

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 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 431

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 12-10-3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 8.5. (a) If, during an investigation under section 8 of this chapter, an adult protective services unit observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the adult protective services unit may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:**

- (1) the local law enforcement agency; or**
- (2) the local animal control officer.**

(b) The information provided in a report under subsection (a) must include the following:

- (1) A name and description of the animal and the animal's condition.**
- (2) The name and contact number, if known, of the owner or custodian of the animal.**
- (3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.**
- (4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.**

(c) This section does not impose a duty or obligation on the adult



protective services unit to investigate known or suspected animal cruelty, abandonment, or neglect.

(d) An adult protective services unit that makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the adult protective services unit made the report as a result of gross negligence or willful and wanton misconduct.

(e) The identity of any adult protective services unit that makes a report under this section is confidential.

(f) This section does not expand or limit other laws concerning confidentiality requirements.

SECTION 2. IC 31-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **(a)** Except as provided in **subsection (b) and** section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

(1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;

(2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a ~~physical~~ medical examination to be made under IC 31-33-10;

(3) makes any other report of a child who may be a victim of child abuse ~~and or~~ neglect; ~~or~~

(4) participates in or assists with an investigation by the department or a law enforcement agency resulting from a report that a child may be a victim of child abuse or neglect, including by transferring photographs, x-rays, or medical examination records completed under subdivision (2);

(5) is a health care provider and provides professional intervention resulting from a report that a child may be a victim of child abuse or neglect, including:

(A) providing care or treatment to the child;

(B) participating in a case review concerning the child;

(C) providing advice or consultation concerning the child;

(D) disclosing medical records and other health information concerning the child, in accordance with federal or state law governing the disclosure of medical records;

(E) providing information to a child fatality review team;
or

(F) recommending judicial action concerning a child; or

(4) (6) participates, including testifying as a witness, in any judicial proceeding or other proceeding:



(A) resulting from a report that a child may be a victim of child abuse or neglect; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions, **even if the reported child abuse or neglect is classified by the department as unsubstantiated.**

(b) Subsection (a) does not apply to an action brought against a qualified health care provider for medical malpractice under IC 34-18-8.

SECTION 3. IC 31-33-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. Immunity does not attach for a person ~~who has acted maliciously or in bad faith.~~ **who has acted with:**

(1) gross negligence; or

(2) willful or wanton misconduct.

SECTION 4. IC 31-33-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7.5. **(a) If, during the assessment, a caseworker observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the caseworker may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:**

(1) the local law enforcement agency; or

(2) the local animal control officer.

(b) The information provided in a report under subsection (a) must include the following:

(1) A name and description of the animal and the animal's condition.

(2) The name and contact number, if known, of the owner or custodian of the animal.

(3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.

(4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.

(c) This section does not impose a duty or obligation on the caseworker to investigate known or suspected animal cruelty, abandonment, or neglect.

(d) A caseworker who makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the caseworker made the report as a result of gross negligence or willful and wanton misconduct.



(e) The identity of any caseworker who makes a report under this section is confidential.

(f) This section does not expand or limit other laws concerning confidentiality requirements.

SECTION 5. IC 34-30-2-40.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 40.2. IC 12-10-3-8.5 (Concerning an adult protective services unit for making a report of animal cruelty, abandonment, or neglect).**

SECTION 6. IC 34-30-2-134 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 134. IC 31-33-6-1 (Concerning specified persons for making, assisting with an investigation or proceeding resulting from, or providing intervention resulting from a report of child abuse or neglect).**

SECTION 7. IC 34-30-2-134.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 134.4. IC 31-33-8-7.5 (Concerning a caseworker for making a report of animal cruelty, abandonment, or neglect).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 431 — Concur

