IC 10-13-5

Chapter 5. Indiana Clearinghouse for Information on Missing Children

IC 10-13-5-1

"Amber alert program"

Sec. 1. As used in this chapter, "Amber alert program" means a program under which the clearinghouse transmits information about a recently abducted child to broadcasters who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-2

"Broadcaster"

Sec. 2. As used in this chapter, "broadcaster" means the operator of a radio or television station.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-3

"Clearinghouse"

Sec. 3. As used in this chapter, "clearinghouse" refers to the Indiana clearinghouse for information on missing children and missing endangered adults established by section 5 of this chapter.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.2.

IC 10-13-5-4

"Missing child"

Sec. 4. As used in this chapter, "missing child" means a person less than eighteen (18) years of age who:

(1) is, or is believed to be:

(A) a temporary or permanent resident of Indiana;

(B) at a location that cannot be determined by the person's parent or legal custodian; and

(C) reported missing to a law enforcement agency; or

(2) is, or is believed to be:

(A) a temporary or permanent resident of Indiana; and

(B) a victim of the offense of criminal confinement (IC 35-42-3-3) or interference with custody (IC 35-42-3-4).

As added by P.L.2-2003, SEC.4.

IC 10-13-5-4.3

"Missing endangered adult"

Sec. 4.3. As used in this chapter, "missing endangered adult" means an adult who is a high risk missing person under the definition in IC 5-2-17-1.

As added by P.L.43-2009, SEC.3.

IC 10-13-5-4.6
"Silver alert program"

Sec. 4.6. As used in this chapter, "silver alert program" means a program under which the clearinghouse transmits information about missing endangered adults to broadcasters who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.43-2009, SEC.4.

IC 10-13-5-5
Establishment of clearinghouse

Sec. 5. The Indiana clearinghouse for information on missing children and missing endangered adults is established within the department.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.5.

IC 10-13-5-6
Duties of clearinghouse staff

Sec. 6. (a) The superintendent shall designate staff responsible for the operation of the clearinghouse.

(b) The staff's duties include the following:

(1) Creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children and missing endangered adults.

(2) Creation and operation of a central data storage, retrieval, and information distribution system designed for the exchange of information on missing children and missing endangered adults within and outside Indiana. The system must be capable of interacting with:

(A) the Indiana data and communication system under IC 10-13-3-35; and

(B) the National Crime Information Center.

(3) Development of appropriate forms for the reporting of missing children and missing endangered adults that may be used by law enforcement agencies and private citizens to provide useful information about a missing child or a missing endangered adult to the clearinghouse.

(4) Cooperation with the following agencies concerning the location of missing children and missing endangered adults:

(A) State and local public and private nonprofit agencies involved with the location and recovery of missing persons.

(B) Agencies of the federal government.

(C) State and local law enforcement agencies within and outside Indiana.

(5) Coordinating efforts to locate missing children and missing endangered adults with the agencies listed in subdivision (4).

(6) Operation of the toll free telephone line created under section 7(a) of this chapter.

(7) Publishing and updating, on a quarterly basis, a directory of missing children and missing endangered adults.

(8) Compiling statistics on missing children and missing endangered adult cases handled by the clearinghouse, including the number of cases resolved each year.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.6.

IC 10-13-5-7

Powers and duties of clearinghouse; confidentiality of information collected

Sec. 7. (a) The clearinghouse shall do the following:

(1) Collect, process, and maintain identification and investigative information to aid in finding missing children and missing endangered adults.

(2) Establish a statewide, toll free telephone line for the reporting:

(A) of missing children and missing endangered adults; and

(B) of sightings of missing children and missing endangered adults.

(3) Prescribe a uniform reporting form concerning missing children and missing endangered adults for use by law enforcement agencies within Indiana.

(4) Assist in training law enforcement and other professionals on issues relating to missing children and missing endangered adults.

(5) Operate a resource center of information regarding the prevention of:

(A) the abduction of children; and

(B) the sexual exploitation of children.

(6) Distribute the quarterly directory prepared under section 6(b)(7) of this chapter to schools and hospitals.

(7) Distribute the quarterly directory described in subdivision (6) to child care centers and child care homes that make an annual contribution of four dollars ($4) to the clearinghouse. The contributions must be used to help defray the cost of publishing the quarterly directory.

(b) For a missing child who was born in Indiana, the clearinghouse shall notify the vital statistics division of the state department of health:

(1) within fifteen (15) days after receiving a report under IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child less than thirteen (13) years of age; and

(2) promptly after the clearinghouse is notified that a missing child has been found.

(c) Upon receiving notification under subsection (b) that a child is missing or has been found, the vital statistics division of the state

department of health shall notify the local health department or the health and hospital corporation that has jurisdiction over the area where the child was born.

(d) Information collected, processed, or maintained by the clearinghouse under subsection (a) is confidential and is not subject to IC 5-14-3, but may be disclosed by the clearinghouse for purposes of locating missing children and missing endangered adults.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.7.

IC 10-13-5-8

Authorization to operate Amber alert program and silver alert program; agreements with broadcaster

Sec. 8. (a) The clearinghouse shall operate an Amber alert program and the silver alert program.

(b) Upon the establishment of an Amber alert program and the silver alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program and the silver alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program and the silver alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program and the silver alert program. The department's guidelines may require that staff, upon receiving a report that a child has been abducted or an endangered adult is missing, immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child or missing endangered adult to one (1) or more broadcasters participating in the Amber alert program or the silver alert program. The guidelines must include criteria that the clearinghouse shall use in determining whether to issue a silver alert and the geographic area or region in which to issue the silver alert.

(e) A broadcaster participating in the Amber alert program or the silver alert program shall immediately broadcast:

(1) a description of the abducted child or missing endangered adult; and

(2) other information that will assist in locating the abducted child or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement or the silver alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement and the voluntary silver alert program agreement between the clearinghouse and a broadcaster. The voluntary agreements between the clearinghouse and the broadcaster may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program or the silver alert program, the broadcaster shall broadcast the information contained on the notice on an

intermittent basis for a period of time as provided in the agreements between the clearinghouse and the broadcaster.

(2) The broadcaster shall treat the Amber alert notification or the silver alert notification as an emergency.

(3) The broadcaster shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification or a silver alert notification; and

(B) located such that the broadcaster will immediately become aware of an incoming Amber alert notification or silver alert notification.

As added by P.L.2-2003, SEC.4. Amended by P.L.43-2009, SEC.8.

IC 10-13-5-8.1

Amber alert program and silver alert program; agreement with electronic billboard operator

Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts or silver alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert or a silver alert notification.

(b) The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report that a child has been abducted or an endangered adult is missing, to immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child or missing endangered adult to one (1) or more electronic billboard operators participating in the Amber alert program or silver alert program if the Amber alert or silver alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification or a silver alert notification.

(c) An electronic billboard operator participating in the Amber alert program or silver alert program shall immediately display:

(1) a description of the abducted child or missing endangered adult; and

(2) other information that will assist in locating the abducted child or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement or silver alert plan agreement between the clearinghouse and the electronic billboard operator.

(d) The department shall adopt guidelines governing the voluntary Amber alert program and the voluntary silver alert program agreements between the clearinghouse and an electronic billboard operator. The voluntary agreements between the clearinghouse and

the electronic billboard operator may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program or the silver alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the electronic billboard operator.

(2) The electronic billboard operator shall treat the Amber alert notification or the silver alert notification as an emergency.

(3) The electronic billboard operator shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification or a silver alert notification; and

(B) located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification or a silver alert notification received during days and times when staff is present to receive an Amber alert notification or a silver alert notification.

As added by P.L.66-2007, SEC.6. Amended by P.L.43-2009, SEC.9.

IC 10-13-5-8.5

Civil immunity for Amber alert and silver alert participants

Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program or silver alert program and that:

(1) receives an Amber alert notification or a silver alert notification from the department; and

(2) broadcasts or displays:

(A) a description of the abducted child or missing endangered adult contained in the notification; and

(B) other information contained in the notification that will assist in locating the child or missing endangered adult;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain an Amber alert web site or a silver alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

As added by P.L.131-2003, SEC.1. Amended by P.L.66-2007, SEC.7; P.L.43-2009, SEC.10.

IC 10-13-5-9
Notification of law enforcement agency of located child

Sec. 9. If a missing child is found, the child's parent or legal custodian shall notify the law enforcement agency that received the missing child notification under IC 31-36 (or IC 31-6-13 before its repeal).

As added by P.L.2-2003, SEC.4.

IC 10-13-5-10
Notification of clearinghouse of located child

Sec. 10. (a) Upon receiving notification from a parent or legal custodian that a missing child has been found, a law enforcement agency shall immediately notify the clearinghouse.

(b) Not later than sixty (60) days after the law enforcement agency described in subsection (a) complies with the requirements under federal law for periodic updates of the entries made to the National Crime Information Center (NCIC) concerning a missing child, the law enforcement agency described in subsection (a) shall review reports made to the clearinghouse and update the information.

As added by P.L.2-2003, SEC.4. Amended by P.L.36-2004, SEC.1.

IC 10-13-5-11
Attaching notice to birth certificate of child reported missing

Sec. 11. (a) Upon receiving notification under section 7 of this chapter, the vital statistics division of the state department of health and the appropriate local health department or health and hospital corporation shall attach a notice to the child's birth certificate stating that the child has been reported missing. The notice must remain attached to the birth certificate until notification is received under section 7 of this chapter that the missing child has been found.

(b) If a request for a copy of the birth certificate of a child is received, the vital statistics division and the appropriate local health department or health and hospital corporation shall require the person making the request to submit an application for the birth certificate that includes:

(1) the date of the request;

(2) the name, address, and telephone number of the person making the request; and

(3) the signature of the person making the request.

(c) If a notice that the child is missing has been attached to the birth certificate, the vital statistics division and the appropriate local health department or health and hospital corporation shall immediately notify the clearinghouse of the information contained in the application.

(d) A copy of the birth certificate of a missing child to which a notice has been attached under subsection (a) may not be issued without authorization from the clearinghouse.

As added by P.L.2-2003, SEC.4.

IC 10-13-5-12

Federal emergency alert system

Sec. 12. This chapter does not authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

As added by P.L.43-2009, SEC.11.