
HOUSE BILL No. 1422

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-18; IC 31-33-7-7.

Synopsis: Notice to parent, guardian, or custodian. Requires a law enforcement agency that is actively involved in investigating a report of child abuse or neglect or a crime in which a child has been named in the written report of the crime as the perpetrator, victim, or witness, to: (1) make a reasonable attempt to notify the parent, guardian, or custodian of the child about the report; and (2) send a copy of the victim rights statutes to the parent, custodian, or guardian of the child; unless the parent, guardian, or custodian is the alleged perpetrator. Requires that, after the department of child services receives a report from a law enforcement agency that a child may be a victim of child abuse or neglect, the department contact the law enforcement agency to confirm that the department received the report.

Effective: July 1, 2011.

Davisson, Riecken

January 18, 2011, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1422



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 18. Requirement to Notify Parent, Guardian, or**
5 **Custodian of a Child**

6 **Sec. 1. As used in this chapter, "child" means a person who is**
7 **less than eighteen (18) years of age.**

8 **Sec. 2. As used in this chapter, "law enforcement agency" has**
9 **the meaning set forth IC 5-2-17-2.**

10 **Sec. 3. If a child is named in a written report of a crime as a**
11 **perpetrator, victim, or witness, the law enforcement agency**
12 **actively involved in investigating the crime shall:**

13 **(1) make a reasonable attempt to notify the parent, guardian,**
14 **or custodian of the child about the child's involvement in the**
15 **crime as the perpetrator, victim, or witness; and**

16 **(2) send a copy of the victim rights laws under IC 35-40 to the**
17 **parent, guardian, or custodian of the child.**



1 **Sec. 4. A law enforcement agency is not required to notify or**
2 **send a letter to the parent, guardian, or custodian of a child under**
3 **section 3 of this chapter if the parent, guardian, or custodian is the**
4 **alleged perpetrator of the crime.**

5 SECTION 2. IC 31-33-7-7, AS AMENDED BY P.L.131-2009,
6 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 7. (a) When a law enforcement agency receives
8 an initial report under IC 31-33-5-4 that a child may be a victim of
9 child abuse or neglect, **including a report from the perpetrator of**
10 **the abuse or neglect**, the law enforcement agency shall:

11 (1) immediately communicate the report to the department,
12 whether or not the law enforcement agency has reason to believe
13 there exists an imminent danger to the child's health or welfare;
14 and

15 (2) conduct an immediate, onsite assessment of the report along
16 with the department whenever the law enforcement agency has
17 reason to believe that an offense has been committed.

18 (b) In all cases, the law enforcement agency shall forward any
19 information, including copies of assessment reports, on incidents of
20 cases in which a child may be a victim of child abuse or neglect,
21 whether or not obtained under this article, to:

- 22 (1) the department; and
- 23 (2) the juvenile court under IC 31-34-7.

24 **(c) If the department receives a report from a law enforcement**
25 **agency under subsection (a), the department shall contact the law**
26 **enforcement agency to confirm that the department received the**
27 **report.**

28 **(d) A law enforcement agency that is actively involved in**
29 **investigating a report that a child may be a victim of child abuse or**
30 **neglect shall:**

- 31 (1) make a reasonable attempt to notify the parent, guardian,
32 or custodian of the child about the report; and
- 33 (2) send a copy of the victim rights laws under IC 35-40 to the
34 parent, guardian, or custodian of the child.

35 **(e) A law enforcement agency is not required to notify or send**
36 **a letter to the parent, guardian, or custodian of a child under**
37 **subsection (d) if the parent, guardian, or custodian is the alleged**
38 **perpetrator of the child abuse or neglect.**

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