(2) residing at a residential facility licensed by the**
 34 **department.**
 35 SECTION 2. IC 31-9-2-14, AS AMENDED BY P.L.46-2016,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 14. (a) "Child abuse or neglect", for purposes of
 38 IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to:
 39 (1) a child described in IC 31-34-1-1 through IC 31-34-1-5 and
 40 IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the
 41 child needs care, treatment, rehabilitation, or the coercive
 42 intervention of a court; or



- 1 **(2) an individual who:**
 2 **(A) is at least eighteen (18) years of age but less than**
 3 **twenty-one (21) years of age;**
 4 **(B) resides at a residential facility licensed by the**
 5 **department; and**
 6 **(C) is harmed or threatened with harm as a result of:**
 7 **(i) neglect;**
 8 **(ii) a battery offense included in IC 35-42-2; or**
 9 **(iii) sexual activity (as defined in IC 35-42-4-13(b))**
 10 **committed by a member of the staff at the residential**
 11 **facility.**
- 12 (b) For purposes of subsection (a), the term under subsection (a)
 13 does not refer to a child who is alleged to be a victim of a sexual
 14 offense under IC 35-42-4-3 unless the alleged offense under
 15 IC 35-42-4-3 involves the fondling or touching of the buttocks,
 16 genitals, or female breasts, regardless of whether the child needs care,
 17 treatment, rehabilitation, or the coercive intervention of a court.
- 18 (c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to
 19 acts or omissions by a person against a child as described in
 20 IC 31-34-1-1 through IC 31-34-1-11, regardless of whether the child
 21 needs care, treatment, rehabilitation, or the coercive intervention of a
 22 court.
- 23 SECTION 3. IC 31-9-2-133, AS AMENDED BY P.L.86-2018,
 24 SECTION 216, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2024]: Sec. 133. (a) "Victim of child abuse or
 26 neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to:
 27 **(1) a child as described in:**
 28 ~~(A)~~ **(A) IC 31-34-1-1 through IC 31-34-1-5;**
 29 ~~(B)~~ **(B) IC 31-34-1-10; or**
 30 ~~(C)~~ **(C) IC 31-34-1-11;**
 31 regardless of whether the child needs care, treatment,
 32 rehabilitation, or the coercive intervention of a court; **or**
 33 **(2) an individual who:**
 34 **(A) is at least eighteen (18) years of age but less than**
 35 **twenty-one (21) years of age;**
 36 **(B) resides at a residential facility licensed by the**
 37 **department; and**
 38 **(C) is harmed or threatened with harm as a result of:**
 39 **(i) neglect;**
 40 **(ii) a battery offense included in IC 35-42-2; or**
 41 **(iii) sexual activity (as defined in IC 35-42-4-13(b))**
 42 **committed by a member of the staff at the residential**



1 **facility.**

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

6 SECTION 4. IC 31-33-5-6 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2024]: **Sec. 6. (a) If a person contracts with the department as a
9 residential facility, the person shall immediately report any
10 allegation of child abuse or neglect directly to the department.**

11 **(b) If a person that contracts with the department as a
12 residential facility fails to immediately report to the department
13 under subsection (a), the department:**

14 **(1) shall stop referring children to the facility; and**

15 **(2) shall:**

16 **(A) audit the person's handbook and internal policy
17 regarding mandatory reporting requirements under this
18 chapter; and**

19 **(B) require the following before reinstating referrals to the
20 person's facility:**

21 **(i) The person's handbook and internal policy regarding
22 mandatory reporting requirements must fully comply
23 with this chapter.**

24 **(ii) The department must conduct onsite training for the
25 person's employees on the requirements contained in this
26 chapter and the penalties in IC 31-33-22-1.**

27 SECTION 5. IC 31-33-8-1, AS AMENDED BY P.L.198-2019,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2024]: **Sec. 1. (a) The department shall initiate an
30 appropriately thorough child protection assessment of every report of
31 known or suspected child abuse or neglect the department receives,
32 whether in accordance with this article or otherwise.**

33 **(b) If a report of known or suspected child abuse or neglect is
34 received from a judge or prosecutor requesting the department to
35 initiate a child protection assessment, the department shall initiate an
36 assessment in accordance with this section.**

37 **(c) If a report of known or suspected child abuse or neglect is
38 received from:**

39 **(1) medical personnel;**

40 **(2) school personnel;**

41 **(3) a social worker;**

42 **(4) law enforcement officials or personnel;**



- 1 (5) judiciary personnel; or
2 (6) prosecuting attorney personnel;
3 the department shall forward the report to the local office to determine
4 if the department will initiate an assessment in accordance with this
5 section.
- 6 (d) If the department believes that a child is in imminent danger of
7 serious bodily harm, the department shall initiate an onsite assessment
8 immediately, but not later than two (2) hours, after receiving the report.
- 9 (e) If the report alleges a child may be a victim of child abuse, the
10 assessment shall be initiated immediately, but not later than
11 twenty-four (24) hours after receipt of the report.
- 12 (f) If reports of child neglect are received, the assessment shall be
13 initiated within a reasonably prompt time, but not later than five (5)
14 days, with the primary consideration being the well-being of the child
15 who is the subject of the report.
- 16 (g) If the report alleges that a child lives with a parent, guardian, or
17 custodian who is married to or lives with a person who:
18 (1) has been convicted of:
19 (A) neglect of a dependent under IC 35-46-1-4; or
20 (B) a battery offense under IC 35-42-4; or
21 (2) is required to register as a sex or violent offender under
22 IC 11-8-8;
23 the department shall initiate an assessment within a reasonably prompt
24 time, but not later than five (5) days after the department receives the
25 report, with the primary consideration being the well-being of the child
26 who is the subject of the report.
- 27 (h) If the safety or well-being of a child appears to be endangered or
28 the facts otherwise warrant, the assessment shall be initiated regardless
29 of the time of day.
- 30 (i) If a report alleges abuse or neglect and involves a child care
31 ministry that is exempt from licensure under IC 12-17.2-6, the
32 department and the appropriate law enforcement agency shall jointly
33 conduct an investigation. The investigation shall be conducted under
34 the requirements of this section and section 2(b) of this chapter.
- 35 **(j) If a report alleges child abuse or neglect involving a**
36 **residential facility licensed by the department, the department**
37 **shall initiate an onsite assessment immediately, but not later than**
38 **twenty-four (24) hours, after receiving the report.**

