

IC 34-30-29

Chapter 29. Immunity for Damage Caused Rescuing a Child

IC 34-30-29-1

Immunity from civil liability; forcible entry of a motor vehicle

Sec. 1. (a) A person whose conduct conforms to subsection (b) is immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle.

(b) Subsection (a) applies to a person if the person:

- (1) determines that a motor vehicle is locked or that there is no other reasonable method for a child to exit the motor vehicle;
- (2) has a good faith belief that forcible entry into the motor vehicle is necessary because a child is in imminent danger of suffering harm if not immediately removed and, based on the circumstances known to the person at the time, the belief is reasonable;
- (3) contacts a local law enforcement agency, fire department, or 911 dispatcher before forcibly entering the motor vehicle, if practicable, or as soon as possible thereafter;
- (4) uses no more force than necessary to enter the motor vehicle and remove the child; and
- (5) remains with the child in a safe location near the entered motor vehicle until a law enforcement officer arrives.

As added by P.L.132-2015, SEC.3.

IC 34-30-29-2

Conditions necessary for immunity from civil liability; forcible entry of a motor vehicle

Sec. 2. Section 1 of this chapter does not grant immunity from civil liability to a person who:

- (1) renders aid to a child beyond what is authorized in section 1 of this chapter; or
- (2) exercises gross negligence or willful and wanton misconduct.

As added by P.L.132-2015, SEC.3.