



January 18, 2024

HOUSE BILL No. 1123

DIGEST OF HB 1123 (Updated January 18, 2024 10:27 am - DI 140)

Citations Affected: IC 31-9; IC 31-25; IC 31-33; IC 34-30.

Synopsis: Child advocacy centers. Provides that the department of child services may use a child advocacy center to coordinate a multidisciplinary team for responding to reports involving child abuse or neglect. Requires the child advocacy center to: (1) coordinate a multidisciplinary team that consists of certain professionals; (2) ensure that the multidisciplinary team members have certain training; (3) provide a dedicated child-focused setting designed to provide a safe, comfortable, and neutral place for a forensic interview and other child advocacy center services; (4) use written protocols for case review; (5) use a case tracking system to provide information on essential demographic and case information; and (6) verify that multidisciplinary team members responsible for providing medical evaluations and mental health services have certain training. Provides the child advocacy center's agents and employees civil immunity in certain circumstances. Allows otherwise confidential information regarding an investigation of child abuse or neglect to be made available to child advocacy centers.

Effective: July 1, 2024.

DeVon

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

January 18, 2024, reported — Do Pass.

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January 18, 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. 1123

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 31-9-2-14.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 14.2. "Child advocacy center", for purposes of**
4 **IC 31-25-2-14.5 and IC 31-33-18-2, means a child focused trauma**
5 **informed community based organization that:**
6 (1) is:
7 (A) **recognized by the Indiana Chapter of National**
8 **Children's Alliance; and**
9 (B) **designed to collaborate on reports of child abuse or**
10 **neglect;**
11 (2) **coordinates a multidisciplinary team; and**
12 (3) **facilitates forensic interviews.**
13 SECTION 2. IC 31-9-2-47.1 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2024]: **Sec. 47.1. "Forensic interview", for purposes of section**
16 **14.2 of this chapter and IC 31-25-2-14.5, means an interview in**
17 **response to a report of child abuse or neglect conducted by a**

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1 professional specially trained in a nationally recognized model
2 using a multidisciplinary team approach.

3 SECTION 3. IC 31-25-2-14.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2024]: **Sec. 14.5. (a) The department may use
6 a child advocacy center to coordinate a multidisciplinary team for
7 responding to, and through the conclusion of, reports involving
8 child abuse or neglect.**

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

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

12 **(A) The child advocacy center.**

13 **(B) Law enforcement.**

14 **(C) Child protective services.**

15 **(D) The prosecuting attorney's office.**

16 **(E) A medical provider.**

17 **(F) A mental health provider.**

18 **(G) A victim advocate.**

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

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

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

27 **(4) Use written protocols for case review.**

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

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

32 **(A) medical evaluations have specific training in child
33 abuse or child sexual abuse examinations; and**

34 **(B) mental health services are trained in and deliver
35 trauma-focused, evidence-supported mental health
36 treatments.**

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

41 **(d) A multidisciplinary team member may share with other
42 multidisciplinary team members any information or records**



1 concerning the child, the child's family, or the person who is the
2 subject of the investigation of suspected child abuse or neglect for
3 the purpose of:

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

7 The information shared under this subsection remains confidential.

8 (e) Except as provided in subsection (f), an agent or employee of
9 a child advocacy center is immune from civil liability for acts or
10 omissions related to the agent's or employee's participation in the
11 multidisciplinary team response described in subsection (a).

12 (f) The agent or employee is not immune from civil liability if
13 the:

- 14 (1) act or omission amounts to:
 - 15 (A) gross negligence; or
 - 16 (B) willful or wanton misconduct; or
- 17 (2) agent or employee has been charged with or suspected of
18 abusing or neglecting the child who is the subject of the
19 investigation or services provided.

20 SECTION 4. IC 31-33-18-2, AS AMENDED BY P.L.77-2023,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 2. Except as otherwise prohibited by federal law,
23 the reports and other material described in section 1(a) of this chapter
24 and the unredacted reports and other material described in section 1(b)
25 of this chapter shall be made available only to the following:

- 26 (1) Persons authorized by this article.
- 27 (2) A legally mandated public or private child protective agency
28 investigating a report of child abuse or neglect or treating a child
29 or family that is the subject of a report or record.
- 30 (3) Any of the following who are investigating a report of a child
31 who may be a victim of child abuse or neglect:
 - 32 (A) A police officer or other law enforcement agency.
 - 33 (B) A prosecuting attorney.
 - 34 (C) A coroner, in the case of the death of a child.
 - 35 (D) A child advocacy center.
- 36 (4) A physician who has before the physician a child whom the
37 physician reasonably suspects may be a victim of child abuse or
38 neglect.
- 39 (5) An individual legally authorized to place a child in protective
40 custody if:
 - 41 (A) the individual has before the individual a child whom the
42 individual reasonably suspects may be a victim of abuse or



- 1 neglect; and
 2 (B) the individual requires the information in the report or
 3 record to determine whether to place the child in protective
 4 custody.
 5 (6) An agency having the legal responsibility or authorization to
 6 care for, treat, or supervise a child who is the subject of a report
 7 or record or a parent, guardian, custodian, or other person who is
 8 responsible for the child's welfare.
 9 (7) An individual named in the report or record who is alleged to
 10 be abused or neglected or, if the individual named in the report is
 11 a child or is otherwise incompetent, the individual's guardian ad
 12 litem or the individual's court appointed special advocate, or both.
 13 (8) Each parent, guardian, custodian, or other person responsible
 14 for the welfare of a child named in a report or record and an
 15 attorney of the person described under this subdivision, with
 16 protection for the identity of reporters and other appropriate
 17 individuals.
 18 (9) A court, for redaction of the record in accordance with section
 19 1.5 of this chapter, or upon the court's finding that access to the
 20 records may be necessary for determination of an issue before the
 21 court. However, except for disclosure of a redacted record in
 22 accordance with section 1.5 of this chapter, access is limited to in
 23 camera inspection unless the court determines that public
 24 disclosure of the information contained in the records is necessary
 25 for the resolution of an issue then pending before the court.
 26 (10) A grand jury upon the grand jury's determination that access
 27 to the records is necessary in the conduct of the grand jury's
 28 official business.
 29 (11) An appropriate state or local official responsible for child
 30 protection services or legislation carrying out the official's official
 31 functions.
 32 (12) The community child protection team appointed under
 33 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
 34 enable the team to carry out the team's purpose under IC 31-33-3.
 35 (13) A person about whom a report has been made, with
 36 protection for the identity of:
 37 (A) any person reporting known or suspected child abuse or
 38 neglect; and
 39 (B) any other person if the person or agency making the
 40 information available finds that disclosure of the information
 41 would be likely to endanger the life or safety of the person.
 42 (14) An employee of the department, a caseworker, or a juvenile



- 1 probation officer conducting a criminal history check under
 2 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
 3 appropriateness of an out-of-home placement for a:
- 4 (A) child at imminent risk of placement;
 - 5 (B) child in need of services; or
 - 6 (C) delinquent child.
- 7 The results of a criminal history check conducted under this
 8 subdivision must be disclosed to a court determining the
 9 placement of a child described in clauses (A) through (C).
- 10 (15) A local child fatality review team established under
 11 IC 16-49-2.
- 12 (16) The statewide child fatality review committee established by
 13 IC 16-49-4.
- 14 (17) The department.
- 15 (18) The division of family resources, if the investigation report:
- 16 (A) is classified as substantiated; and
 - 17 (B) concerns:
 - 18 (i) an applicant for a license to operate;
 - 19 (ii) a person licensed to operate;
 - 20 (iii) an employee of; or
 - 21 (iv) a volunteer providing services at;
- 22 a child care center licensed under IC 12-17.2-4 or a child care
 23 home licensed under IC 12-17.2-5.
- 24 (19) A citizen review panel established under IC 31-25-2-20.4.
- 25 (20) The department of child services ombudsman established by
 26 IC 4-13-19-3.
- 27 (21) The secretary of education with protection for the identity of:
- 28 (A) any person reporting known or suspected child abuse or
 29 neglect; and
 - 30 (B) any other person if the person or agency making the
 31 information available finds that disclosure of the information
 32 would be likely to endanger the life or safety of the person.
- 33 (22) The state child fatality review coordinator employed by the
 34 Indiana department of health under IC 16-49-5-1.
- 35 (23) A person who operates a child caring institution, group
 36 home, or secure private facility if all the following apply:
- 37 (A) The child caring institution, group home, or secure private
 38 facility is licensed under IC 31-27.
 - 39 (B) The report or other materials concern:
 - 40 (i) an employee of;
 - 41 (ii) a volunteer providing services at; or
 - 42 (iii) a child placed at;



- 1 the child caring institution, group home, or secure private
2 facility.
- 3 (C) The allegation in the report occurred at the child caring
4 institution, group home, or secure private facility.
- 5 (24) A person who operates a child placing agency if all the
6 following apply:
- 7 (A) The child placing agency is licensed under IC 31-27.
- 8 (B) The report or other materials concern:
- 9 (i) a child placed in a foster home licensed by the child
10 placing agency;
- 11 (ii) a person licensed by the child placing agency to operate
12 a foster family home;
- 13 (iii) an employee of the child placing agency or a foster
14 family home licensed by the child placing agency; or
- 15 (iv) a volunteer providing services at the child placing
16 agency or a foster family home licensed by the child placing
17 agency.
- 18 (C) The allegations in the report occurred in the foster family
19 home or in the course of employment or volunteering at the
20 child placing agency or foster family home.
- 21 (25) The National Center for Missing and Exploited Children.
- 22 (26) A local domestic violence fatality review team established
23 under IC 12-18-8, as determined by the department to be relevant
24 to the death or near fatality that the local domestic violence
25 fatality review team is reviewing.
- 26 (27) The statewide domestic violence fatality review committee
27 established under IC 12-18-9-3, as determined by the department
28 to be relevant to the death or near fatality that the statewide
29 domestic violence fatality review committee is reviewing.
- 30 (28) The statewide maternal mortality review committee
31 established under IC 16-50-1-3, as determined by the department
32 to be relevant to the case of maternal morbidity or maternal
33 mortality that the statewide maternal mortality review committee
34 is reviewing.
- 35 (29) A local fetal-infant mortality review team established under
36 IC 16-49-6, as determined by the department to be relevant to the
37 case of fetal or infant fatality that the local fetal-infant mortality
38 review team is reviewing.
- 39 (30) A suicide and overdose fatality review team established
40 under IC 16-49.5-2, as determined by the department to be
41 relevant to the case of a suicide or overdose fatality that the
42 suicide and overdose fatality review team is reviewing.



- 1 (31) The office of administrative law proceedings for a matter that
2 is the subject of an administrative proceeding before the office of
3 administrative law proceedings.
- 4 (32) A tribal representative, agency, or organization authorized by
5 the Indian child's tribe to care for, diagnose, treat, review,
6 evaluate, or monitor active efforts regarding an Indian child, and
7 the Indian child's parent, guardian, or custodian.
- 8 (33) The United States Department of State and foreign
9 governments to comply with federal law and treaties.
- 10 SECTION 5. IC 34-30-2.1-506.2 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2024]: **Sec. 506.2. IC 31-25-2-14.5**
13 **(Concerning agents and employees of a child advocacy center).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1123 as introduced.)

DEVON

Committee Vote: Yeas 10, Nays 0

