

# HOUSE BILL No. 1166

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-32-11-1; IC 31-33-2-4; IC 31-33-2-5; IC 31-33-10-3.

**Synopsis:** Law enforcement and children. Allows information relating to the abuse or neglect of a child that would otherwise be confidential as a privileged communication to be released to the law enforcement agency or county office of family and children that is conducting a child abuse or neglect investigation relating to the child. Requires photographs, x-rays, or physical medical examination reports made with respect to a child who is the subject of a child in need of services investigation to be made available to an appropriate law enforcement agency for use in a child abuse or neglect investigation or a proceeding relating to the subject matter of the report.

**Effective:** July 1, 1999.

---

---

**Ruppel**

---

---

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

---

---

C  
O  
P  
Y



Introduced

First Regular Session 111th General Assembly (1999)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1166

---

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 31-32-11-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The privileged  
3 communication between:  
4 (1) a husband and wife;  
5 (2) a health care provider and the health care provider's patient;  
6 (3) a:  
7 (A) certified social worker;  
8 (B) certified clinical social worker; or  
9 (C) certified marriage and family therapist;  
10 and a client of any of the professionals described in clauses (A)  
11 through (C);  
12 (4) a school counselor and a student; or  
13 (5) a school psychologist and a student;  
14 is not a ground for excluding evidence in any judicial proceeding  
15 resulting from a report of a child who may be a victim of child abuse  
16 or neglect or relating to the subject matter of the report or failing to  
17 report as required by IC 31-33.

1999

IN 1166—LS 6241/DI 98+



C  
O  
P  
Y

1           **(b) Notwithstanding any other law, information that:**

2           **(1) is confidential as a privileged communication described in**  
 3           **subsection (a)(2) through (a)(5); and**

4           **(2) relates to the abuse or neglect of a child who is the subject**  
 5           **of a child in need of services investigation;**

6           **may be released to a law enforcement agency or county office of**  
 7           **family and children that is conducting the child in need of services**  
 8           **investigation.**

9           SECTION 2. IC 31-33-2-4 IS AMENDED TO READ AS  
 10          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The local child  
 11          protection service shall give notice of the existence and location of  
 12          photographs, x-rays, and physical medical examination reports to:

13           (1) the prosecuting attorney; and

14           (2) the appropriate law enforcement agency, **if the law**  
 15           **enforcement agency has not already received the items**  
 16           **described in this section under IC 31-33-10-3.**

17          SECTION 3. IC 31-33-2-5 IS AMENDED TO READ AS  
 18          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Photographs, x-rays,  
 19          or physical medical examination reports shall be made available to:

20           **(1) the law enforcement agency having jurisdiction;**

21           ~~(2)~~ (2) the county office of family and children;

22           ~~(3)~~ (3) the prosecuting attorney;

23           ~~(4)~~ (4) the guardian ad litem; or

24           ~~(5)~~ (5) the court appointed special advocate appointed by the  
 25           juvenile court;

26          for use in any judicial proceeding relating to the subject matter of a  
 27          report made under this article and, to the extent permissible under the  
 28          Indiana Rules of Trial Procedure, to the adverse party in any  
 29          proceeding arising under this article.

30          SECTION 4. IC 31-33-10-3 IS AMENDED TO READ AS  
 31          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. All photographs  
 32          taken and a summary of x-rays and other medical care shall be sent to  
 33          the local child protection service **and a law enforcement agency that**  
 34          **investigates the alleged child abuse or neglect** at the time the written  
 35          report is sent or as soon thereafter as possible. The local child  
 36          protection service shall give notice of the existence of photographs,  
 37          x-rays, and physical medical examination reports in accordance with  
 38          IC 31-33-2-4.

C  
O  
P  
Y

