

IC 31-33-22

Chapter 22. Offenses; Access to Unsubstantiated False Reports

IC 31-33-22-1

Failure to make report

Sec. 1. (a) A person who knowingly fails to make a report required by IC 31-33-5-1 commits a Class B misdemeanor.

(b) A person who knowingly fails to make a report required by IC 31-33-5-2 commits a Class B misdemeanor. This penalty is in addition to the penalty imposed by subsection (a).

As added by P.L.1-1997, SEC.16.

IC 31-33-22-2

Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation

Sec. 2. (a) An individual who knowingly requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses commits a Class B misdemeanor.

(b) 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.

As added by P.L.1-1997, SEC.16. Amended by P.L.70-2004, SEC.17; P.L.131-2009, SEC.54.

IC 31-33-22-3

False reports; criminal and civil liability; notification of prosecuting attorney

Sec. 3. (a) A person who intentionally communicates to:

- (1) a law enforcement agency; or
- (2) 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.

(b) A person who intentionally communicates to:

- (1) a law enforcement agency; or
- (2) the department;

a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

(c) The director or the director's designee shall, after review by the department's attorney, notify the prosecuting attorney whenever the director or the director's designee and the department's attorney have

reason to believe that a person has violated this section.

(d) A person who:

(1) has reason to believe that the person is a victim of a false report of child abuse or neglect under this section; and

(2) is not named in a pending criminal charge or under assessment relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting attorney shall review the relevant child abuse or neglect records of the department and any other relevant evidence.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.166; P.L.131-2009, SEC.55; P.L.158-2013, SEC.318.

IC 31-33-22-4

Failure to notify of name change

Sec. 4. A person who intentionally violates IC 31-33-17-10 commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.16.

IC 31-33-22-5

Access by accused to false report

Sec. 5. A person who is accused of committing child abuse or neglect is entitled to access to a report relevant to an alleged false accusation filed under this article if a court finds that the report:

(1) is unsubstantiated; and

(2) was intentionally communicated to a law enforcement agency or the department by a person who knew the report was false.

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.167.