

**MEMORANDUM**

TO: Indiana Schools  
FROM: Kelly Bauder, Staff Attorney  
Date: June 1, 2017  
RE: Mandatory Reporting of Child Abuse/Neglect

In the last several years, several schools have been in the news for failing to report suspected child abuse/neglect in a timely manner. The Department is reaching out to schools in an effort to make sure they are aware of the mandatory reporting requirements. It is important to know any person who has a reason to believe a child is a victim of abuse or neglect has a duty to make a report to the Department of Child Services (DCS) or the police. If you hear about or see child abuse/neglect you must report it immediately. Indiana Code § 31-33-5-1. If you suspect a child is being abused or neglected call Indiana's Child Abuse and Neglect Hotline at 1-800-800-5556 or local law enforcement. The police and/or DCS are the appropriate authorities to investigate these matters.

The Indiana General Assembly added a new statute, IC § 20-26-5-35.5, which states, "a school corporation, including a charter school and a nonpublic school, may not establish any policy that restricts or delays the duty of an employee or individual to report suspected child abuse or neglect as required under IC § 31-33-5. The Department will be developing model policies as required in this new legislation. Once those model policies are developed, they will be made available on the Department website.

Failing to report suspected child abuse or neglect is a crime in Indiana. Failure to make a report is a Class B Misdemeanor, which is punishable by up to 180 days in jail and a \$1,000 fine. Indiana Code § 31-33-22-1(a). Simply telling another employee at a school is not enough to protect yourself from criminal charges. It only takes minutes to report suspected child abuse and neglect and you can report anonymously.

In addition, schools can contact the Department if a school official is terminated or resigns due to child abuse or neglect. The Department can then determine if action should be taken against the person's license. The Department in collaboration with several groups, including the United States Attorney's Office, has developed a video that is shown at the Indiana School Safety Specialist Academy that covers this topic and the serious nature of failing to report suspected abuse or neglect. If you have any questions about reporting, please feel free to contact me at 317-232-6646 or [kbauder@doe.in.gov](mailto:kbauder@doe.in.gov).