

SENATE BILL No. 416

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3; IC 11-10-2-12; IC 12-21-5-6; IC 16-39; IC 20-33-7-4; IC 31-25-2-14; IC 31-33-18-2; IC 31-34-15-4; IC 31-37-7-5; IC 31-39-2-13.8; IC 34-30-16-1.

Synopsis: School and student safety information. Provides that a law enforcement agency or private university police department shall, upon request of a school corporation, charter school, or nonpublic school, make available to the school corporation, charter school, or nonpublic school certain investigatory records regarding a person who is enrolled in the school corporation, charter school, or nonpublic school for the purpose of enhancing the safety or security of a student or school facility. Provides that if: (1) a child is adjudicated delinquent for an act that would be one of a specified list of offenses if committed by an adult (adult offense); and (2) the department of correction is awarded guardianship of the child; the department of correction shall, not later than 10 days before the child is paroled or discharged, provide notice of the child's parole or discharge to the administrator of the school or school district in which the child was most recently enrolled. Provides that a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider shall (rather than may, under current law) disclose a patient's mental health record, without the patient's consent, to a school in which the patient is enrolled. Provides that the school may use the patient's mental health record only for the purposes of: (1) meeting the educational needs of the patient; or (2) ensuring the safety of the school. Provides that: (1) information concerning suspicious activity or potential criminal activity that relates to a child and that is shared between a law enforcement officer and a school corporation or certain other officials may be stored or maintained in a data base only for purposes of ensuring the safety and security of a student or facility of the school corporation; and (2) a school
(Continued next page)

Effective: July 1, 2023.

Baldwin

January 19, 2023, read first time and referred to Committee on Education and Career Development.



corporation may enter into a memorandum of understanding with a law enforcement agency to share such information. Requires the department of child services to coordinate annual meetings in each Indiana senate district and report specified information to each member of the senate regarding the meeting held in the senator's district. Provides that certain department of child services reports and materials shall be made available to a school official if disclosure is important to the school's development of a plan to: (1) provide a free and appropriate education to the student to whom the report or other material pertains; or (2) ensure the safety, health, or security of school students or employees. Requires the case plan of a child in need of services to: (1) include provisions to enable the child's school to: (A) provide appropriate support to and protect the safety of the child; and (B) protect the safety of the school; and (2) provide for participation in the case planning process by a department of education liaison. Provides that before releasing from custody a child who has been taken into custody for allegedly committing an adult offense, the department of child services shall notify the administrator of the child's school or school district of the child's pending release from custody, and specifies information that must be included in the notice. Provides that a juvenile court shall grant a school access to a requested portion of the juvenile court records of a child who is a student at the school: (1) if the request is made by specified school officials; and (2) under specified circumstances. Provides that a provider of mental health services has a duty to warn of, or take reasonable precautions to provide protection from, a patient's violent behavior, and is not immune from civil liability for failing to provide warning or take reasonable precautions, if the patient: (1) has communicated to the provider an actual threat of physical violence or other means of harm against a reasonably identifiable victim or victims; or (2) evidences conduct or makes statements indicating an imminent danger that the patient will use physical violence or use other means to cause serious personal injury or death to others.



Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 416

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.86-2022,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 4. (a) The following public records are excepted
4 from section 3 of this chapter and may not be disclosed by a public
5 agency, unless access to the records is specifically required by a state
6 or federal statute or is ordered by a court under the rules of discovery:
7 (1) Those declared confidential by state statute.
8 (2) Those declared confidential by rule adopted by a public
9 agency under specific authority to classify public records as
10 confidential granted to the public agency by statute.
11 (3) Those required to be kept confidential by federal law.
12 (4) Records containing trade secrets.
13 (5) Confidential financial information obtained, upon request,
14 from a person. However, this does not include information that is
15 filed with or received by a public agency pursuant to state statute.



- 1 (6) Information concerning research, including actual research
 2 documents, conducted under the auspices of a state educational
 3 institution, including information:
 4 (A) concerning any negotiations made with respect to the
 5 research; and
 6 (B) received from another party involved in the research.
 7 (7) Grade transcripts and license examination scores obtained as
 8 part of a licensure process.
 9 (8) Those declared confidential by or under rules adopted by the
 10 supreme court of Indiana.
 11 (9) Patient medical records and charts created by a provider,
 12 unless the patient gives written consent under IC 16-39 or as
 13 provided under IC 16-41-8.
 14 (10) Application information declared confidential by the Indiana
 15 economic development corporation under IC 5-28.
 16 (11) A photograph, a video recording, or an audio recording of an
 17 autopsy, except as provided in IC 36-2-14-10.
 18 (12) A Social Security number contained in the records of a
 19 public agency.
 20 (13) The following information that is part of a foreclosure action
 21 subject to IC 32-30-10.5:
 22 (A) Contact information for a debtor, as described in
 23 IC 32-30-10.5-8(d)(1)(B).
 24 (B) Any document submitted to the court as part of the debtor's
 25 loss mitigation package under IC 32-30-10.5-10(a)(3).
 26 (14) The following information obtained from a call made to a
 27 fraud hotline established under IC 36-1-8-8.5:
 28 (A) The identity of any individual who makes a call to the
 29 fraud hotline.
 30 (B) A report, transcript, audio recording, or other information
 31 concerning a call to the fraud hotline.
 32 However, records described in this subdivision may be disclosed
 33 to a law enforcement agency, a private university police
 34 department, the attorney general, the inspector general, the state
 35 examiner, or a prosecuting attorney.
 36 (15) Information described in section 5(c)(3)(B) of this chapter
 37 that is contained in a daily log or record described in section 5(c)
 38 of this chapter for a victim of a crime or delinquent act who is less
 39 than eighteen (18) years of age, unless and to the extent that:
 40 (A) a parent, guardian, or custodian of the victim consents in
 41 writing to public disclosure of the records; and
 42 (B) that parent, guardian, or custodian of the victim has not



- 1 been charged with or convicted of committing a crime against
2 the victim.
- 3 However, records described in this subdivision may be disclosed
4 to the department of child services.
- 5 (b) Except as otherwise provided by subsection (a), the following
6 public records shall be excepted from section 3 of this chapter at the
7 discretion of a public agency:
- 8 (1) Investigatory records of law enforcement agencies or private
9 university police departments. For purposes of this chapter, a law
10 enforcement recording is not an investigatory record. However,
11 information described in subsection (a)(15) contained in a law
12 enforcement recording is exempt from disclosure, unless and to
13 the extent that a parent, guardian, or custodian of the victim
14 consents in writing to public disclosure of the records. However,
15 a parent, guardian, or custodian charged with or convicted of a
16 crime against the victim may not consent to public disclosure of
17 the records. Law enforcement agencies or private university
18 police departments may share investigatory records with a:
- 19 (A) person who advocates on behalf of a crime victim,
20 including a victim advocate (as defined in IC 35-37-6-3.5) or
21 a victim service provider (as defined in IC 35-37-6-5), for the
22 purposes of providing services to a victim or describing
23 services that may be available to a victim; and
- 24 (B) school corporation (as defined by IC 20-18-2-16(a)),
25 charter school (as defined by IC 20-24-1-4), or nonpublic
26 school (as defined by IC 20-18-2-12) **for the purpose of**
27 **enhancing the safety or security of a student or a school**
28 **facility; under section 5 of this chapter;**
- 29 without the law enforcement agency or private university police
30 department losing its discretion to keep those records confidential
31 from other records requesters. However, certain law enforcement
32 records must be made available for inspection and copying as
33 provided in section 5 of this chapter.
- 34 (2) The work product of an attorney representing, pursuant to
35 state employment or an appointment by a public agency:
- 36 (A) a public agency;
37 (B) the state; or
38 (C) an individual.
- 39 (3) Test questions, scoring keys, and other examination data used
40 in administering a licensing examination, examination for
41 employment, or academic examination before the examination is
42 given or if it is to be given again.



1 (4) Scores of tests if the person is identified by name and has not
2 consented to the release of the person's scores.

3 (5) The following:

4 (A) Records relating to negotiations between:

5 (i) the Indiana economic development corporation;

6 (ii) the ports of Indiana;

7 (iii) the Indiana state department of agriculture;

8 (iv) the Indiana finance authority;

9 (v) an economic development commission;

10 (vi) the Indiana White River state park development
11 commission;

12 (vii) a local economic development organization that is a
13 nonprofit corporation established under state law whose
14 primary purpose is the promotion of industrial or business
15 development in Indiana, the retention or expansion of
16 Indiana businesses, or the development of entrepreneurial
17 activities in Indiana; or

18 (viii) a governing body of a political subdivision;

19 with industrial, research, or commercial prospects, if the
20 records are created while negotiations are in progress.
21 However, this clause does not apply to records regarding
22 research that is prohibited under IC 16-34.5-1-2 or any other
23 law.

24 (B) Notwithstanding clause (A), the terms of the final offer of
25 public financial resources communicated by the Indiana
26 economic development corporation, the ports of Indiana, the
27 Indiana finance authority, an economic development
28 commission, the Indiana White River state park development
29 commission, or a governing body of a political subdivision to
30 an industrial, a research, or a commercial prospect shall be
31 available for inspection and copying under section 3 of this
32 chapter after negotiations with that prospect have terminated.

33 (C) When disclosing a final offer under clause (B), the Indiana
34 economic development corporation shall certify that the
35 information being disclosed accurately and completely
36 represents the terms of the final offer.

37 (D) Notwithstanding clause (A), an incentive agreement with
38 an incentive recipient shall be available for inspection and
39 copying under section 3 of this chapter after the date the
40 incentive recipient and the Indiana economic development
41 corporation execute the incentive agreement regardless of
42 whether negotiations are in progress with the recipient after



- 1 that date regarding a modification or extension of the incentive
2 agreement.
- 3 (6) Records that are intra-agency or interagency advisory or
4 deliberative material, including material developed by a private
5 contractor under a contract with a public agency, that are
6 expressions of opinion or are of a speculative nature, and that are
7 communicated for the purpose of decision making.
- 8 (7) Diaries, journals, or other personal notes serving as the
9 functional equivalent of a diary or journal.
- 10 (8) Personnel files of public employees and files of applicants for
11 public employment, except for:
- 12 (A) the name, compensation, job title, business address,
13 business telephone number, job description, education and
14 training background, previous work experience, or dates of
15 first and last employment of present or former officers or
16 employees of the agency;
- 17 (B) information relating to the status of any formal charges
18 against the employee; and
- 19 (C) the factual basis for a disciplinary action in which final
20 action has been taken and that resulted in the employee being
21 suspended, demoted, or discharged.
- 22 However, all personnel file information shall be made available
23 to the affected employee or the employee's representative. This
24 subdivision does not apply to disclosure of personnel information
25 generally on all employees or for groups of employees without the
26 request being particularized by employee name.
- 27 (9) Minutes or records of hospital medical staff meetings.
- 28 (10) Administrative or technical information that would
29 jeopardize a record keeping system, voting system, voter
30 registration system, or security system.
- 31 (11) Computer programs, computer codes, computer filing
32 systems, and other software that are owned by the public agency
33 or entrusted to it and portions of electronic maps entrusted to a
34 public agency by a utility.
- 35 (12) Records specifically prepared for discussion or developed
36 during discussion in an executive session under IC 5-14-1.5-6.1.
37 However, this subdivision does not apply to that information
38 required to be available for inspection and copying under
39 subdivision (8).
- 40 (13) The work product of the legislative services agency under
41 personnel rules approved by the legislative council.
- 42 (14) The work product of individual members and the partisan



- 1 staffs of the general assembly.
- 2 (15) The identity of a donor of a gift made to a public agency if:
- 3 (A) the donor requires nondisclosure of the donor's identity as
- 4 a condition of making the gift; or
- 5 (B) after the gift is made, the donor or a member of the donor's
- 6 family requests nondisclosure.
- 7 (16) Library or archival records:
- 8 (A) which can be used to identify any library patron; or
- 9 (B) deposited with or acquired by a library upon a condition
- 10 that the records be disclosed only:
- 11 (i) to qualified researchers;
- 12 (ii) after the passing of a period of years that is specified in
- 13 the documents under which the deposit or acquisition is
- 14 made; or
- 15 (iii) after the death of persons specified at the time of the
- 16 acquisition or deposit.
- 17 However, nothing in this subdivision shall limit or affect contracts
- 18 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 19 (17) The identity of any person who contacts the bureau of motor
- 20 vehicles concerning the ability of a driver to operate a motor
- 21 vehicle safely and the medical records and evaluations made by
- 22 the bureau of motor vehicles staff or members of the driver
- 23 licensing medical advisory board regarding the ability of a driver
- 24 to operate a motor vehicle safely. However, upon written request
- 25 to the commissioner of the bureau of motor vehicles, the driver
- 26 must be given copies of the driver's medical records and
- 27 evaluations.
- 28 (18) School safety and security measures, plans, and systems,
- 29 including emergency preparedness plans developed under 511
- 30 IAC 6.1-2-2.5.
- 31 (19) A record or a part of a record, the public disclosure of which
- 32 would have a reasonable likelihood of threatening public safety
- 33 by exposing a vulnerability to terrorist attack. A record described
- 34 under this subdivision includes the following:
- 35 (A) A record assembled, prepared, or maintained to prevent,
- 36 mitigate, or respond to an act of terrorism under IC 35-47-12-1
- 37 (before its repeal), an act of agricultural terrorism under
- 38 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
- 39 (as defined in IC 35-50-2-18).
- 40 (B) Vulnerability assessments.
- 41 (C) Risk planning documents.
- 42 (D) Needs assessments.



- 1 (E) Threat assessments.
- 2 (F) Intelligence assessments.
- 3 (G) Domestic preparedness strategies.
- 4 (H) The location of community drinking water wells and
5 surface water intakes.
- 6 (I) The emergency contact information of emergency
7 responders and volunteers.
- 8 (J) Infrastructure records that disclose the configuration of
9 critical systems such as voting system and voter registration
10 system critical infrastructure, and communication, electrical,
11 ventilation, water, and wastewater systems.
- 12 (K) Detailed drawings or specifications of structural elements,
13 floor plans, and operating, utility, or security systems, whether
14 in paper or electronic form, of any building or facility located
15 on an airport (as defined in IC 8-21-1-1) that is owned,
16 occupied, leased, or maintained by a public agency, or any part
17 of a law enforcement recording that captures information
18 about airport security procedures, areas, or systems. A record
19 described in this clause may not be released for public
20 inspection by any public agency without the prior approval of
21 the public agency that owns, occupies, leases, or maintains the
22 airport. Both of the following apply to the public agency that
23 owns, occupies, leases, or maintains the airport:
- 24 (i) The public agency is responsible for determining whether
25 the public disclosure of a record or a part of a record,
26 including a law enforcement recording, has a reasonable
27 likelihood of threatening public safety by exposing a
28 security procedure, area, system, or vulnerability to terrorist
29 attack.
- 30 (ii) The public agency must identify a record described
31 under item (i) and clearly mark the record as "confidential
32 and not subject to public disclosure under
33 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
34 submitting public agency)". However, in the case of a law
35 enforcement recording, the public agency must clearly mark
36 the record as "confidential and not subject to public
37 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
38 (insert name of the public agency that owns, occupies,
39 leases, or maintains the airport)".
- 40 (L) The home address, home telephone number, and
41 emergency contact information for any:
- 42 (i) emergency management worker (as defined in



- 1 IC 10-14-3-3);
 2 (ii) public safety officer (as defined in IC 35-47-4.5-3);
 3 (iii) emergency medical responder (as defined in
 4 IC 16-18-2-109.8); or
 5 (iv) advanced emergency medical technician (as defined in
 6 IC 16-18-2-6.5).
- 7 This subdivision does not apply to a record or portion of a record
 8 pertaining to a location or structure owned or protected by a
 9 public agency in the event that an act of terrorism under
 10 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 11 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 12 offense (as defined in IC 35-50-2-18) has occurred at that location
 13 or structure, unless release of the record or portion of the record
 14 would have a reasonable likelihood of threatening public safety
 15 by exposing a vulnerability of other locations or structures to
 16 terrorist attack.
- 17 (20) The following personal information concerning a customer
 18 of a municipally owned utility (as defined in IC 8-1-2-1):
 19 (A) Telephone number.
 20 (B) Address.
 21 (C) Social Security number.
- 22 (21) The following personal information about a complainant
 23 contained in records of a law enforcement agency:
 24 (A) Telephone number.
 25 (B) The complainant's address. However, if the complainant's
 26 address is the location of the suspected crime, infraction,
 27 accident, or complaint reported, the address shall be made
 28 available for public inspection and copying.
- 29 (22) Notwithstanding subdivision (8)(A), the name,
 30 compensation, job title, business address, business telephone
 31 number, job description, education and training background,
 32 previous work experience, or dates of first employment of a law
 33 enforcement officer who is operating in an undercover capacity.
- 34 (23) Records requested by an offender, an agent, or a relative of
 35 an offender that:
 36 (A) contain personal information relating to:
 37 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 38 (ii) a probation officer;
 39 (iii) a community corrections officer;
 40 (iv) a law enforcement officer (as defined in
 41 IC 35-31.5-2-185);
 42 (v) a judge (as defined in IC 33-38-12-3);



1 (vi) the victim of a crime; or
 2 (vii) a family member of a correctional officer, probation
 3 officer, community corrections officer, law enforcement
 4 officer (as defined in IC 35-31.5-2-185), judge (as defined
 5 in IC 33-38-12-3), or victim of a crime; or

6 (B) concern or could affect the security of a jail or correctional
 7 facility.

8 For purposes of this subdivision, "agent" means a person who is
 9 authorized by an offender to act on behalf of, or at the direction
 10 of, the offender, and "relative" has the meaning set forth in
 11 IC 35-42-2-1(b). However, the term "agent" does not include an
 12 attorney in good standing admitted to the practice of law in
 13 Indiana.

14 (24) Information concerning an individual less than eighteen (18)
 15 years of age who participates in a conference, meeting, program,
 16 or activity conducted or supervised by a state educational
 17 institution, including the following information regarding the
 18 individual or the individual's parent or guardian:

- 19 (A) Name.
 20 (B) Address.
 21 (C) Telephone number.
 22 (D) Electronic mail account address.

23 (25) Criminal intelligence information.

24 (26) The following information contained in a report of unclaimed
 25 property under IC 32-34-1.5-18 or in a claim for unclaimed
 26 property under IC 32-34-1.5-48:

- 27 (A) Date of birth.
 28 (B) Driver's license number.
 29 (C) Taxpayer identification number.
 30 (D) Employer identification number.
 31 (E) Account number.

32 (27) Except as provided in subdivision (19) and sections 5.1 and
 33 5.2 of this chapter, a law enforcement recording. However, before
 34 disclosing the recording, the public agency must comply with the
 35 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
 36 applicable.

37 (28) Records relating to negotiations between a state educational
 38 institution and another entity concerning the establishment of a
 39 collaborative relationship or venture to advance the research,
 40 engagement, or educational mission of the state educational
 41 institution, if the records are created while negotiations are in
 42 progress. The terms of the final offer of public financial resources



1 communicated by the state educational institution to an industrial,
2 a research, or a commercial prospect shall be available for
3 inspection and copying under section 3 of this chapter after
4 negotiations with that prospect have terminated. However, this
5 subdivision does not apply to records regarding research
6 prohibited under IC 16-34.5-1-2 or any other law.

7 (c) Nothing contained in subsection (b) shall limit or affect the right
8 of a person to inspect and copy a public record required or directed to
9 be made by any statute or by any rule of a public agency.

10 (d) Notwithstanding any other law, a public record that is classified
11 as confidential, other than a record concerning an adoption or patient
12 medical records, shall be made available for inspection and copying
13 seventy-five (75) years after the creation of that record.

14 (e) Only the content of a public record may form the basis for the
15 adoption by any public agency of a rule or procedure creating an
16 exception from disclosure under this section.

17 (f) Except as provided by law, a public agency may not adopt a rule
18 or procedure that creates an exception from disclosure under this
19 section based upon whether a public record is stored or accessed using
20 paper, electronic media, magnetic media, optical media, or other
21 information storage technology.

22 (g) Except as provided by law, a public agency may not adopt a rule
23 or procedure nor impose any costs or liabilities that impede or restrict
24 the reproduction or dissemination of any public record.

25 (h) Notwithstanding subsection (d) and section 7 of this chapter:

- 26 (1) public records subject to IC 5-15 may be destroyed only in
27 accordance with record retention schedules under IC 5-15; or
28 (2) public records not subject to IC 5-15 may be destroyed in the
29 ordinary course of business.

30 SECTION 2. IC 5-14-3-5, AS AMENDED BY P.L.86-2022,
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2023]: Sec. 5. (a) If a person is arrested or summoned for an
33 offense, the following information shall be made available for
34 inspection and copying:

- 35 (1) Information that identifies the person including the person's
36 name, age, and address.
37 (2) Information concerning any charges on which the arrest or
38 summons is based.
39 (3) Information relating to the circumstances of the arrest or the
40 issuance of the summons, such as the:
41 (A) time and location of the arrest or the issuance of the
42 summons;



- 1 (B) investigating or arresting officer (other than an undercover
2 officer or agent); and
3 (C) investigating or arresting law enforcement agency.
- 4 (b) If a person is received in a jail or lock-up, the following
5 information shall be made available for inspection and copying:
6 (1) Information that identifies the person including the person's
7 name, age, and address.
8 (2) Information concerning the reason for the person being placed
9 in the jail or lock-up, including the name of the person on whose
10 order the person is being held.
11 (3) The time and date that the person was received and the time
12 and date of the person's discharge or transfer.
13 (4) The amount of the person's bail or bond, if it has been fixed.
- 14 (c) This subsection does not apply to a private university police
15 department, which is governed instead by subsection (d). An agency
16 shall maintain a daily log or record that lists suspected or investigated
17 crimes, accidents, or complaints, and the following information shall
18 be made available for inspection and copying:
19 (1) The time, substance, and location of all complaints or requests
20 for assistance received by the agency.
21 (2) The time and nature of the agency's response to all complaints
22 or requests for assistance.
23 (3) If the incident involves an alleged crime or infraction:
24 (A) the time, date, and location of occurrence;
25 (B) the name and age of any victim, unless the victim:
26 (i) is less than eighteen (18) years of age, unless and to the
27 extent that the victim's parent, guardian, or custodian, who
28 has not been charged with or convicted of a crime against
29 the victim, consents in writing to public disclosure of the
30 records; or
31 (ii) is a victim of a crime under IC 35-42-4 or IC 35-42-3.5;
32 (C) the factual circumstances surrounding the incident; and
33 (D) a general description of any injuries, property, or weapons
34 involved.
- 35 The information required in this subsection shall be made available for
36 inspection and copying in compliance with this chapter. The record
37 containing the information must be created not later than twenty-four
38 (24) hours after the suspected crime, accident, or complaint has been
39 reported to the agency.
- 40 (d) A private university police department shall make available for
41 inspection and copying:
42 (1) information created or received after July 1, 2016, that is



1 described in subsections (a) and (b); and
 2 (2) information (including the daily log):
 3 (A) created in compliance with; and
 4 (B) to the extent that public access is required under;
 5 20 U.S.C. 1092 and 34 CFR 668.

6 **(e) A law enforcement agency or private university police**
 7 **department shall, upon request of a school corporation (as defined**
 8 **by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4),**
 9 **or nonpublic school (as defined by IC 20-18-2-12), make**
 10 **information that is:**

11 (1) described in subsections (a) and (b); and

12 (2) regarding a person who is enrolled in the school
 13 corporation, charter school, or nonpublic school;
 14 available to the school corporation, charter school, or nonpublic
 15 school for the purpose of enhancing the safety or security of a
 16 student or facility of the school corporation, charter school, or
 17 nonpublic school.

18 ~~(e)~~ (f) This chapter does not affect IC 5-2-4, IC 10-13-3, or
 19 IC 5-11-1-9.

20 SECTION 3. IC 11-10-2-12 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2023]: **Sec. 12. If the department is awarded guardianship of a**
 23 **child due to the child's adjudication as a delinquent child for**
 24 **commission of an act described in IC 31-37-4-3(a), the department**
 25 **shall, not later than ten (10) days before the child is released on**
 26 **parole or discharged from the department, provide notice of the**
 27 **child's pending release or discharge to:**

28 (1) the chief administrative officer of the primary or
 29 secondary school, including a public or nonpublic school; or

30 (2) the superintendent of the school district;

31 **in which the child was most recently enrolled.**

32 SECTION 4. IC 12-21-5-6, AS AMENDED BY P.L.126-2021,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2023]: Sec. 6. (a) The division shall establish a standard
 35 format for an individualized mental health safety plan that may be
 36 disclosed without a patient's consent under ~~IC 16-39-2-6(b)~~.
 37 **IC 16-39-2-6(d).**

38 (b) An individualized mental health safety plan format approved by
 39 the division under this section must:

40 (1) provide that a mental health provider develop the
 41 individualized mental health safety plan collaboratively with the
 42 patient; and



- 1 (2) include the following:
- 2 (A) The patient's name, address, and contact information.
- 3 (B) Early warning signs that a crisis may be developing.
- 4 (C) Internal coping strategies.
- 5 (D) Contact information for individuals and social settings that
- 6 may provide distraction for the patient.
- 7 (E) Contact information for persons from whom the patient
- 8 can ask for help.
- 9 (F) Contact information for professionals or agencies that the
- 10 patient can contact at the onset of or during a crisis.
- 11 (G) A plan for making the environment safe for the patient.
- 12 (H) The one (1) thing that matters most to the patient and for
- 13 which the patient considers life worth living.
- 14 (I) Other information identified by the division, including
- 15 issues concerning the patient's physical health.

16 SECTION 5. IC 16-39-2-6, AS AMENDED BY P.L.137-2021,
 17 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 6. (a) Without the consent of the patient, the
 19 patient's mental health record may **be disclosed only as provided in**
 20 **this section.**

21 **(b) A patient's mental health record may be disclosed without**
 22 **the consent of the patient** as follows:

- 23 (1) To individuals who meet the following conditions:
- 24 (A) Are employed by:
- 25 (i) the provider at the same facility or agency;
- 26 (ii) a managed care provider (as defined in IC 12-7-2-127);
- 27 or
- 28 (iii) a health care provider or mental health care provider, if
- 29 the mental health records are needed to provide health care
- 30 or mental health services to the patient.
- 31 (B) Are involved in the planning, provision, and monitoring of
- 32 services.
- 33 (2) To the extent necessary to obtain payment for services
- 34 rendered or other benefits to which the patient may be entitled, as
- 35 provided in IC 16-39-5-3.
- 36 (3) To the patient's court appointed counsel and to the Indiana
- 37 protection and advocacy services commission.
- 38 (4) For research conducted in accordance with IC 16-39-5-3 and
- 39 the rules of the division of mental health and addiction, the rules
- 40 of the division of disability and rehabilitative services, the rules
- 41 of the provider, or the rules of the Indiana archives and records
- 42 administration and the oversight committee on public records.



- 1 (5) To the division of mental health and addiction for the purpose
 2 of data collection, research, and monitoring managed care
 3 providers (as defined in IC 12-7-2-127) who are operating under
 4 a contract with the division of mental health and addiction.
- 5 (6) To the extent necessary to make reports or give testimony
 6 required by the statutes pertaining to admissions, transfers,
 7 discharges, and guardianship proceedings.
- 8 (7) To a law enforcement agency if any of the following
 9 conditions are met:
- 10 (A) A patient escapes from a facility to which the patient is
 11 committed under IC 12-26.
- 12 (B) The superintendent of the facility determines that failure
 13 to provide the information may result in bodily harm to the
 14 patient or another individual.
- 15 (C) A patient commits or threatens to commit a crime on
 16 facility premises or against facility personnel.
- 17 (D) A patient is in the custody of a law enforcement officer or
 18 agency for any reason and:
- 19 (i) the information to be released is limited to medications
 20 currently prescribed for the patient or to the patient's history
 21 of adverse medication reactions; and
- 22 (ii) the provider determines that the release of the
 23 medication information will assist in protecting the health,
 24 safety, or welfare of the patient.
- 25 Mental health records released under this clause must be
 26 maintained in confidence by the law enforcement agency
 27 receiving them.
- 28 (8) To a coroner or medical examiner, in the performance of the
 29 individual's duties.
- 30 ~~(9) To a school in which the patient is enrolled if the~~
 31 ~~superintendent of the facility determines that the information will~~
 32 ~~assist the school in meeting educational needs of the patient.~~
- 33 ~~(+0)~~ (9) To the extent necessary to satisfy reporting requirements
 34 under the following statutes:
- 35 (A) IC 12-10-3-10.
- 36 (B) IC 12-24-17-5.
- 37 (C) IC 16-41-2-3.
- 38 (D) IC 16-50-1-8.
- 39 (E) IC 31-25-3-2.
- 40 (F) IC 31-33-5-4.
- 41 (G) IC 34-30-16-2.
- 42 (H) IC 35-46-1-13.



- 1 ~~(11)~~ **(10)** To the extent necessary to satisfy release of information
2 requirements under the following statutes:
3 (A) IC 12-24-11-2.
4 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
5 (C) IC 12-26-11.
6 ~~(12)~~ **(11)** To another health care provider in a health care
7 emergency.
8 ~~(13)~~ **(12)** For legitimate business purposes as described in
9 IC 16-39-5-3.
10 ~~(14)~~ **(13)** Under a court order under IC 16-39-3.
11 ~~(15)~~ **(14)** With respect to records from a mental health or
12 developmental disability facility, to the United States Secret
13 Service if the following conditions are met:
14 (A) The request does not apply to alcohol or drug abuse
15 records described in 42 U.S.C. 290dd-2 unless authorized by
16 a court order under 42 U.S.C. 290dd-2(b)(2)(c).
17 (B) The request relates to the United States Secret Service's
18 protective responsibility and investigative authority under 18
19 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
20 (C) The request specifies an individual patient.
21 (D) The director or superintendent of the facility determines
22 that disclosure of the mental health record may be necessary
23 to protect a person under the protection of the United States
24 Secret Service from serious bodily injury or death.
25 (E) The United States Secret Service agrees to only use the
26 mental health record information for investigative purposes
27 and not disclose the information publicly.
28 (F) The mental health record information disclosed to the
29 United States Secret Service includes only:
30 (i) the patient's name, age, and address;
31 (ii) the date of the patient's admission to or discharge from
32 the facility; and
33 (iii) any information that indicates whether or not the patient
34 has a history of violence or presents a danger to the person
35 under protection.
36 ~~(16)~~ **(15)** To the statewide waiver ombudsman established under
37 IC 12-11-13, in the performance of the ombudsman's duties.
38 **(c) A psychiatric crisis center, psychiatric inpatient unit, or**
39 **psychiatric residential treatment provider shall disclose a patient's**
40 **mental health record, without the patient's consent, to a school in**
41 **which the patient is enrolled. The school may use the record only**
42 **for the purpose of:**



1 **(1) meeting the educational needs of the patient; or**

2 **(2) ensuring the safety of the school.**

3 ~~(b)~~ **(d)** If a licensed mental health professional, a licensed
4 paramedic, a representative of a mobile integrated healthcare program
5 (as described in IC 16-31-12), or a representative of a mental health
6 community paramedicine program in the course of rendering a
7 treatment intervention, determines that a patient may be a harm to
8 himself or herself or others, the licensed mental health professional, the
9 licensed paramedic, the representative of the mobile integrated
10 healthcare program (as described in IC 16-31-12), or the representative
11 of the mental health community paramedicine program may request a
12 patient's individualized mental health safety plan from a psychiatric
13 crisis center, psychiatric inpatient unit, or psychiatric residential
14 treatment provider. Each psychiatric crisis center, psychiatric inpatient
15 unit, and psychiatric residential treatment provider shall, upon request
16 and without the consent of the patient, share a patient's individualized
17 mental health safety plan that is in the standard format established by
18 the division of mental health and addiction under IC 12-21-5-6 with the
19 following individuals who demonstrate proof of licensure and commit
20 to protecting the information in compliance with state and federal
21 privacy laws:

22 (1) A licensed mental health professional.

23 (2) A licensed paramedic.

24 (3) A representative of a mobile integrated healthcare program (as
25 described in IC 16-31-12).

26 (4) A representative of a mental health community paramedicine
27 program.

28 An individualized mental health safety plan disclosed under this
29 subsection may be used only to support a patient's welfare and safety
30 and is considered otherwise confidential information under applicable
31 state and federal laws.

32 ~~(c)~~ **(e)** After information is disclosed under subsection ~~(a)(15)~~
33 **(b)(14)** or if the patient is evaluated to be dangerous, the records shall
34 be interpreted in consultation with a licensed mental health
35 professional on the staff of the United States Secret Service.

36 ~~(d)~~ **(f)** A person who discloses information under subsection ~~(a)(7);~~
37 ~~(a)(15); or (b) (b)(7), (b)(14), (c), or (d)~~ in good faith is immune from
38 civil and criminal liability.

39 SECTION 6. IC 16-39-3-3, AS AMENDED BY P.L.156-2020,
40 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2023]: Sec. 3. A person:

42 (1) seeking access to a patient's mental health record without the



1 patient's written consent in an investigation or prosecution
 2 resulting from a report filed under ~~IC 16-39-2-6(a)(10)~~;
 3 **IC 16-39-2-6(b)(9)**; or

4 (2) who has filed or is a party to a legal proceeding and who seeks
 5 access to a patient's mental health record without the patient's
 6 written consent;

7 may file a petition in a circuit or superior court requesting a release of
 8 the patient's mental health record.

9 SECTION 7. IC 20-33-7-4, AS ADDED BY P.L.255-2019,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 4. (a) As used in this section, "appropriate
 12 officials" include local or state law enforcement officials, department
 13 of child services officials, trained medical personnel, and school
 14 administrators whose knowledge of information described in
 15 subsection (b) or (d) is necessary to protect the health or safety of
 16 students or other persons on school corporation property. The term
 17 "school administrator" includes a principal, an assistant principal, a
 18 superintendent, and an assistant superintendent.

19 (b) A school corporation or other entity to which the education
 20 records privacy provisions of the federal Family Educational Rights
 21 and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the
 22 education records of a child, including personally identifiable
 23 information contained in the education records, without the consent of
 24 the child's parent to appropriate officials in cases of health and safety
 25 emergencies as determined by school officials.

26 (c) A school corporation or other entity to which the education
 27 records privacy provisions of the federal Family Educational Rights
 28 and Privacy Act (20 U.S.C. 1232g) apply that:

29 (1) discloses or reports on the education records of a child,
 30 including personally identifiable information contained in the
 31 education records, in violation of this section; and

32 (2) makes a good faith effort to comply with this section;

33 is immune from civil liability.

34 (d) In the case of a health or safety emergency, a law enforcement
 35 officer shall disclose or report a child's personally identifiable
 36 information contained in law enforcement records to a school
 37 corporation or an appropriate official.

38 (e) Information concerning any suspicious activity or potential
 39 criminal activity related to a child that is shared between a law
 40 enforcement officer and a school corporation or an appropriate official
 41 under this section shall not be stored or maintained in any type of data
 42 base **except for purposes of ensuring the safety or security of a**



1 **student or facility of the school corporation.**

2 **(f) A school corporation may enter into a memorandum of**
 3 **understanding with a law enforcement agency with regard to the**
 4 **sharing of information between the school corporation and law**
 5 **enforcement agency under this section.**

6 SECTION 8. IC 31-25-2-14, AS ADDED BY P.L.145-2006,
 7 SECTION 271, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The department shall
 9 cooperate with and shall seek and receive the cooperation of
 10 appropriate public and private agencies, including the following:

11 (1) Law enforcement agencies.

12 (2) The courts.

13 (3) Organizations, groups, and programs providing or concerned
 14 with services related to the prevention, identification, or treatment
 15 of a child who may be a victim of child abuse or neglect.

16 (b) The department shall also cooperate with public and private
 17 agencies, organizations, and groups that provide family services
 18 designed to prevent a child's removal from the child's home.

19 (c) Cooperation and involvement under this section may include the
 20 following:

21 (1) Consultation services.

22 (2) Planning.

23 (3) Case management.

24 (4) Public education and information services.

25 (5) Use of each other's facilities, staff, and other training.

26 **(d) For purposes of this section, the department shall coordinate**
 27 **regional meetings held not later than October 1 of each year in**
 28 **each Indiana senate district. Not later than November 1 of each**
 29 **year, the department shall provide to each member of the senate a**
 30 **report regarding the immediately preceding meeting in the**
 31 **senator's senate district. The report must include the following**
 32 **information regarding the meeting:**

33 **(1) Stakeholders invited.**

34 **(2) Attendees.**

35 **(3) Topics discussed.**

36 SECTION 9. IC 31-33-18-2, AS AMENDED BY P.L.137-2021,
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 2. The reports and other material described in
 39 section 1(a) of this chapter and the unredacted reports and other
 40 material described in section 1(b) of this chapter shall be made
 41 available only to the following:

42 (1) Persons authorized by this article.



- 1 (2) A legally mandated public or private child protective agency
2 investigating a report of child abuse or neglect or treating a child
3 or family that is the subject of a report or record.
- 4 (3) Any of the following who are investigating a report of a child
5 who may be a victim of child abuse or neglect:
6 (A) A police officer or other law enforcement agency.
7 (B) A prosecuting attorney.
8 (C) A coroner, in the case of the death of a child.
- 9 (4) A physician who has before the physician a child whom the
10 physician reasonably suspects may be a victim of child abuse or
11 neglect.
- 12 (5) An individual legally authorized to place a child in protective
13 custody if:
14 (A) the individual has before the individual a child whom the
15 individual reasonably suspects may be a victim of abuse or
16 neglect; and
17 (B) the individual requires the information in the report or
18 record to determine whether to place the child in protective
19 custody.
- 20 (6) An agency having the legal responsibility or authorization to
21 care for, treat, or supervise a child who is the subject of a report
22 or record or a parent, guardian, custodian, or other person who is
23 responsible for the child's welfare.
- 24 (7) An individual named in the report or record who is alleged to
25 be abused or neglected or, if the individual named in the report is
26 a child or is otherwise incompetent, the individual's guardian ad
27 litem or the individual's court appointed special advocate, or both.
- 28 (8) Each parent, guardian, custodian, or other person responsible
29 for the welfare of a child named in a report or record and an
30 attorney of the person described under this subdivision, with
31 protection for the identity of reporters and other appropriate
32 individuals.
- 33 (9) A court, for redaction of the record in accordance with section
34 1.5 of this chapter, or upon the court's finding that access to the
35 records may be necessary for determination of an issue before the
36 court. However, except for disclosure of a redacted record in
37 accordance with section 1.5 of this chapter, access is limited to in
38 camera inspection unless the court determines that public
39 disclosure of the information contained in the records is necessary
40 for the resolution of an issue then pending before the court.
- 41 (10) A grand jury upon the grand jury's determination that access
42 to the records is necessary in the conduct of the grand jury's



- 1 official business.
- 2 (11) An appropriate state or local official responsible for child
3 protection services or legislation carrying out the official's official
4 functions.
- 5 (12) The community child protection team appointed under
6 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
7 enable the team to carry out the team's purpose under IC 31-33-3.
- 8 (13) A person about whom a report has been made, with
9 protection for the identity of:
- 10 (A) any person reporting known or suspected child abuse or
11 neglect; and
- 12 (B) any other person if the person or agency making the
13 information available finds that disclosure of the information
14 would be likely to endanger the life or safety of the person.
- 15 (14) An employee of the department, a caseworker, or a juvenile
16 probation officer conducting a criminal history check under
17 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
18 appropriateness of an out-of-home placement for a:
- 19 (A) child at imminent risk of placement;
- 20 (B) child in need of services; or
- 21 (C) delinquent child.
- 22 The results of a criminal history check conducted under this
23 subdivision must be disclosed to a court determining the
24 placement of a child described in clauses (A) through (C).
- 25 (15) A local child fatality review team established under
26 IC 16-49-2.
- 27 (16) The statewide child fatality review committee established by
28 IC 16-49-4.
- 29 (17) The department.
- 30 (18) The division of family resources, if the investigation report:
- 31 (A) is classified as substantiated; and
- 32 (B) concerns:
- 33 (i) an applicant for a license to operate;
- 34 (ii) a person licensed to operate;
- 35 (iii) an employee of; or
- 36 (iv) a volunteer providing services at;
- 37 a child care center licensed under IC 12-17.2-4 or a child care
38 home licensed under IC 12-17.2-5.
- 39 (19) A citizen review panel established under IC 31-25-2-20.4.
- 40 (20) The department of child services ombudsman established by
41 IC 4-13-19-3.
- 42 (21) The secretary of education with protection for the identity of:



- 1 (A) any person reporting known or suspected child abuse or
 2 neglect; and
 3 (B) any other person if the person or agency making the
 4 information available finds that disclosure of the information
 5 would be likely to endanger the life or safety of the person.
 6 (22) The state child fatality review coordinator employed by the
 7 state department of health under IC 16-49-5-1.
 8 (23) A person who operates a child caring institution, group
 9 home, or secure private facility if all the following apply:
 10 (A) The child caring institution, group home, or secure private
 11 facility is licensed under IC 31-27.
 12 (B) The report or other materials concern:
 13 (i) an employee of;
 14 (ii) a volunteer providing services at; or
 15 (iii) a child placed at;
 16 the child caring institution, group home, or secure private
 17 facility.
 18 (C) The allegation in the report occurred at the child caring
 19 institution, group home, or secure private facility.
 20 (24) A person who operates a child placing agency if all the
 21 following apply:
 22 (A) The child placing agency is licensed under IC 31-27.
 23 (B) The report or other materials concern:
 24 (i) a child placed in a foster home licensed by the child
 25 placing agency;
 26 (ii) a person licensed by the child placing agency to operate
 27 a foster family home;
 28 (iii) an employee of the child placing agency or a foster
 29 family home licensed by the child placing agency; or
 30 (iv) a volunteer providing services at the child placing
 31 agency or a foster family home licensed by the child placing
 32 agency.
 33 (C) The allegations in the report occurred in the foster family
 34 home or in the course of employment or volunteering at the
 35 child placing agency or foster family home.
 36 (25) The National Center for Missing and Exploited Children.
 37 (26) A local domestic violence fatality review team established
 38 under IC 12-18-8, as determined by the department to be relevant
 39 to the death or near fatality that the local domestic violence
 40 fatality review team is reviewing.
 41 (27) The statewide domestic violence fatality review committee
 42 established under IC 12-18-9-3, as determined by the department



- 1 to be relevant to the death or near fatality that the statewide
 2 domestic violence fatality review committee is reviewing.
- 3 (28) The statewide maternal mortality review committee
 4 established under IC 16-50-1-3, as determined by the department
 5 to be relevant to the case of maternal morbidity or maternal
 6 mortality that the statewide maternal mortality review committee
 7 is reviewing.
- 8 (29) A local fetal-infant mortality review team established under
 9 IC 16-49-6, as determined by the department to be relevant to the
 10 case of fetal or infant fatality that the local fetal-infant mortality
 11 review team is reviewing.
- 12 (30) A suicide and overdose fatality review team established
 13 under IC 16-49.5-2, as determined by the department to be
 14 relevant to the case of a suicide or overdose fatality that the
 15 suicide and overdose fatality review team is reviewing.
- 16 (31) The office of administrative law proceedings for a matter that
 17 is the subject of an administrative proceeding before the office of
 18 administrative law proceedings.
- 19 **(32) A school official if disclosure is important to the school's**
 20 **development of a plan to:**
- 21 **(A) provide a free and appropriate education to the student**
 22 **to whom the report or other material pertains; or**
- 23 **(B) ensure the safety, health, or security of school students**
 24 **or employees.**
- 25 SECTION 10. IC 31-34-15-4, AS AMENDED BY P.L.213-2021,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 4. (a) A child's case plan must be set out in a form
 28 prescribed by the department that meets the specifications set by 45
 29 CFR 1356.21. The case plan must include a description and discussion
 30 of the following:
- 31 (1) A permanent plan, or two (2) permanent plans if concurrent
 32 planning, for the child and an estimated date for achieving the
 33 goal of the plan or plans.
- 34 (2) The appropriate placement for the child based on the child's
 35 special needs and best interests.
- 36 (3) The least restrictive family-like setting that is close to the
 37 home of the child's parent, custodian, or guardian if out-of-home
 38 placement is recommended. If an out-of-home placement is
 39 appropriate, the local office or department shall consider whether
 40 a child in need of services should be placed with the child's
 41 suitable and willing blood or adoptive relative caretaker,
 42 including a grandparent, an aunt, an uncle, or an adult sibling,



- 1 before considering other out-of-home placements for the child.
 2 (4) Family services recommended for the child, parent, guardian,
 3 or custodian.
 4 (5) Efforts already made to provide family services to the child,
 5 parent, guardian, or custodian.
 6 (6) Efforts that will be made to provide family services that are
 7 ordered by the court.
 8 (7) If the parent of a child is incarcerated:
 9 (A) the services and treatment available to the parent at the
 10 facility at which the parent is incarcerated; and
 11 (B) how the parent and the child may be afforded visitation
 12 opportunities, unless visitation with the parent is not in the
 13 best interests of the child.
 14 (8) A plan for ensuring the educational stability of the child while
 15 in foster care that includes assurances that the:
 16 (A) placement of the child in foster care considers the
 17 appropriateness of the current educational setting of the child
 18 and the proximity to the school where the child is presently
 19 enrolled;
 20 (B) department has coordinated with local educational
 21 agencies to ensure:
 22 (i) the child remains in the school where the child is enrolled
 23 at the time of removal; or
 24 (ii) immediate, appropriate enrollment of the child in a
 25 different school, including arrangements for the transfer of
 26 the child's school records to the new school, if remaining in
 27 the same school is not in the best interests of the child; and
 28 (C) child's school ~~has~~ **and a department of education liaison**
 29 **have** been invited, by the department, to provide information
 30 and participate in the case plan process. The school may be
 31 invited through its principal or other representative identified
 32 by law. **The department of education liaison shall provide**
 33 **information regarding access to both public and private**
 34 **service providers and funding sources.**
 35 (9) Any age appropriate activities that the child is interested in
 36 pursuing.
 37 (10) If the case plan is for a child in foster care who is at least
 38 fourteen (14) years of age, the following:
 39 (A) A document that describes the rights of the child with
 40 respect to:
 41 (i) education, health, visitation, and court participation;
 42 (ii) the right to be provided with the child's medical



- 1 documents and other medical information; and
- 2 (iii) the right to stay safe and avoid exploitation.
- 3 (B) A signed acknowledgment by the child that the:
- 4 (i) child has been provided with a copy of the document
- 5 described in clause (A); and
- 6 (ii) rights contained in the document have been explained to
- 7 the individual in an age appropriate manner.
- 8 (11) ~~Any efforts made by the department~~ **Provisions** to enable the
- 9 child's school to:
- 10 (A) provide appropriate support to and protect the safety of the
- 11 child; ~~if, in developing the case plan, the department~~
- 12 ~~coordinates with officials in the child's school to enable the~~
- 13 ~~school to provide appropriate support to and~~
- 14 (B) protect the safety of the ~~child.~~ **school;**
- 15 **including provisions for the sharing of information between**
- 16 **the department and the school as necessary to best serve the**
- 17 **purposes under clauses (A) and (B).**
- 18 (b) **The department shall coordinate with officials in the child's**
- 19 **school to develop the provisions of the plan under subsection**
- 20 **(a)(11).**

21 SECTION 11. IC 31-37-7-5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2023]: **Sec. 5. (a) Before releasing from custody a child who has**
 24 **been taken into custody for allegedly committing an act described**
 25 **in IC 31-37-4-3(a), the department shall notify:**

- 26 (1) **the chief administrative officer of the primary or**
- 27 **secondary school, including a public or nonpublic school, in**
- 28 **which the child is enrolled; or**
- 29 (2) **the superintendent of the school district in which the child**
- 30 **is enrolled;**
- 31 **of the child's pending release from custody.**

32 (b) **Notification under subsection (a) must include:**

- 33 (1) **information regarding the terms of the child's release,**
- 34 **including whether the child has been referred to juvenile**
- 35 **probation;**
- 36 (2) **if the child has been referred to juvenile probation, the**
- 37 **name and contact information of the child's juvenile**
- 38 **probation officer; and**
- 39 (3) **if the child has a caseworker, the name and contact**
- 40 **information of the caseworker.**

41 SECTION 12. IC 31-39-2-13.8, AS AMENDED BY P.L.67-2007,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 13.8. (a) The juvenile court ~~may~~ **shall** grant a
 2 school access to ~~all or a the~~ portion of the juvenile court records of a
 3 child who is a student at the school ~~if: identified in a written request~~
 4 **under subsection (b) submitted by:**

- 5 (1) the superintendent, or the superintendent's designee;
 6 (2) the chief administrative officer of a nonpublic school, or the
 7 chief administrative officer's designee; or
 8 (3) the individual with administrative control within a charter
 9 school, or the individual's designee.

10 ~~submits a written request that meets the requirements of subsection (b):~~

11 (b) A written request must establish that the juvenile court records
 12 described in subsection (a) ~~are necessary for~~ **will help** the school to:

- 13 (1) serve the educational needs of the child whose records are
 14 being released; or
 15 (2) protect the safety or health of a student, an employee, or a
 16 volunteer at the school.

17 (c) A juvenile court that releases juvenile court records under this
 18 section shall provide notice to the child and to the child's parent,
 19 guardian, or custodian that the child's juvenile records have been
 20 disclosed to the school.

21 (d) A juvenile court that releases juvenile court records under this
 22 section shall issue an order requiring the school to keep the juvenile
 23 court records confidential. A confidentiality order issued under this
 24 subsection does not prohibit a school that receives juvenile court
 25 records from forwarding the juvenile records to:

- 26 (1) another school;
 27 (2) a person if a parent, guardian, or custodian of the child
 28 consents to the release of the juvenile court records to the person;
 29 or
 30 (3) an entity listed in IC 31-39-9-1.

31 A school or a person that receives juvenile court records under this
 32 subsection must keep the juvenile court records confidential.

33 SECTION 13. IC 34-30-16-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a) Except as**
 35 **provided in subsection (b),** a mental health service provider is
 36 immune from civil liability to persons other than the patient for failing
 37 to:

- 38 (1) predict; or
 39 (2) warn or take precautions to protect from;
 40 a patient's violent behavior. ~~unless~~

41 **(b) A provider of mental health services has a duty to warn of,**
 42 **or take reasonable precautions to provide protection from, violent**



- 1 **behavior or other serious harm under section 2 of this chapter if**
- 2 **the patient:**
- 3 **(1)** has communicated to the provider of mental health services an
- 4 actual threat of physical violence or other means of harm against
- 5 a reasonably identifiable victim or victims; or
- 6 **(2)** evidences conduct or makes statements indicating an
- 7 imminent danger that the patient will use physical violence or use
- 8 other means to cause serious personal injury or death to others.

