



Reprinted  
February 19, 2016

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## ENGROSSED HOUSE BILL No. 1271

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DIGEST OF HB 1271 (Updated February 18, 2016 2:44 pm - DI 104)

**Citations Affected:** IC 10-13; IC 31-9; IC 31-33.

**Synopsis:** Child abuse matters. Requires the department of child services (department) to notify the United States Department of Defense Family Advocacy Program (program) if a child of an active duty member of the military is the subject of a substantiated investigation of abuse or neglect. Requires the department to make the assessment report available to the program upon request. Allows the department to seek assistance of the program in providing services. Defines "crime of child abuse" and requires the state police department to establish an electronic child abuse registry containing information relating to persons convicted of a crime of child abuse. Requires the state police department to adopt rules to establish a procedure permitting a person erroneously included in the registry to obtain relief.

**Effective:** July 1, 2016.

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### Zent, Smith M, Klinker, Macer

(SENATE SPONSORS — BANKS, YODER)

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January 11, 2016, read first time and referred to Committee on Family, Children and Human Affairs.

January 21, 2016, amended, reported — Do Pass.

January 25, 2016, read second time, ordered engrossed.

January 26, 2016, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Family & Children Services.

February 15, 2016, reported favorably — Do Pass.

February 18, 2016, read second time, amended, ordered engrossed.

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EH 1271—LS 6849/DI 125





Reprinted  
February 19, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1271

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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 10-13-9 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]:  
4 **Chapter 9. Child Abuse Registry**  
5 **Sec. 1. The following definitions apply throughout this chapter:**  
6 **(1) "Crime of child abuse" means:**  
7 **(A) neglect of a dependent (IC 35-46-1-4) if the dependent**  
8 **is a child and the offense is committed under:**  
9 **(i) IC 35-46-1-4(a)(1);**  
10 **(ii) IC 35-46-1-4(a)(2); or**  
11 **(iii) IC 35-46-1-4(a)(3);**  
12 **(B) child selling (IC 35-46-1-4(d));**  
13 **(C) a sex offense (as defined in IC 11-8-8-5.2) committed**  
14 **against a child; or**  
15 **(D) battery against a child under:**  
16 **(i) IC 35-42-2-1(d)(3) (battery on a child);**  
17 **(ii) IC 35-42-2-1(f)(5)(B) (battery causing bodily injury)**

EH 1271—LS 6849/DI 125



1 to a child);

2 (iii) IC 35-42-2-1(i) (battery causing serious bodily injury  
3 to a child); or

4 (iv) IC 35-42-2-1(j) (battery resulting in the death of a  
5 child).

6 The term includes a crime committed in another jurisdiction  
7 in which the elements of the crime are substantially similar to  
8 a crime described in this section.

9 (2) "Registry" means the child abuse registry established  
10 under section 2 of this chapter.

11 Sec. 2. Not later than January 1, 2017, the department shall  
12 establish and maintain a child abuse registry.

13 Sec. 3. The registry must contain:

14 (1) the name;

15 (2) the age;

16 (3) the last known city of residence;

17 (4) a photograph, if available;

18 (5) a description of the crime of child abuse conviction; and

19 (6) any other identifying information, as determined by the  
20 department;

21 of every person convicted of a crime of child abuse.

22 Sec. 4. The department shall obtain data for publication on the  
23 registry from:

24 (1) criminal history data maintained by the department under  
25 IC 10-13-3, except for data whose publication is prohibited by  
26 federal law;

27 (2) information reported to the department by the department  
28 of correction; and

29 (3) information obtained by the department from another  
30 governmental entity, if, in the opinion of the department, the  
31 information is credible and reliable.

32 Sec. 5. (a) The department shall publish the registry on the  
33 department's Internet web site. The registry must be searchable  
34 and available to the public.

35 (b) The department shall ensure that the registry is updated at  
36 least one (1) time every thirty (30) days.

37 (c) The department shall ensure that the registry displays the  
38 following or similar words:

39 "Based on information submitted to law enforcement, a  
40 person whose name appears in this registry has been  
41 convicted of a crime of child abuse. However, information on  
42 the registry may not be complete."



1           **Sec. 6. (a) The department may adopt rules under IC 4-22-2 to**  
 2 **implement this chapter.**

3           **(b) The department shall adopt rules under IC 4-22-2 to**  
 4 **establish a procedure permitting a person whose name is**  
 5 **erroneously included in the registry to obtain relief.**

6           SECTION 2. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010,  
 7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of  
 9 IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and**  
 10 **IC 31-33-14-3**, means full-time service in:

11           (1) the armed forces of the United States (as defined in  
 12 IC 5-9-4-3); or

13           (2) the National Guard (as defined in IC 5-9-4-4);

14 for a period that exceeds thirty (30) consecutive days in a calendar  
 15 year.

16           SECTION 3. IC 31-33-8-7, AS AMENDED BY P.L.162-2011,  
 17 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2016]: Sec. 7. (a) The department's assessment, to the extent  
 19 that is reasonably possible, must include the following:

20           (1) The nature, extent, and cause of the known or suspected child  
 21 abuse or neglect.

22           (2) The identity of the person allegedly responsible for the child  
 23 abuse or neglect.

24           (3) The names and conditions of other children in the home.

25           (4) An evaluation of the parent, guardian, custodian, or person  
 26 responsible for the care of the child.

27           (5) The home environment and the relationship of the child to the  
 28 parent, guardian, or custodian or other persons responsible for the  
 29 child's care.

30           (6) All other data considered pertinent.

31           (b) The assessment may include the following:

32           (1) A visit to the child's home.

33           (2) An interview with the subject child.

34           (3) A physical, psychological, or psychiatric examination of any  
 35 child in the home.

36           (c) If:

37           (1) admission to the home, the school, or any other place that the  
 38 child may be; or

39           (2) permission of the parent, guardian, custodian, or other persons  
 40 responsible for the child for the physical, psychological, or  
 41 psychiatric examination;

42 under subsection (b) cannot be obtained, the juvenile court, upon good



1 cause shown, shall follow the procedures under IC 31-32-12.

2 (d) If a custodial parent, a guardian, or a custodian of a child refuses  
3 to allow the department to interview the child after the caseworker has  
4 attempted to obtain the consent of the custodial parent, guardian, or  
5 custodian to interview the child, the department may petition a court to  
6 order the custodial parent, guardian, or custodian to make the child  
7 available to be interviewed by the caseworker.

8 (e) If the court finds that:

9 (1) a custodial parent, a guardian, or a custodian has been  
10 informed of the hearing on a petition described under subsection

11 (d); and

12 (2) the department has made reasonable and unsuccessful efforts  
13 to obtain the consent of the custodial parent, guardian, or  
14 custodian to interview the child;

15 the court shall specify in the order the efforts the department made to  
16 obtain the consent of the custodial parent, guardian, or custodian and  
17 may grant the motion to interview the child, either with or without the  
18 custodial parent, guardian, or custodian being present.

19 **(f) If a parent, guardian, or custodian of a child who is the**  
20 **subject of a substantiated investigation of abuse or neglect is an**  
21 **active duty member of the military, the department shall notify the**  
22 **United States Department of Defense Family Advocacy Program**  
23 **of the assessment concerning the child of the active duty member**  
24 **of the military.**

25 SECTION 4. IC 31-33-8-9, AS AMENDED BY P.L.131-2009,  
26 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2016]: Sec. 9. (a) The department's report under section 8 of  
28 this chapter shall be made available to:

29 (1) the appropriate court;

30 (2) the prosecuting attorney; or

31 (3) the appropriate law enforcement agency; or

32 **(4) the United States Department of Defense Family Advocacy**  
33 **Program, if a parent, guardian, or custodian of a child who is**  
34 **the subject of a substantiated investigation of abuse or neglect**  
35 **is an active duty member of the military;**

36 upon request.

37 (b) If child abuse or neglect is substantiated after an assessment is  
38 conducted under section 7 of this chapter, the department shall forward  
39 its report to the office of the prosecuting attorney having jurisdiction in  
40 the county in which the alleged child abuse or neglect occurred.

41 (c) If the assessment substantiates a finding of child abuse or neglect  
42 as determined by the department, a report shall be sent to the



1 coordinator of the community child protection team under IC 31-33-3.  
2 SECTION 5. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2016]: **Sec. 3. If:**  
5 **(1) the department determines that the best interests of the**  
6 **child require intervention by the department or action in the**  
7 **juvenile or criminal court; and**  
8 **(2) a parent, guardian, or custodian of the child is an active**  
9 **duty member of the military, the department may seek the**  
10 **assistance of the United States Department of Defense family**  
11 **advocacy program in determining and providing appropriate**  
12 **services for the child and family.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and IC 31-33-14-3**, means full-time service in:

(1) the armed forces of the United States (as defined in IC 5-9-4-3); or

(2) the National Guard (as defined in IC 5-9-4-4);

for a period that exceeds thirty (30) consecutive days in a calendar year."

Page 2, line 30, delete "reported allegation" and insert "**substantiated investigation**".

Page 2, line 31, delete ":" and insert "**the military**".

Page 2, delete lines 32 through 35.

Page 2, run in lines 31 through 36.

Page 3, line 6, delete "reported allegation" and insert "**substantiated investigation**".

Page 3, line 7, delete "as described in section" and insert ";".

Page 3, delete line 8.

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 4. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. If:**

**(1) the department determines that the best interests of the child require intervention by the department or action in the juvenile or criminal court; and**



**(2) a parent, guardian, or custodian of the child is an active duty member of the military, the department may seek the assistance of the United States Department of Defense family advocacy program in determining and providing appropriate services for the child and family."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1271 as introduced.)

FRIZZELL

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Family & Children Services, to which was referred House Bill No. 1271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1271 as printed January 22, 2016.)

GROOMS, Chairperson

Committee Vote: Yeas 6, Nays 0

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1271 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-13-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 9. Child Abuse Registry**

**Sec. 1. The following definitions apply throughout this chapter:**

**(1) "Crime of child abuse" means:**

**(A) neglect of a dependent (IC 35-46-1-4) if the dependent is a child and the offense is committed under:**

**(i) IC 35-46-1-4(a)(1);**



- (ii) IC 35-46-1-4(a)(2); or
- (iii) IC 35-46-1-4(a)(3);
- (B) child selling (IC 35-46-1-4(d));
- (C) a sex offense (as defined in IC 11-8-8-5.2) committed against a child; or
- (D) battery against a child under:
  - (i) IC 35-42-2-1(d)(3) (battery on a child);
  - (ii) IC 35-42-2-1(f)(5)(B) (battery causing bodily injury to a child);
  - (iii) IC 35-42-2-1(i) (battery causing serious bodily injury to a child); or
  - (iv) IC 35-42-2-1(j) (battery resulting in the death of a child).

The term includes a crime committed in another jurisdiction in which the elements of the crime are substantially similar to a crime described in this section.

(2) "Registry" means the child abuse registry established under section 2 of this chapter.

Sec. 2. Not later than January 1, 2017, the department shall establish and maintain a child abuse registry.

Sec. 3. The registry must contain:

- (1) the name;
- (2) the age;
- (3) the last known city of residence;
- (4) a photograph, if available;
- (5) a description of the crime of child abuse conviction; and
- (6) any other identifying information, as determined by the department;

of every person convicted of a crime of child abuse.

Sec. 4. The department shall obtain data for publication on the registry from:

- (1) criminal history data maintained by the department under IC 10-13-3, except for data whose publication is prohibited by federal law;
- (2) information reported to the department by the department of correction; and
- (3) information obtained by the department from another governmental entity, if, in the opinion of the department, the information is credible and reliable.

Sec. 5. (a) The department shall publish the registry on the department's Internet web site. The registry must be searchable and available to the public.



**(b) The department shall ensure that the registry is updated at least one (1) time every thirty (30) days.**

**(c) The department shall ensure that the registry displays the following or similar words:**

**"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a crime of child abuse. However, information on the registry may not be complete."**

**Sec. 6. (a) The department may adopt rules under IC 4-22-2 to implement this chapter.**

**(b) The department shall adopt rules under IC 4-22-2 to establish a procedure permitting a person whose name is erroneously included in the registry to obtain relief."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1271 as printed February 16, 2016.)

YODER

