

Application of Child Abuse Reporting Laws to Ministers and Lay Church Workers

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Statute	What is reportable “abuse”	Mandatory reporters	Where to report	Clergy privilege
Code §§ 31-33-5-1 et. seq. (1997)	Physical, sexual, or mental abuse	<p>“An individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report.” <i>[31-33-5-1]</i></p> <p>“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...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. An individual notified...shall report or cause a report to be made.” <i>[31-33-5-2]</i></p> <p>“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.” <i>[31-33-5-3]</i></p>	Local child protection service or law enforcement agency	“The privileged communication between: (1) a husband and wife; (2) a health care provider and the health care provider’s patient; (3) a (A) certified social worker; (B) certified clinical social worker or (C) certified marriage and family therapist; and a client of any of the professionals described in clauses (A) through (C); (4) a school counselor and a students; or (5) a school psychologist and a students; is not a ground for excluding evidence in any judicial proceeding resulting from a report of a child who may be a victim of child abuse or neglect or relating to the subject matter of the report or failing to report as required by IC 31-33 <i>[31-32-11-1]</i>