

Mandatory Reporting Requirements: Children Indiana

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any person.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When there is reason to believe that a child is a victim of child abuse or neglect. <p>Where does it go?</p> <ul style="list-style-type: none"> • Oral or written reports shall be made to the Department of Child Services, which hosts a toll-free child abuse hotline (1-800-800-5556) or the local law enforcement agency. • If an individual is required to make a report in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, or as a member of the staff of a hospital licensed under IC 16-21-12, the individual must notify the Department of Child Services or local law enforcement immediately, as above, and also notify the individual in charge of the hospital, institution, school, facility, or agency or a designated agent • If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately make a report to: (1) the department; or (2) the local law enforcement agency. After making the report, the individual shall notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency that the report was made. • If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a hospital licensed under IC 16-21-2, the individual shall immediately notify the individual in charge of the hospital or the designated agent of the individual in charge of the hospital. (c) An individual notified under subsection (b) shall immediately report or cause a report to be made to: • (1) the department; or (2) the local law enforcement agency.
What definitions are important to know?	<ul style="list-style-type: none"> • “Child” means a person less than 18 years of age. • “Child abuse or neglect” refers to a child in need of services according to IC 31-34-1-1 through IC 31-34-1-5 and IC 31-34-1-8 through IC 31-34-1-11 (definitions provided below) regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court. <ul style="list-style-type: none"> • The term does not include a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals or female breasts, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

- A child is a “**child in need of services**” if, before the child becomes 18 years of age, the child meets any of the following definitions and the child needs care, treatment or rehabilitation that (a) the child is not receiving and (b) is unlikely to be provided or accepted without the coercive intervention of the court:
 - The child’s physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision when the parent, guardian, or custodian is financially able to do so; or due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so;
 - The child’s physical or mental health is seriously endangered due to injury by the act or omission of the child’s parent, guardian, or custodian. Note that evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child’s physical or mental health is seriously endangered;
 - The child is the victim of the following offenses or an attempt or conspiracy to commit the following offenses: assisted suicide, battery, domestic battery, aggravated battery, strangulation, neglect of a dependent, child selling; an attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide.
 - **[Subsection (a)(1)]** The child is the victim of rape, child molestation, child exploitation, child pornography, vicarious sexual gratification, fondling in the presence of a minor, child solicitation, child seduction, sexual battery, sexual misconduct with a minor, public indecency, indecent exposure, public nudity, prostitution, patronizing a prostitute, promoting prostitution, or incest; or the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in these subsections;
 - The child lives in the same household as an adult who:
 - Committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - Has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial.
 - Note that evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.
 - The child lives in the same household as another child who is the victim of an offense described in subsection (a)(1) and a caseworker assigned to provide services to the child:
 - Places the child in a program of informal adjustment or other family or rehabilitative services based on the existence of the circumstances described in subdivisions (1) and (2), and the caseworker subsequently determines further intervention is necessary; or
 - Determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.
 - The child lives in the same household as an adult who:
 - Committed a human or sexual trafficking offense under IC 35-42-3.5-1 (promotion of human trafficking; sexual trafficking of a minor; human trafficking) or the law of another

- jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or
- Has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 or the law of another jurisdiction, including federal law, and is awaiting trial.
- The child is the victim of human or sexual trafficking (as defined in IC 31-9-2-133.1); or a human or sexual trafficking offense under the law of another jurisdiction, including federal law, that is substantially equivalent to the act described in this code;
 - A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct.
- The child's parent, guardian, or custodian allows the child to participate in an obscene performance (as defined by IC 35-49-2-2 or IC 35-49-3-2);
- The child's parent, guardian, or custodian allows the child to commit a sex offense prohibited by IC 35-45-4 (public indecency; indecent exposure; public nudity; prostitution; patronizing a prostitute; promoting prostitution);
- The child is a missing child (as defined in IC 10-13-5-4);
- For the above listed provisions, a child in need of services includes:
 - A child with a disability who:
 - Is deprived of nutrition that is necessary to sustain life; or
 - Is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition; if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.
 - The child is born with:
 - Fetal alcohol syndrome;
 - Neonatal abstinence syndrome; or
 - Any amount, including a trace amount, of a controlled substance, a legend drug, or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium.
 - The child:
 - Has an injury;
 - Has abnormal physical or psychological development;
 - Has symptoms of neonatal intoxication or withdrawal; or
 - Is at a substantial risk of a life threatening condition; that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy.

Note: A child is not a child in need of services for purposes of the two preceding bullet points if **1)** the drug detected in the body was a legend drug and during pregnancy the child's mother: possessed a valid prescription for the legend drug, was not in violation of IC 16-42-19 (the Indiana Legend Drug Act) and made a good faith attempt to use the legend drug according to the prescription instructions; or **2)** the drug detected in the body was a controlled substance and during pregnancy the child's mother: possessed a valid

	<p>prescription for the controlled substance and made a good faith attempt to use the controlled substance according to the prescription instructions</p> <ul style="list-style-type: none"> • A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, or knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits ‘child molesting’
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • An oral report of the suspected abuse or neglect shall be made immediately.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • The statutes do not specify the contents of the reports for persons who suspect child abuse or neglect. However, the department will need to issue a written report within 48 hours of a report providing the following information: <ul style="list-style-type: none"> • The names and addresses of the child and the child's parents, guardian, custodian, or other person responsible for the child's care • The child's age and sex. • The nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior (A) injuries of the child; or (B) abuse or neglect of the child or the child's siblings • The name of the person allegedly responsible for causing the injury, abuse, or neglect. • The source of the report. • The person making the report and where the person can be reached. • The actions taken by the reporting source, including the following: (A) Taking of photographs and x-rays, (B) Removal or keeping of the child, (C) Notifying the coroner. • The written documentation required by IC 31-34-2-3 if a child was taken into custody without a court order. • If the report concerns a missing child, any information concerning the time and circumstances related to the child becoming a missing child, including the child's last known location. • Any other information that: (A) the director requires by rule; or (B) the person making the report believes might be helpful.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • A person who is required to report and is a health care provider or a person in charge of a hospital or similar medical institution treating the child shall cause photographs to be taken of the areas of trauma visible on the child. If medically indicated, a physician may cause a radiological examination or a physical medical examination, or both, of the child to be performed. • A person, other than a person accused of child abuse or neglect, who makes or causes to be made a report of a child who may be a victim of child abuse or neglect, 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 is a health care provider and detains a child for purposes of causing photographs, x-rays, or a physical medical examination or provides professional interventions resulting from a reporting that is a child is a victim of child abuse or neglect, is immune from any civil

	<p>or criminal liability that might otherwise be imposed because of such actions.</p> <ul style="list-style-type: none"> • Immunity does not attach for a person who has acted with gross negligence or willful or wanton misconduct. • A person making a report that a child may be a victim of child abuse or neglect or assisting in any requirement of this article is presumed to have acted in good faith. • A person who knowingly fails to make a report is guilty of a Class B misdemeanor. • An individual required to make a report in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, or member of a staff of a hospital licensed under IC 16-21-2, and knowingly fails to make the report, commits a Class B misdemeanor. This penalty is in addition to the penalty imposed for knowingly failing to make a report. • A person who knowingly or intentionally: (1) falsifies child abuse or neglect information or records; or (2) obstructs or interferes with a child abuse assessment, including an assessment conducted by a local child fatality review team or the statewide child fatality review committee; commits obstruction of a child abuse assessment, a Class A misdemeanor. • A person who intentionally communicates to a law enforcement agency or the department a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false. The person is liable to the person accused of child abuse or neglect for actual damages, and potentially punitive damages and attorney's fees. • A person who commits child molesting commits a felony, as detailed in 35-42-4-3
Statutory citation(s):	<ul style="list-style-type: none"> • Ind. Code Ann. §§ 31-9-2-13, 31-9-2-14, 31-25-2-1, 31-33-1-2, 31-33-5-1, 31-33-5-2, 31-33-5-2.5, 31-33-5-3, 31-33-5-4, 31-33-6-1, 31-33-6-2, 31-33-10-1, 31-33-22-1, 31-33-22-2, 31-33-22-3, 31-34-1-1, 31-34-1-2, 31-34-1-3, 31-34-1-3.5, 31-34-1-4, 31-34-1-5, 31-34-1-8, 31-34-1-9, 31-34-1-10, 31-34-1-11, 31-34-1-12, 31-34-1-13, 35-42-4-3.