

## Reporting Child Abuse and Neglect in Indiana

### Indiana Coalition Against Sexual Assault

Indiana statute on Reporting Child Abuse and Neglect states that it is the obligation of any person who suspects child abuse or neglect to report. Specifically in IC 31-33-5, which states:

IC 31-33-5 Chapter 5. Duty to Report Child Abuse or Neglect

IC 31-33-5-1

Duty to make report

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

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

IC 31-33-5-2

Notification of individual in charge of institution, school, facility, or agency; report

Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall report or cause a report to be made.

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

IC 31-33-5-3

Effect of compliance on individual's own duty to report

Sec. 3. This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

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

IC 31-33-5-4

Immediate oral report to department of child services or law enforcement agency

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

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

As added by P.L.1-1997, SEC.16. Amended by P.L.234-2005, SEC.107.

Child abuse or neglect is not outright defined in Indiana or Federal statute. Individuals may use the following as a framework in determining what constitutes a need to report, if:

- ✓ *The child's parent, guardian or custodian fails to provide the child with basic necessities such as food, clothing, care, education or supervision;*
- ✓ *The parent, guardian, custodian's act/omission seriously endangers the child's physical or mental health;*
- ✓ *The child is a victim of sexual abuse;*
- ✓ *The parent, guardian, custodian allows the child to commit a sex act or an obscene performance, or;*
- ✓ *The child endangers his/her own or another's health.*

In practice, there is no uniform understanding amongst and between members of the public, media, law enforcement, judicial, and child welfare professionals as to duties, obligations, and definitions of relevant child welfare and child protection terms. Entities or organizations that provide services where privilege communication statutes are applicable should establish policies and procedures on reporting suspicions of child abuse and neglect to ensure a standard of operation for all professionals is maintained. *The Indiana Coalition Against Sexual Assault [www.incasa.org](http://www.incasa.org) is available to assist entities with the development of such policies.*

Persons in Indiana who report suspicions on child abuse or neglect are provided some liable protections. Indiana Code 31-33-6 addresses Immunity for Reporters and states:

Sec. 1. Except as provided in section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

- (1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;
- (2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a physical medical examination to be made under IC 31-33-10;
- (3) makes any other report of a child who may be a victim of child abuse and neglect; or
- (4) participates in any judicial proceeding or other proceeding:
  - (A) resulting from a report that a child may be a victim of child abuse or neglect; or
  - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

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

This statute only applies to individuals making a report in good faith and does not provide immunity for individuals acting maliciously or in bad faith.

# Possible warning signs and indicators of child sexual abuse

## Behavioral Issues

Children are many times too scared or confused to disclose that they have been sexually abused, however they may exhibit signs or symptoms to give an indication that something has happened, though not necessarily sexual abuse. The following may be used as indicators that something has changed in the child's life to raise concern.

- Abrupt changes in behavior
- Changes in eating, hygiene, or sleeping patterns
- Regression in behavior
- Substance abuse
- Anger problems or acting out
- Cruelty toward self, others, or animals (including self mutilation)
- Nightmares or unexplained fearfulness
- Emotional withdrawal
- Unexplained mistrust or guardedness
- Running away
- Change in dress

## Sexual Issues

Sexual behavior may be an indicator of abuse, however not all sexual behavior is abnormal. Indicators for concern:

- Increased sexual knowledge, especially information that exceeds the age expectations
- Promiscuity
- Seductive behavior
- Masturbation in excess or in public locations
- Increased secrecy or shame regarding behavior
- Sexual exploration involving force or coercion
- Unresponsive to limits set by adults on behavior
- Inappropriate play or acting out sexually with objects, animals, or others
- Sexual activity between children who do not normally play together or who are vastly different in age or size

## Physical Issues

Children who are sexually abused may exhibit injuries or physical ailments that are not otherwise explainable. Physical problems are not always evident, it is possible for a child to be sexually abused and experience no physical trauma.

- Pregnancy
- Unusual discharge from the vagina or anus
- Soreness or irritation in the mouth or throat
- Redness, swelling, irritation in the genital area
- Urinary-tract or yeast infections
- Sexually Transmitted Infections
- Bleeding or tears in or around the anus or vagina

## Disclosures

A child who is trying to tell someone that he/she is being sexually abused may be unable to communicate accurately to describe what has happened. They may be embarrassed or ashamed, they may know that what has happened doesn't feel right but have been threatened if they tell. If the child's meaning is unclear ask them to explain without putting words in his/her mouth (ie. Can you tell me more about that instead of Did x make you put your hand on his penis?) The following statements are possible ways that a child may attempt to disclose.

- I played tickle in bed with (an adult's name)
- I want to go live with Grandma, she doesn't make me
- X makes me take off my underwear before bed when I sleep at his/her house
- X plays with my thingie and I don't like it
- I don't want to play the "Mommy-Daddy" game anymore but I'll make x sad if we stop
- X says that it's okay for me to fool around with him/her because...

Childhelp  
National Child  
Abuse Hotline  
1-800-4ACHILD

Indiana Child  
Abuse Hotline  
1-800-800-5556

Indiana Coalition  
Against Sexual  
Assault  
1-800-691-2272  
[www/incasa.org](http://www/incasa.org)

RAINN National  
Hotline  
1-800-656HOPE