

# HOUSE BILL No. 1247

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-33-18-2.

**Synopsis:** Reporting of child abuse or neglect information. Provides that a child's school principal or teacher may access confidential records and other material related to a report or investigation of child abuse or neglect concerning the child.

**Effective:** July 1, 2019.

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January 10, 2019, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1247

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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 31-33-18-2, AS AMENDED BY P.L.48-2018,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 2. The reports and other material described in  
4 section 1(a) of this chapter and the unredacted reports and other  
5 material described in section 1(b) of this chapter shall be made  
6 available only to the following:  
7 (1) Persons authorized by this article.  
8 (2) A legally mandated public or private child protective agency  
9 investigating a report of child abuse or neglect or treating a child  
10 or family that is the subject of a report or record.  
11 (3) Any of the following who are investigating a report of a child  
12 who may be a victim of child abuse or neglect:  
13 (A) A police officer or other law enforcement agency.  
14 (B) A prosecuting attorney.  
15 (C) A coroner, in the case of the death of a child.  
16 (4) A physician who has before the physician a child whom the  
17 physician reasonably suspects may be a victim of child abuse or



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



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



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



1 **chapter.**

