

Indiana:

TITLE 10. STATE POLICE, CIVIL DEFENSE AND MILITARY AFFAIRS
ARTICLE 13. STATE POLICE DATA AND INFORMATION PROGRAMS
CHAPTER 5. INDIANA CLEARINGHOUSE FOR INFORMATION ON MISSING
CHILDREN

§ 10-13-5-1. "Amber alert program" defined

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.

§ 10-13-5-2. "Broadcaster" defined

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

§ 10-13-5-3. "Clearinghouse" defined

As used in this chapter, "clearinghouse" refers to the Indiana clearinghouse for information on missing children established by section 5 [IC 10-13-5-5] of this chapter.

§ 10-13-5-4. "Missing child" defined

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).

§ 10-13-5-5. Indiana clearing house for information on missing children established

The Indiana clearinghouse for information on missing children is established within the department.

§ 10-13-5-6. Staff appointment -- Duties -- Indiana data system under IC 10-13-3-35 -- Coordination with other agencies -- Toll free telephone line --Directory -- Statistics

- (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.
 - (2) Creation and operation of a central data storage, retrieval, and information distribution system designed for the exchange of information on missing children 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 that may be used by law enforcement agencies and private citizens to provide useful information about a missing child to the clearinghouse.
 - (4) Cooperation with the following agencies concerning the location of missing children:
 - (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 with the agencies listed in subdivision (4).
 - (6) Operation of the toll free telephone line created under section 7(a) [IC 10-13-5-7(a)] of this chapter.
 - (7) Publishing and updating, on a quarterly basis, a directory of missing children.
 - (8) Compiling statistics on missing children cases handled by the clearinghouse, including the number of cases resolved each year.

§ 10-13-5-7. Clearinghouse requirements -- In-state missing children -- Notification of departments -- Limitations on disclosure of information

(a) The clearinghouse shall do the following:

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

(2) Establish a statewide, toll free telephone line for reports of missing children and sightings of missing children.

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

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

(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) [IC 10-13-5-6(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.

§ 10-13-5-8. Clearinghouse may operate Amber alert program -- Broadcasters -- Superintendent to appoint staff -- Guidelines -- Voluntary Amber alert program agreement

(a) The clearinghouse may operate an Amber alert program.

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

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

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program. The department's guidelines may require that staff, upon receiving a report that a child has been abducted, immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child to one (1) or more broadcasters participating in the Amber alert program.

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

(1) a description of the abducted child; and

(2) other information that will assist in locating the abducted child;

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

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

(1) Upon receiving a notification as part of the Amber 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 agreement between the clearinghouse and the broadcaster.

(2) The broadcaster shall treat the Amber 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 is:

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

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

§ 10-13-5-8.5. Individuals and Broadcasters immune from civil liability for department information

(a) A broadcaster that has agreed to participate in the Amber alert program and that:

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

(2) broadcasts:

(A) a description of the abducted child contained in the notification; and

(B) other information contained in the notification that will assist in locating the child;

is immune from civil liability based on the broadcast 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; 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.

§ 10-13-5-10. Notification by law enforcement to clearinghouse

(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.

SECTION 3. IC 12-10-18

Chapter 18. Reports of Missing Endangered Adults

Sec. 1. (a) A law enforcement agency that receives a notification concerning a missing endangered adult from:

(1) the missing endangered adult's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered adult with home health aid services;

(B) possesses a health care power of attorney for the missing endangered adult; or

(C) has evidence that the missing endangered adult has a condition that may prevent the missing endangered adult from returning home without assistance; shall prepare an investigative report on the missing endangered adult, if based on the notification, the law enforcement agency has reason to believe that an endangered adult is missing.

(b) The investigative report described in subsection (a) may include the following:

(1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:

(A) A physical description of the missing endangered adult.

(B) The date, time, and place that the missing endangered adult was last seen.

(C) The missing endangered adult's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

Sec. 2. The law enforcement agency shall prepare the investigative report described by section 1 of this chapter as soon as practicable, and if possible not later than five (5) hours after the law enforcement agency receives notification of a missing endangered adult.

Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;

(2) all law enforcement agencies to which the person who made the notification concerning the missing endangered adult requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;

(3) all law enforcement agencies that request a copy of the report;

(4) one (1) or more broadcasters that broadcast in an area where the missing endangered adult may be located;

(5) the Indiana data and communication system

(IDACS); and

(6) the National Crime Information Center's Missing Person File, if appropriate.

(b) Upon completion of the report described by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency may request that the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

(d) A broadcaster or newspaper that receives a request concerning a missing endangered adult under subsection (c) may, at the discretion of the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

Sec. 4. A law enforcement agency may begin an investigation concerning a missing endangered adult as soon as possible after receiving notification of the missing endangered adult.

Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered adult shall

notify the law enforcement agency when the missing endangered adult is found.

Sec. 6. (a) A broadcaster or newspaper that receives a report of a missing endangered adult from a law enforcement agency under section 3 of this chapter is immune from civil liability for an act or omission related to:

(1) the broadcast or publication of information contained in the report, including:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult; or

(2) the decision of the broadcaster or newspaper not to broadcast or publish information contained in the report.

(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

TITLE 31. FAMILY LAW AND JUVENILE LAW
ARTICLE 36. JUVENILE LAW: **MISSING CHILDREN**
CHAPTER 1. REPORTS OF **MISSING CHILDREN**

Burns Ind. Code Ann. § 31-36-1-1 (2004)

§ 31-36-1-1. Report by law enforcement agency -- Contents

A law enforcement agency in which a notification about a **missing child** has been made shall prepare a report on the **missing child**. That report must include the following:

(1) Information that the law enforcement agency determines is relevant that is obtained in the course of the notification about the **missing child**, including the following:

(A) A physical description of the **child**.

(B) The date and place of the child's birth.

(C) The name and address of the last school attended by the child, if any.

(2) Information or evidence gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

§ 31-36-1-2. Time of report

The law enforcement agency shall prepare the report required by section 1 [IC 31-36-1-1] of this chapter as soon as practicable, but not later than five (5) hours after the law enforcement agency received the notification about a missing child. However, a law enforcement agency is not required to prepare the report required by section 1 of this chapter earlier than twenty-four (24) hours after the law enforcement agency received the notification about a missing child if:

(1) the law enforcement agency received a previous, unrelated notification that the child was missing; and

(2) the law enforcement agency has reason to believe that the child is missing because the child has committed a delinquent act under IC 31-37-2-2.

§ 31-36-1-3. Forwarding of report to law enforcement agencies and other entities

Upon completion of the report required by section 1 [IC 31-36-1-1] of this chapter, the law enforcement agency shall immediately forward the contents of the report to:

- (1) all law enforcement agencies that have jurisdiction of the location in which the missing child lives and all law enforcement agencies that have jurisdiction of the location in which the missing child was last seen;
- (2) all law enforcement agencies to which the person who provided notification requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information contained in the report;
- (3) all law enforcement agencies that request a copy of the report;
- (4) the Indiana clearinghouse for information on missing children established by IC 10-13-5;
- (5) the Indiana data and communication system (IDACS); and
- (6) the National Crime Information Center's Missing Person File.

§ 31-36-1-4. Forwarding of report to child care center, child care home, or school

Not later than fifteen (15) days after completion of the report required by section 1 [IC 31-36-1-1] of this chapter, the law enforcement agency shall forward the contents of the report to the last:

- (1) child care center or child care home in which the child was enrolled; or
- (2) school the child attended in Indiana, if any; if the child is less than thirteen (13) years of age.

§ 31-36-1-5. Duties of school upon receiving report

(a) Upon receiving a report under section 4 [IC 31-36-1-4] of this chapter, a school shall attach a notice to the child's school records stating that the child has been reported missing. The school shall remove the notice when the school is notified under IC 31-36-2-6 that the child has been found.

(b) If a request for the school records of a missing child is received, the school shall:

- (1) obtain:
 - (A) the name, address, and telephone number of the person making the request; and
 - (B) the reason that the person is requesting the school records; and
 - (2) immediately notify the Indiana clearinghouse for information on missing children.
- (c) The school may not issue a copy of school records without authorization from the Indiana clearinghouse for information on missing children and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

§ 31-36-2-2. Duties of law enforcement agency

A law enforcement agency involved in the investigation of a missing child shall do the following:

- (1) Update the initial report filed by the agency that received notification of the missing child upon the discovery of new information concerning the investigation.

- (2) Forward the updated report to the agencies and organizations listed in IC 31-36-1-3.
- (3) Search the National Crime Information Center's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's National Crime Information Center's Missing Person File.
- (4) Notify all law enforcement agencies involved in the investigation, the Indiana clearinghouse for information on missing children, and the National Crime Information Center when the missing child is located.

TITLE 34. CIVIL LAW AND PROCEDURE
ARTICLE 30. IMMUNITY FROM CIVIL LIABILITY
CHAPTER 2. STATUTES OUTSIDE IC 34 THAT CONFER IMMUNITY

§ 34-30-2-35.7. Furnishing information to public concerning missing child

IC 10-13-5-8.5 (Concerning a broadcaster who broadcasts an Amber alert notification, and a person who establishes or maintains an Amber alert web site under an agreement with the state police department).

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