

HOUSE BILL No. 1128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-3.5-8.5; IC 31-33.

Synopsis: Reporting of child abuse or neglect. Provides that coaches and athletic facility staff members have a duty to report child abuse to: (1) the department of child services (department) or the local law enforcement agency; and (2) the individual in charge of the school or athletic facility. Provides that the individual in charge of the school or athletic facility has a duty to report or cause the child abuse to be reported. Provides that a criminal investigation under this law does not affect a victim's right to seek civil remedies. Requires that if a report alleges that a youth coach is the abuser, the department shall investigate the school or athletic facility to determine whether the school or athletic facility reasonably should have known that the alleged abuse was happening. Provides that in determining whether the school or athletic facility reasonably should have known, the department may consider: (1) whether there have been previous allegations against the coach; (2) whether there are disciplinary records for the coach involving inappropriate behavior with a minor; and (3) whether the school or athletic facility properly reported any previous allegations against the coach or disciplinary records involving the coach's inappropriate behavior with a minor. Raises the penalty for failure to report to a Level 5 felony. (Under current law, it is a Class B misdemeanor.)

Effective: July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Family, Children and Human Affairs.



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.

HOUSE BILL No. 1128

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 12-17.2-3.5-8.5, AS AMENDED BY P.L.183-2017,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 8.5. (a) A provider shall provide to all employees
4 and volunteers of the provider the written material prepared and made
5 available by the division under subsection (c).
6 (b) An employee or a volunteer of a provider who has reason to
7 believe that a child in the provider's care is a victim of child abuse or
8 neglect shall make a report as required under IC 31-33-5.
9 (c) The division shall do the following:
10 (1) Prepare written material specifying the following:
11 (A) The duty to report known or suspected child abuse or
12 neglect under IC 31-33-5.
13 (B) That knowing failure to make a report required by:
14 (i) IC 31-33-5-1;
15 (ii) IC 31-33-5-2; or
16 (iii) IC 31-33-5-2.5;
17 is a ~~Class B misdemeanor~~ **Level 5 felony** under



1 IC 31-33-22-1.

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

4 SECTION 2. IC 31-33-5-2.6 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2023]: **Sec. 2.6. (a) This section applies to the following
7 individuals:**

8 (1) Coaches.

9 (2) Athletic facility staff members.

10 (b) If an individual described in subsection (a) has reason to
11 believe that a child is a victim of child abuse or neglect, the
12 individual shall immediately make a report to:

13 (1) the department; or

14 (2) the local law enforcement agency.

15 (c) In addition to the duty described in subsection (b), the
16 individual shall immediately notify the individual in charge of the
17 school or athletic facility.

18 (d) An individual notified under subsection (c) shall immediately
19 report or cause the report to be made to:

20 (1) the department; or

21 (2) the local law enforcement agency.

22 (e) A criminal investigation for failing to report does not
23 prevent a victim or the victim's parents from seeking civil
24 remedies.

25 SECTION 3. IC 31-33-8-1, AS AMENDED BY P.L.198-2019,
26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2023]: Sec. 1. (a) The department shall initiate an
28 appropriately thorough child protection assessment of every report of
29 known or suspected child abuse or neglect the department receives,
30 whether in accordance with this article or otherwise.

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

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

37 (1) medical personnel;

38 (2) school personnel;

39 (3) a social worker;

40 (4) law enforcement officials or personnel;

41 (5) judiciary personnel; or

42 (6) prosecuting attorney personnel;



1 the department shall forward the report to the local office to determine
 2 if the department will initiate an assessment in accordance with this
 3 section.

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

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

10 (f) If reports of child neglect are received, the assessment shall be
 11 initiated within a reasonably prompt time, but not later than five (5)
 12 days, with the primary consideration being the well-being of the child
 13 who is the subject of the report.

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

16 (1) has been convicted of:

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

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

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

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

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

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

33 **(j) If a report alleges that a youth coach is the abuser, the**
 34 **department shall investigate the school or athletic facility to**
 35 **determine whether the school or athletic facility reasonably should**
 36 **have known that the alleged abuse was happening. In determining**
 37 **whether the school or athletic facility reasonably should have**
 38 **known, the department may consider the following:**

39 **(1) Whether there have been previous allegations against the**
 40 **coach.**

41 **(2) Whether there are disciplinary records for the coach**
 42 **involving inappropriate behavior with a minor.**



1 **(3) Whether the school or athletic facility properly reported**
2 **any previous allegations against the coach or disciplinary**
3 **records involving the coach's inappropriate behavior with a**
4 **minor.**

5 SECTION 4. IC 31-33-22-1, AS AMENDED BY P.L.183-2017,
6 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2023]: Sec. 1. (a) A person who knowingly fails to make a
8 report required by IC 31-33-5-1 commits a ~~Class B misdemeanor.~~
9 **Level 5 felony.**

10 (b) A person who knowingly fails to make a report required by
11 IC 31-33-5-2 or IC 31-33-5-2.5 commits a ~~Class B misdemeanor.~~ **Level**
12 **5 felony.** This penalty is in addition to the penalty imposed by
13 subsection (a).

14 (c) **A person who knowingly fails to make a report required by**
15 **IC 31-33-5-2.6 commits a Level 5 felony. This penalty is in addition**
16 **to the penalty imposed by subsection (a).**

17 (d) **A criminal investigation does not affect the victim's right to**
18 **seek a civil remedy against the person being investigated for a**
19 **crime under this section.**

