

# HOUSE BILL No. 1048

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-33.

**Synopsis:** Child fatality review teams. Expands the duties of the community child protection team to include reviewing the investigation surrounding a child death that is referred to the coroner or referred to the child protection team from the state child fatality review team or a county health officer. Adds the following members to each community child protection team: (1) The county health officer or the officer's designee. (2) The county coroner or deputy coroner. Allows each child protection team to establish an additional child protection team within the county to assist in carrying out certain responsibilities regarding the review of child fatalities. Establishes a state child fatality review team. Specifies numerous duties of the state review team regarding child fatalities. Requires a community child protection team to report the following to the state review team: (1) The cause of death. (2) The circumstances surrounding the cause of death. (3) Agency, community,  
(Continued next page)

**Effective:** July 1, 1998.

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Dickinson, Becker, Klinker, Avery

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January 6, 1998, read first time and referred to Committee on Public Health.

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Digest Continued

and school involvement with the family before the death. (4) Trends and recommendations for preventing child deaths. Specifies confidentiality requirements relating to records reviewed by and meetings conducted by each team. Appropriates \$40,000 to the state department of health to provide training to the state review team and each community child protection team regarding carrying out its responsibilities relating to child fatalities.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1048

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-33-3-1, AS ADDED BY P.L.1-1997, SECTION  
2 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 1998]: Sec. 1. (a) The community child protection team is a  
4 community-wide, multidisciplinary child protection team. The team must  
5 include the following ~~eleven (11)~~ **thirteen (13)** members:  
6 (1) The director of the local child protection service or the director's  
7 designee.  
8 (2) Two (2) designees of the juvenile court judge.  
9 (3) The county prosecuting attorney or the prosecuting attorney's  
10 designee.  
11 (4) The county sheriff or the sheriff's designee.  
12 (5) **The county health officer or the health officer's designee.**  
13 (6) **The county coroner or deputy coroner.**  
14 (5) (7) Either:  
15 (A) the president of the county executive in a county not



- 1 containing a consolidated city or the president's designee; or  
 2 (B) the executive of a consolidated city in a county containing a  
 3 consolidated city or the executive's designee.  
 4 ~~(6)~~ **(8)** A director of a court appointed special advocate or guardian  
 5 ad litem program or the director's designee in the county in which  
 6 the team is to be formed.  
 7 ~~(7)~~ **(9)** Either:  
 8 (A) a public school superintendent or the superintendent's  
 9 designee; or  
 10 (B) a director of a local special education cooperative or the  
 11 director's designee.  
 12 ~~(8)~~ **(10)** Two (2) persons, each of whom is a physician or nurse,  
 13 with experience in pediatrics or family practice.  
 14 ~~(9)~~ **(11)** One (1) citizen of the community.  
 15 (b) The director of the county office of family and children shall  
 16 appoint, subject to the approval of the director of the division of family  
 17 and children, the members of the team under subsection ~~(a)(7); (a)(8); and~~  
 18 ~~(a)(9), (a)(10), and (a)(11).~~  
 19 **(c) In addition to the members of the team, any law enforcement**  
 20 **agency with jurisdiction over a case involving a child fatality that is**  
 21 **reviewed by the team shall designate a person to provide the team**  
 22 **with advice concerning deaths of children.**  
 23 SECTION 2. IC 31-33-3-4, AS ADDED BY P.L.1-1997, SECTION  
 24 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 25 1998]: Sec. 4. (a) The community child protection team shall meet:  
 26 (1) at least one (1) time each month; or  
 27 (2) at the times that the team's services are needed by the child  
 28 protection service.  
 29 (b) Meetings of the team shall be called by the majority vote of the  
 30 members of the team.  
 31 (c) The team coordinator or at least two (2) other members of the team  
 32 may determine the agenda.  
 33 (d) Notwithstanding IC 5-14-1.5, meetings of the team are open only  
 34 to persons authorized to receive information under this article **and**  
 35 **persons invited by the chairperson. However, a meeting must be**  
 36 **open to the public whenever the meeting involves issues that are not**  
 37 **required to remain confidential under state or federal law. Persons**  
 38 **who attend the team's meetings but who are not members of the**  
 39 **team shall sign confidentiality statements prepared by the state child**  
 40 **fatality review team.**  
 41 SECTION 3. IC 31-33-3-5, AS ADDED BY P.L.1-1997, SECTION  
 42 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



- 1 1998]: Sec. 5. The community child protection team:  
 2 (1) shall provide diagnostic and prognostic services for the local  
 3 child protection service or the juvenile court; and  
 4 (2) may recommend to the local child protection service that a  
 5 petition be filed in the juvenile court on behalf of the subject child  
 6 if the team believes this would best serve the interests of the child.  
 7 **(b) The community child protection team shall carry out the**  
 8 **following responsibilities regarding the review of child fatalities:**  
 9 **(1) Review investigations of all deaths of children when the**  
 10 **deaths have been referred to the county coroner's office or**  
 11 **unexplained deaths of children when the deaths have been**  
 12 **referred from the state child fatality review team or county**  
 13 **health officer. A review consists of determining:**  
 14 **(A) whether the cause of death has been established;**  
 15 **(B) if investigative procedures of the agencies involved were**  
 16 **adequate to accurately determine the cause of death; and**  
 17 **(C) the involvement of schools, community based**  
 18 **organizations, and other agencies with the child's family**  
 19 **before the death.**  
 20 **(2) Report review findings to the state child fatality review**  
 21 **team monthly.**  
 22 **(3) Communicate with state and local agencies regarding**  
 23 **investigations of deaths of children.**  
 24 **(4) Examine local trends surrounding deaths of children and**  
 25 **identify patterns in families, agencies, or communities that may**  
 26 **have contributed to or failed to prevent the deaths.**  
 27 **(5) Identify problems surrounding deaths of children and**  
 28 **develop specific prevention strategies.**  
 29 **(6) Develop interagency agreements to improve reporting of**  
 30 **deaths of children and review procedures.**  
 31 **(7) Assist in investigations of deaths of children by providing**  
 32 **access to available information in the team's possession and**  
 33 **assisting in classifying deaths of children.**  
 34 **(8) Attend child fatality training sessions held by the state**  
 35 **department of health.**  
 36 **(9) Evaluate the team's review procedures annually and report**  
 37 **the evaluation to the state review team.**  
 38 **(10) Collect and document information surrounding the deaths**  
 39 **of children.**  
 40 SECTION 4. IC 31-33-3-8, AS ADDED BY P.L.1-1997, SECTION  
 41 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 42 1998]: Sec. 8. The members of the community child protection team **and**



1 **any other persons who attend the team's meetings** are bound by all  
 2 applicable laws regarding the confidentiality of matters reviewed by the  
 3 team.

4 SECTION 5. IC 31-33-3-9 IS ADDED TO THE INDIANA CODE  
 5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 6 **1, 1998]: Sec. 9. (a) The child protection team, by majority vote of**  
 7 **the members of the team, may establish an additional child**  
 8 **protection team solely to assist in carrying out the responsibilities**  
 9 **regarding the review of child fatalities described in section 5(b) of**  
 10 **this chapter.**

11 **(b) Members of a child protection team established under this**  
 12 **section:**

13 **(1) may include current members of the existing child**  
 14 **protection team; and**

15 **(2) must be appointed from the same categories described in**  
 16 **section 1(a) of this chapter.**

17 SECTION 6. IC 31-33-18-2, AS ADDED BY P.L.1-1997, SECTION  
 18 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 19 1998]: Sec. 2. The reports and other material described in section 1 of this  
 20 chapter shall be made available only to the following:

21 (1) Persons authorized by this article.

22 (2) A legally mandated public or private child protective agency  
 23 investigating a report of child abuse or neglect or treating a child or  
 24 family that is the subject of a report or record.

25 (3) A police or other law enforcement agency, prosecuting attorney,  
 26 or coroner in the case of the death of a child who is investigating a  
 27 report of a child who may be a victim of child abuse or neglect.

28 (4) A physician who has before the physician a child whom the  
 29 physician reasonably suspects may be a victim of child abuse or  
 30 neglect.

31 (5) An individual legally authorized to place a child in protective  
 32 custody if:

33 (A) the individual has before the individual a child whom the  
 34 individual reasonably suspects may be a victim of abuse or  
 35 neglect; and

36 (B) the individual requires the information in the report or record  
 37 to determine whether to place the child in protective custody.

38 (6) An agency having the legal responsibility or authorization to  
 39 care for, treat, or supervise a child who is the subject of a report or  
 40 record or a parent, guardian, custodian, or other person who is  
 41 responsible for the child's welfare.

42 (7) An individual named in the report or record who is alleged to be



- 1 abused or neglected or, if the individual named in the report is a  
 2 child or is otherwise incompetent, the individual's guardian ad litem  
 3 or the individual's court appointed special advocate, or both.
- 4 (8) Each parent, guardian, custodian, or other person responsible for  
 5 the welfare of a child named in a report or record and an attorney of  
 6 the person described under this subdivision, with protection for the  
 7 identity of reporters and other appropriate individuals.
- 8 (9) A court, upon the court's finding that access to the records may  
 9 be necessary for determination of an issue before the court.  
 10 However, access is limited to in camera inspection unless the court  
 11 determines that public disclosure of the information contained in the  
 12 records is necessary for the resolution of an issue then pending  
 13 before the court.
- 14 (10) A grand jury upon the grand jury's determination that access to  
 15 the records is necessary in the conduct of the grand jury's official  
 16 business.
- 17 (11) An appropriate state or local official responsible for the child  
 18 protective service or legislation carrying out the official's official  
 19 functions.
- 20 (12) A foster care review board established by a juvenile court  
 21 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the  
 22 court's determination that access to the records is necessary to  
 23 enable the foster care review board to carry out the board's purpose  
 24 under IC 31-34-21.
- 25 (13) The community child protection team appointed under  
 26 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to  
 27 enable the team to carry out the team's purpose under IC 31-33-3.
- 28 **(14) The state child fatality review team appointed under**  
 29 **IC 31-33-23-3, upon request, in order to enable the team to**  
 30 **carry out its purpose under IC 31-33-23-5.**
- 31 ~~(14)~~ **(15)** A person about whom a report has been made, with  
 32 protection for the identity of:
- 33 (A) any person reporting known or suspected child abuse or  
 34 neglect; and
- 35 (B) any other person if the person or agency making the  
 36 information available finds that disclosure of the information  
 37 would be likely to endanger the life or safety of the person.
- 38 SECTION 7. IC 31-33-23 IS ADDED TO THE INDIANA CODE AS  
 39 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 40 1998]:
- 41 **Chapter 23. State Child Fatality Review Team**  
 42 **Sec. 1. As used in this chapter, "state review team" means the**



1 state child fatality review team established by section 2 of this  
2 chapter.

3 **Sec. 2. A state child fatality review team is established.**

4 **Sec. 3. (a) The state review team consists of the following**  
5 **members:**

6 (1) The commissioner of the state department of health or the  
7 commissioner's designee.

8 (2) The director of the division of family and children or the  
9 director's designee.

10 (3) The chairperson of the commission on forensic sciences or  
11 the chairperson's designee.

12 (4) A coroner or deputy coroner, appointed by the governor.

13 (5) A pathologist, appointed by the governor.

14 (6) The superintendent of the state police department or the  
15 superintendent's designee.

16 (7) The director of the prosecuting attorneys council or the  
17 director's designee.

18 (8) The director of the Indiana criminal justice institute or the  
19 director's designee.

20 (9) A pediatrician, appointed by the governor.

21 (10) Three (3) citizen members who have expertise or  
22 knowledge of issues relating to child abuse, neglect, and child  
23 fatalities, appointed by the governor.

24 (b) The commissioner of the state department of health or the  
25 commissioner's designee shall serve as chairperson of the state  
26 review team.

27 (c) The state department of health shall provide staff support for  
28 the state review team.

29 (d) The state review team shall meet at the call of the  
30 chairperson.

31 (e) The pediatrician member and the three (3) citizen members  
32 appointed to the state review team shall serve two (2) year terms. If  
33 a citizen member or the pediatrician member resigns during the two  
34 (2) year term, the governor shall appoint a person to serve the  
35 remainder of the resigning person's term.

36 **Sec. 4. The state department of health shall provide annual**  
37 **training to the state review team and the community child protection**  
38 **teams. The training must include education in the following areas:**

39 (1) Investigative techniques.

40 (2) Medical terminology.

41 (3) Health and social factors contributing to deaths of children.

42 (4) Conflict resolution.



1 (5) Possibilities for prevention of deaths of children.

2 (6) Community resources.

3 (7) Necessity of child fatality reviews.

4 (8) Maintenance and necessity of confidentiality.

5 (9) Roles and duties of agencies, including the coroner's office,  
6 law enforcement agencies, county prosecuting attorneys, health  
7 care providers, and the office of family and social services.

8 **Sec. 5. The state review team shall do the following:**

9 (1) Develop model child fatality review procedures.

10 (2) Develop uniform reporting and recommendation forms.

11 (3) Review state trends and issues surrounding deaths of  
12 children.

13 (4) Promote efficient and confidential communication and  
14 coordination among state and local agencies.

15 (5) Identify problems surrounding deaths of children and  
16 develop specific prevention strategies.

17 (6) Monitor and evaluate the local review processes.

18 (7) Review the circumstances surrounding the deaths of  
19 children placed outside of the home by a court order, county  
20 office of family and children, or law enforcement agency to  
21 determine agency accountability, if any.

22 (8) Make recommendations to the community child protection  
23 teams.

24 (9) Review death certificates monthly and make referrals to the  
25 appropriate community child protection team.

26 (10) Issue an annual report that compiles review findings and  
27 recommends policy or legislative changes, submit the report to  
28 the governor, and make the report available to the public.

29 **Sec. 6. (a) Each member of the state review team who is a state**  
30 **employee is entitled to reimbursement for traveling expenses as**  
31 **provided under IC 4-13-1-4 and other expenses actually incurred in**  
32 **connection with the member's duties as provided in the state policies**  
33 **and procedures established by the Indiana department of**  
34 **administration and approved by the budget agency.**

35 (b) Each member of the state review team who is not a state  
36 employee is entitled to the minimum salary per diem provided by  
37 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
38 traveling expenses as provided under IC 4-13-1-4 and other expenses  
39 actually incurred in connection with the member's duties as  
40 provided in the state policies and procedures established by the  
41 Indiana department of administration and approved by the budget  
42 agency.



1           **Sec. 7. (a) The state review team shall collect and document**  
 2 **information surrounding the deaths of children. The state review**  
 3 **team shall develop a data collection form that includes:**

- 4           **(1) identifying and nonidentifying information;**  
 5           **(2) information regarding the circumstances surrounding a**  
 6 **death;**  
 7           **(3) factors contributing to a death; and**  
 8           **(4) findings and recommendations of the review team.**

9           **(b) The data collection form developed under this section shall**  
 10 **also be provided to the community child protection teams.**

11           **Sec. 8. (a) Notwithstanding IC 5-14-1.5, meetings of the state**  
 12 **review team are open only to members of the state review team,**  
 13 **members of any community child protection team, and persons**  
 14 **invited by the chairperson. However, a meeting must be open to the**  
 15 **public whenever the meeting involves issues that are not required to**  
 16 **remain confidential under state or federal law.**

17           **(b) The members of the state review team and any other persons**  
 18 **who attend a meeting of the state review team are bound by all**  
 19 **applicable laws regarding the confidentiality of matters reviewed by**  
 20 **the team.**

21           **(c) Persons who attend a meeting of the state review team but who**  
 22 **are not members of the state review team shall sign confidentiality**  
 23 **statements prepared by the state review team.**

24           **Sec. 9. (a) All public inquiries concerning the state review team**  
 25 **must be directed to the chairperson of the state review team.**

26           **(b) The state review team's annual report is available to the**  
 27 **public. The state review team may not charge more than fifteen**  
 28 **cents (\$0.15) per page to offset the cost of copying the annual report.**

29           **SECTION 8. [EFFECTIVE JULY 1, 1998] (a) There is**  
 30 **appropriated to the state department of health forty thousand**  
 31 **dollars (\$40,000) from the state general fund for its use in carrying**  
 32 **out the purposes of IC 31-33-23-4, as added by this act, beginning**  
 33 **July 1, 1998, and ending June 30, 2000.**

34           **(b) This SECTION expires July 1, 2000.**

