

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 2, line 12, after "instruction" insert ".".
- 2 Page 2, line 12, delete "or the".
- 3 Page 2, delete line 13.
- 4 Page 2, line 14, delete "commissioner" and insert "**director**".
- 5 Page 2, line 14, after "services" insert ".".
- 6 Page 2, line 14, delete "or".
- 7 Page 2, delete line 15.
- 8 Page 2, line 20, after "Indiana" insert ".".
- 9 Page 2, line 20, delete "or the executive director's designee."
- 10 Page 2, line 22, after "Indiana" insert ".".
- 11 Page 2, line 22, delete "or the executive director's designee."
- 12 Page 2, line 23, after "services" insert ".".
- 13 Page 2, line 23, delete "or the".
- 14 Page 2, delete line 24.
- 15 Page 2, line 25, after "commissioner" insert ".".
- 16 Page 2, line 25, delete "or the state health".

- 1 Page 2, delete line 26.
- 2 Page 2, line 27, delete "commissioner" and insert "**director**".
- 3 Page 2, line 27, after "correction" insert "**division of youth**
- 4 **services**".
- 5 Page 2, line 27, delete "or the".
- 6 Page 2, delete line 28.
- 7 Page 2, line 38, after "administration" insert ".".
- 8 Page 2, line 38, delete "or the executive director's designee".
- 9 Page 2, delete lines 39 through 41, begin a new line block indented
- 10 and insert:
- 11 **"(17) The director of the division of mental health and**
- 12 **addiction**".
- 13 Page 4, line 9, delete "by" and insert "**not later than**".
- 14 Page 6, line 8, delete "Indiana judicial center" and insert "**legislative**
- 15 **services agency**".
- 16 Page 6, between lines 9 and 10, begin a new paragraph and insert:
- 17 "SECTION 3. IC 16-49 IS ADDED TO THE INDIANA CODE AS
- 18 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 19 2013]:
- 20 **ARTICLE 49. CHILD FATALITY REVIEWS**
- 21 **Chapter 1. Definitions**
- 22 **Sec. 1. The definitions in this chapter apply throughout this**
- 23 **article.**
- 24 **Sec. 2. "Child" means an individual less than eighteen (18) years**
- 25 **of age.**
- 26 **Sec. 3. "Child fatality committee" means a child fatality**
- 27 **committee established under IC 16-49-2-1.**
- 28 **Sec. 4. "County child fatality review team" means a child**
- 29 **fatality review team established by a child fatality committee under**
- 30 **IC 16-49-2 for a county.**
- 31 **Sec. 5. "Emergency medical services" means the provision of**
- 32 **emergency ambulance services or other services, including**
- 33 **extrication and rescue services, used in serving an individual's need**
- 34 **for immediate medical care in order to prevent loss of life or**
- 35 **aggravation of physiological or psychological illness or injury.**
- 36 **Sec. 6. "Local child fatality review team" refers to a county or**
- 37 **regional child fatality review team established by a child fatality**
- 38 **committee under IC 16-49-2.**

- 1 **Sec. 7. "Mental health provider" means any of the following:**
- 2 **(1) A registered nurse or licensed practical nurse licensed**
- 3 **under IC 25-23.**
- 4 **(2) A clinical social worker licensed under IC 25-23.6-5.**
- 5 **(3) A marriage and family therapist licensed under**
- 6 **IC 25-23.6-8.**
- 7 **(4) A psychologist licensed under IC 25-33.**
- 8 **(5) A school psychologist licensed by the Indiana state board**
- 9 **of education.**

10 **Sec. 8. "Regional child fatality review team" means a child**
 11 **fatality review team established by a child fatality committee under**
 12 **IC 16-49-2 for a region consisting of more than one (1) county.**

13 **Sec. 9. "State child fatality review coordinator" refers to the**
 14 **state child fatality review coordinator employed by the state**
 15 **department under IC 16-49-5-1.**

16 **Sec. 10. "Statewide child fatality review committee" refers to**
 17 **the statewide child fatality review committee established by**
 18 **IC 16-49-4-1.**

19 **Chapter 2. Establishing Local Child Fatality Review Teams**

20 **Sec. 1. A child fatality committee is established in each county**
 21 **and consists of the following members:**

- 22 **(1) The prosecuting attorney of the county or a representative**
- 23 **of the prosecuting attorney.**
- 24 **(2) The county coroner or a deputy coroner of the county**
- 25 **representing the county coroner.**
- 26 **(3) A representative from:**
 - 27 **(A) a county health department established under**
 - 28 **IC 16-20-2;**
 - 29 **(B) a health and hospital corporation established under**
 - 30 **IC 16-22-8; or**
 - 31 **(C) a multiple county health department established under**
 - 32 **IC 16-20-3;**
- 33 **that is located in or serves the county.**
- 34 **(4) A representative from the department of child services.**
- 35 **(5) A representative of law enforcement from the county.**

36 **Sec. 2. (a) The child fatality committee shall meet for the first**
 37 **meeting of the child fatality committee at the call of the**
 38 **prosecuting attorney of the county, or the prosecuting attorney's**

- 1 representative.
- 2 (b) The child fatality committee members shall select a
- 3 chairperson at the first meeting.
- 4 (c) The child fatality committee shall meet at the call of the
- 5 chairperson for all meetings after the first meeting.
- 6 **Sec. 3. The child fatality committee shall do the following:**
- 7 (1) Determine whether to establish a:
- 8 (A) county child fatality review team; or
- 9 (B) regional child fatality review team;
- 10 for the county.
- 11 (2) Appoint members to the local child fatality review team in
- 12 accordance with the member requirements established under
- 13 this chapter.
- 14 (3) Determine whether the local child fatality review team will
- 15 enter into a written agreement with another local child
- 16 fatality review team to receive, upon request, services,
- 17 guidance, and expertise from the other local child fatality
- 18 review team.
- 19 **Sec. 4. (a) A local child fatality review team consists of the**
- 20 **following members:**
- 21 (1) The prosecuting attorney of the county or a representative
- 22 of a prosecuting attorney from the area served by the local
- 23 child fatality review team.
- 24 (2) A county coroner or a deputy coroner from the area
- 25 served by the local child fatality review team.
- 26 (3) A representative from:
- 27 (A) a county health department established under
- 28 IC 16-20-2;
- 29 (B) a health and hospital corporation established under
- 30 IC 16-22-8; or
- 31 (C) a multiple county health department established under
- 32 IC 16-20-3;
- 33 that is located in or serves the area served by the local child
- 34 fatality review team.
- 35 (4) A representative from the department of child services.
- 36 (5) A representative of law enforcement from the area served
- 37 by the local child fatality review team.
- 38 (6) A representative from a school district in the area served

- 1 by the local child fatality review team.
- 2 **(b) In addition to the members under subsection (a), a local**
- 3 **child fatality review team shall:**
- 4 **(1) have as a member of the local child fatality review team:**
- 5 **(A) a pediatrician or family practice physician;**
- 6 **(B) a representative from an emergency medical services**
- 7 **provider;**
- 8 **(C) a representative from a fire department or volunteer**
- 9 **fire department (as defined in IC 36-8-12-2); and**
- 10 **(D) a mental health provider; or**
- 11 **(2) enter into a written agreement with another local child**
- 12 **fatality review team for the provision of services, guidance,**
- 13 **and expertise of a person listed in subdivision (1)(A) through**
- 14 **(1)(D) who is a member of that local child fatality review**
- 15 **team.**
- 16 **(c) In addition to the members under subsection (a), a local child**
- 17 **fatality review team shall have:**
- 18 **(1) a member on the team who is a pathologist with forensic**
- 19 **experience who is licensed to practice medicine in Indiana and**
- 20 **who, if feasible, is certified by the American Board of**
- 21 **Pathology in forensic pathology; or**
- 22 **(2) an agreement with a pathologist described in subdivision**
- 23 **(1) for the provision of the pathologist's services and**
- 24 **expertise, as needed by the local child fatality review team.**
- 25 **Sec. 5. A local child fatality review team may have additional**
- 26 **members from the following categories:**
- 27 **(1) A representative of a hospital located in the area served by**
- 28 **the local child fatality review team.**
- 29 **(2) A representative from a juvenile or probate court in the**
- 30 **area served by the local child fatality review team.**
- 31 **(3) Other representatives requested to serve as members by**
- 32 **the:**
- 33 **(A) child fatality committee; or**
- 34 **(B) local child fatality review team.**
- 35 **(4) A representative from the department of natural resources**
- 36 **who lives or works in the area served by the local child**
- 37 **fatality review team.**
- 38 **(5) A representative from Prevent Child Abuse Indiana (an**

1 organization for the prevention of child abuse) who lives or
 2 works in the area served by the local child fatality review
 3 team.

4 (6) One (1) of the following:

5 (A) A court appointed special advocate who provides court
 6 appointed special advocate services in the area served by
 7 the local child fatality review team.

8 (B) A guardian ad litem who provides guardian ad litem
 9 services in the area served by the local child fatality review
 10 team.

11 **Sec. 6. If the local child fatality review team is a regional child**
 12 **fatality review team, more than one (1) of each of the members**
 13 **listed in section 4 of this chapter may serve on the local child**
 14 **fatality review team if each of the members represents a different**
 15 **county served by the local child fatality review team.**

16 **Sec. 7. Not later than ninety (90) days after the first meeting of**
 17 **the child fatality committee, the prosecuting attorney of the county**
 18 **or prosecuting attorney's representative shall submit a report to**
 19 **the state child fatality review coordinator that includes the**
 20 **following information:**

21 (1) Whether the child fatality committee established a:

22 (A) county child fatality review team; or

23 (B) regional child fatality review team.

24 (2) The names and contact numbers of all of the members of
 25 the local child fatality review team.

26 (3) Whether the child fatality committee will or has entered
 27 into a memorandum of understanding described under section
 28 3(3) of this chapter.

29 (4) Any assistance the child fatality committee would like
 30 from the state child fatality review coordinator in forming the
 31 local child fatality review team.

32 **Chapter 3. Local Child Fatality Review Teams**

33 **Sec. 1. (a) The local child fatality review team shall meet for the**
 34 **first meeting of the local child fatality review team at the call of a**
 35 **prosecuting attorney or prosecuting attorney's representative.**

36 (b) The members of a local child fatality review team shall elect
 37 a member to serve as the chairperson at the first meeting.

38 (c) The members of the local child fatality review team shall

1 meet at the call of the chairperson for all meetings after the first
2 meeting.

3 **Sec. 2. (a) After an individual becomes a member of a local child**
4 **fatality review team and before the member participates in a**
5 **review of a child fatality, the member shall:**

6 (1) sign a confidentiality statement prepared by the state child
7 fatality review coordinator under IC 16-49-5-2;

8 (2) review the purpose and goal of the local child fatality
9 review team; and

10 (3) review the data collection form developed by the state
11 child fatality review coordinator under IC 16-49-5-2.

12 (b) Any individuals who are invited by the chairperson to attend
13 a meeting of a local child fatality review team shall sign a
14 confidentiality statement prepared by the state child fatality review
15 coordinator under IC 16-49-5-2.

16 (c) A local child fatality review team may:

17 (1) appoint additional members to the local child fatality
18 review team as provided in IC 16-49-2-5; and

19 (2) if there is a vacancy on the local child fatality review team,
20 appoint an individual to fill the vacancy.

21 **Sec. 3. (a) A local child fatality review team shall review the**
22 **death of a child that occurred in the area served by the local child**
23 **fatality review team if:**

24 (1) the death of the child is:

25 (A) sudden;

26 (B) unexpected;

27 (C) unexplained; or

28 (D) assessed by the department of child services for alleged
29 abuse or neglect that resulted in the death of the child; or

30 (2) the coroner in the area served by the local child fatality
31 review team determines that the cause of the death of the
32 child is:

33 (A) undetermined; or

34 (B) the result of a homicide, suicide, or accident.

35 (b) In conducting a child fatality review under subsection (a),
36 the local child fatality review team may review all applicable
37 records and information related to the death of the child, including
38 the following:

- 1 **(1) Records held by the:**
- 2 **(A) local or state health department; and**
- 3 **(B) department of child services.**
- 4 **(2) Medical records.**
- 5 **(3) Law enforcement records.**
- 6 **(4) Autopsy reports.**
- 7 **(5) Records of the coroner.**
- 8 **(6) Mental health reports.**
- 9 **(c) Except as otherwise provided under this article, information**
- 10 **and records acquired by the local child fatality review team in the**
- 11 **exercise of its duties under this chapter are confidential and**
- 12 **exempt from disclosure.**
- 13 **(d) Records, information, documents, and reports acquired or**
- 14 **produced by a local child fatality review team are not:**
- 15 **(1) subject to subpoena or discovery; or**
- 16 **(2) admissible as evidence;**
- 17 **in any judicial or administrative proceeding. Information that is**
- 18 **otherwise discoverable or admissible from original sources is not**
- 19 **immune from discovery or use in any proceeding merely because**
- 20 **the information was presented during proceedings before a local**
- 21 **child fatality review team.**
- 22 **Sec. 4. The local child fatality review team shall review the**
- 23 **death certificate of a child received from a local health officer to**
- 24 **determine if the local child fatality review team is required to**
- 25 **review the death of the child as required under section 3 of this**
- 26 **chapter.**
- 27 **Sec. 5. (a) Subject to IC 34-30-15, if the local child fatality**
- 28 **review team requests records from a hospital, physician, coroner,**
- 29 **law enforcement officer, or mental health professional regarding**
- 30 **a death that the local child fatality review team is reviewing, the**
- 31 **hospital, physician, coroner, law enforcement officer, or mental**
- 32 **health professional shall provide the requested records to the local**
- 33 **child fatality review team.**
- 34 **(b) A person who provides records in accordance with**
- 35 **subsection (a) in good faith is not subject to liability in:**
- 36 **(1) a civil;**
- 37 **(2) an administrative;**
- 38 **(3) a disciplinary; or**

1 **(4) a criminal;**
2 **action that might otherwise be imposed as a result of such**
3 **disclosure.**

4 **Sec. 6. In reviewing the death of a child under this chapter, the**
5 **local child fatality review team shall:**

- 6 **(1) identify the factors that surrounded or contributed to the**
7 **death of the child;**
- 8 **(2) determine whether similar deaths could be prevented in**
9 **the future;**
- 10 **(3) if applicable, identify:**
 - 11 **(A) agencies and entities that should be involved; and**
 - 12 **(B) any other resources that should be used;**
- 13 **to adequately prevent future deaths of children; and**
- 14 **(4) if applicable, identify solutions to improve practice and**
15 **policy and enhance coordination.**

16 **Sec. 7. (a) A local child fatality review team shall prepare and**
17 **release a report that may include the following information:**

- 18 **(1) A summary of the data collected regarding the reviews**
19 **conducted by the local child fatality review team.**
- 20 **(2) Actions recommend by the local child fatality review team**
21 **to prevent injuries to children and child deaths in the area**
22 **served by the local child fatality review team.**
- 23 **(3) Solutions proposed for system inadequacies.**

24 **(b) A report released under this section may not contain**
25 **identifying information relating to the fatalities reviewed by the**
26 **local child fatality review team.**

27 **(c) Except as otherwise provided in this article, review data**
28 **concerning a child fatality is confidential and may not be released.**

29 **(d) A local child fatality review team may prepare and release**
30 **a joint report for the report required by subsection (a) with**
31 **another child fatality review team if the local child fatality review**
32 **team reviewed fewer than two (2) child fatalities in the previous**
33 **calendar year.**

34 **Sec. 8. (a) Except as provided in subsection (b), meetings of a**
35 **local child fatality review team are open to the public.**

36 **(b) Meetings of a local child fatality review team that involve**
37 **confidential records or identifying information regarding the death**
38 **of a child that is confidential under state or federal law must be**

1 held as executive sessions.
 2 (c) If an executive session is held under subsection (b), each
 3 invitee who:
 4 (1) attends a meeting of the local child fatality review team;
 5 and
 6 (2) is not a member of the local child fatality review team;
 7 shall sign a confidentiality statement prepared by the state child
 8 fatality review coordinator under IC 16-49-5-2. The chairperson of
 9 the local child fatality review team shall keep all confidentiality
 10 statements signed under this subsection.

11 Sec. 9. Members of a local child fatality review team and
 12 individuals who attend a meeting of a local child fatality review
 13 team as invitees of the chairperson:

- 14 (1) may discuss among themselves confidential matters that
- 15 are before the local child fatality review team;
- 16 (2) are bound by all applicable laws regarding the
- 17 confidentiality of matters reviewed by the local child fatality
- 18 review team; and
- 19 (3) except when acting:
 - 20 (A) with malice;
 - 21 (B) in bad faith; or
 - 22 (C) with negligence;
- 23 are immune from any civil or criminal liability that might
- 24 otherwise be imposed as a result of sharing among themselves
- 25 confidential matters that are before the local child fatality
- 26 review team.

27 Sec. 10. The chairperson of a local child fatality review team or
 28 the chairperson's designee shall do the following:

- 29 (1) Prepare the agenda for each meeting.
- 30 (2) Provide notices of meetings to all members of the local
- 31 child fatality review team.
- 32 (3) Maintain confidentiality forms signed in accordance with
- 33 sections 2(a)(1) and 8(c) of this chapter.
- 34 (4) Ensure all new members of the child fatality review team
- 35 and invitees sign the confidentiality forms as required under
- 36 sections 2(a)(1) and 8(c) of this chapter.
- 37 (5) Record all review data regarding the death of a child using
- 38 the data collection tools provided by the state child fatality

- 1 review coordinator and enter the information into the
- 2 electronic data collection system.
- 3 (6) Attend training on the data collection tools.
- 4 (7) Serve as a liaison between the local child fatality review
- 5 team and the:
- 6 (A) statewide child fatality review committee; and
- 7 (B) state child fatality review coordinator.
- 8 (8) Ensure compliance with section 8 of this chapter.
- 9 (9) Upon the conclusion of a review of a child fatality, destroy
- 10 all records, information, and documents obtained by the local
- 11 child fatality review team under section 5 of this chapter.

12 **Sec. 11.** The department of child services shall have access to all
 13 data submitted by a local child fatality review team, including
 14 access to the electronic data collection system, to assist the
 15 department of child services in preparing the report required
 16 under IC 31-25-2-24.

17 **Sec. 12.** A local child fatality review team is subject to the
 18 confidentiality provisions of IC 31-33-18 applying to records held
 19 by the local child fatality review team.

20 **Sec. 13.** The discussions, determinations, conclusions, and
 21 recommendations of a local child fatality review team, or its
 22 members, concerning a review of a child fatality at a meeting of the
 23 local child fatality review team:

- 24 (1) are privileged; and
- 25 (2) are not:
- 26 (A) subject to subpoena or discovery; or
- 27 (B) admissible as evidence;
- 28 in any judicial or administrative proceeding.

29 **Chapter 4. Statewide Child Fatality Review Committee**

30 **Sec. 1.** The statewide child fatality review committee is
 31 established to:

- 32 (1) identify similarities, trends, and factual patterns
- 33 concerning the deaths of children in Indiana;
- 34 (2) create strategies and make recommendations for the
- 35 prevention of injuries to and deaths of children;
- 36 (3) provide expertise, consultation, guidance, and training to
- 37 local child fatality review teams; and
- 38 (4) advise and educate the legislature, governor, and public on

- 1 **the status of child fatalities in Indiana.**
- 2 **Sec. 2. The statewide child fatality review committee consists of**
- 3 **the following members appointed by the governor:**
- 4 **(1) A coroner or deputy coroner.**
- 5 **(2) A representative from the state department who:**
- 6 **(A) is a licensed physician; and**
- 7 **(B) specializes in injury prevention.**
- 8 **(3) A representative of a:**
- 9 **(A) local health department established under IC 16-20-2;**
- 10 **or**
- 11 **(B) multiple county health department established under**
- 12 **IC 16-20-3.**
- 13 **(4) A pediatrician.**
- 14 **(5) A representative of law enforcement who has experience**
- 15 **in investigating child deaths.**
- 16 **(6) A representative from an emergency medical services**
- 17 **provider.**
- 18 **(7) The director or a representative of the department of child**
- 19 **services.**
- 20 **(8) A representative of a prosecuting attorney who has**
- 21 **experience in prosecuting child abuse.**
- 22 **(9) A pathologist who is:**
- 23 **(A) certified by the American Board of Pathology in**
- 24 **forensic pathology; and**
- 25 **(B) licensed to practice medicine in Indiana.**
- 26 **(10) A mental health provider.**
- 27 **(11) A representative of a child abuse prevention program.**
- 28 **(12) A representative of the department of education.**
- 29 **(13) An epidemiologist.**
- 30 **(14) The state child fatality review coordinator.**
- 31 **(15) At the discretion of the department of child services**
- 32 **ombudsman, a representative of the office of the department**
- 33 **of child services ombudsman established by IC 4-13-19-3.**
- 34 **Sec. 3. All members of the statewide child fatality review**
- 35 **committee and any individuals invited to attend a meeting of the**
- 36 **statewide child fatality review committee shall sign a**
- 37 **confidentiality statement prepared by the state child fatality review**
- 38 **coordinator.**

1 **Sec. 4. The statewide child fatality review committee shall do the**
2 **following:**

3 **(1) Compile and analyze data recorded by local child fatality**
4 **review teams in reviewing child fatalities.**

5 **(2) Review child mortality records and examine all other**
6 **records relevant to child fatalities in Indiana.**

7 **(3) Assist efforts by local child fatality review teams by:**

8 **(A) overseeing the creation of standardized forms and**
9 **protocols necessary for the review of child deaths;**

10 **(B) providing expertise by answering questions related to**
11 **a child's death that a local child fatality review team is**
12 **reviewing;**

13 **(C) establishing and sponsoring training programs for**
14 **members of local child fatality review teams; and**

15 **(D) providing, upon request of a local child fatality review**
16 **team, expertise in creating local prevention strategies.**

17 **(4) Upon request by a local child fatality review team or the**
18 **department of child services ombudsman established by**
19 **IC 4-13-19-3, assist in or conduct a review of the death of a**
20 **child as provided under section 5 of this chapter.**

21 **(5) Create strategies and make recommendations for the**
22 **safety of children and prevention of serious injuries or deaths**
23 **of children.**

24 **Sec. 5. (a) Upon request by a local child fatality review team or**
25 **the department of child services ombudsman established by**
26 **IC 4-13-19-3, the statewide child fatality review committee shall**
27 **assist a local child fatality review team or conduct a review of the**
28 **death of a child that occurred in Indiana if:**

29 **(1) the death of the child is:**

30 **(A) sudden;**

31 **(B) unexpected;**

32 **(C) unexplained; or**

33 **(D) assessed by the department of child services for alleged**
34 **abuse or neglect that resulted in the death of the child; or**

35 **(2) the coroner in the area in which the child's death occurred**
36 **determines that the cause of the death of the child is:**

37 **(A) undetermined; or**

38 **(B) the result of a homicide, suicide, or accident.**

1 **(b) In conducting a child fatality review under subsection (a),**
2 **the statewide child fatality review committee may review all**
3 **applicable records and information related to the death of the**
4 **child, including the following:**

- 5 **(1) Records held by the:**
 - 6 **(A) local or state health department; and**
 - 7 **(B) department of child services.**
- 8 **(2) Medical records.**
- 9 **(3) Law enforcement records.**
- 10 **(4) Autopsy reports.**
- 11 **(5) Records of the coroner.**
- 12 **(6) Mental health reports.**

13 **(c) Subject to IC 34-30-15, if the statewide child fatality review**
14 **committee requests records from a hospital, physician, coroner,**
15 **law enforcement officer, or mental health professional regarding**
16 **a death that the statewide child fatality review committee is**
17 **investigating, the hospital, physician, coroner, law enforcement**
18 **officer, or mental health professional shall provide the requested**
19 **records to the statewide child fatality review committee.**

20 **(d) A person who provides records in accordance with**
21 **subsection (c) in good faith is not subject to liability in:**

- 22 **(1) a civil;**
- 23 **(2) an administrative;**
- 24 **(3) a disciplinary; or**
- 25 **(4) a criminal;**

26 **action that might otherwise be imposed as a result of such**
27 **disclosure.**

28 **(e) Except as otherwise provided in this article, information and**
29 **records acquired by the statewide child fatality review committee**
30 **in the exercise of its duties under this chapter are confidential and**
31 **exempt from disclosure.**

32 **(f) Records, information, documents, and reports acquired or**
33 **produced by the statewide child fatality review committee are not:**

- 34 **(1) subject to subpoena or discovery; or**
 - 35 **(2) admissible as evidence;**
- 36 **in any judicial or administrative proceeding. Information that is**
37 **otherwise discoverable or admissible from original sources is not**
38 **immune from discovery or use in any proceeding merely because**

1 the information was presented during proceedings before the
2 statewide child fatality review committee.

3 Sec. 6. In reviewing the death of a child under this chapter, the
4 statewide child fatality review committee shall:

- 5 (1) identify the factors that surrounded or contributed to the
6 death of the child;
- 7 (2) determine whether similar deaths could be prevented in
8 the future;
- 9 (3) if applicable, identify:
 - 10 (A) agencies and entities that should be involved; and
 - 11 (B) any other resources that should be used;
- 12 to adequately prevent future deaths of children; and
- 13 (4) if applicable, identify solutions to improve practice and
14 policy and enhance coordination.

15 Sec. 7. (a) The chairperson of the statewide child fatality review
16 committee shall be selected by the governor.

17 (b) The statewide child fatality review committee shall meet at
18 the call of the chairperson.

19 Sec. 8. The chairperson of the statewide child fatality review
20 committee shall do the following:

- 21 (1) Work with the state child fatality review coordinator to
22 prepare the agenda for each meeting of the statewide child
23 fatality review committee.
- 24 (2) Work with the state child fatality review coordinator to:
 - 25 (A) prepare the annual report of the statewide child
26 fatality review committee described in section 11 of this
27 chapter; and
 - 28 (B) ensure compliance with section 9 of this chapter.
- 29 (3) Upon the conclusion of a review of a child fatality, destroy
30 all records, information, and documents obtained by the
31 statewide child fatality review committee under section 5 of
32 this chapter.

33 Sec. 9. (a) Except as provided in subsection (b), meetings of the
34 statewide child fatality review committee are open to the public.

35 (b) A meeting of the statewide child fatality review committee
36 that involves:

- 37 (1) confidential records; or
- 38 (2) identifying information regarding the death of a child that

1 **is confidential under state or federal law;**
 2 **shall be held as an executive session.**
 3 **(c) If a meeting is held as an executive session under subsection**
 4 **(b), each invitee who:**
 5 **(1) attends the meeting; and**
 6 **(2) is not a member of the statewide child fatality review**
 7 **committee;**
 8 **shall sign a confidentiality statement prepared by the state child**
 9 **fatality review coordinator.**

10 **Sec. 10. Members of the statewide child fatality review**
 11 **committee and individuals who attend a meeting of the statewide**
 12 **child fatality review committee as invitees of the chairperson:**

- 13 **(1) may discuss among themselves confidential matters that**
- 14 **are before the statewide child fatality review committee;**
- 15 **(2) are bound by all applicable laws regarding the**
- 16 **confidentiality of matters reviewed by the statewide child**
- 17 **fatality review committee; and**
- 18 **(3) except when acting:**
 - 19 **(A) with malice;**
 - 20 **(B) in bad faith; or**
 - 21 **(C) with gross negligence;**
- 22 **are immune from any civil or criminal liability that might**
- 23 **otherwise be imposed as a result of communicating among**
- 24 **themselves about confidential matters that are before the**
- 25 **statewide child fatality review committee.**

26 **Sec. 11. (a) The statewide child fatality review committee shall**
 27 **submit to the legislative council, governor, department of child**
 28 **services, state department, and commission on improving the**
 29 **status of children in Indiana on or before December 31 of each**
 30 **year a report that includes the following information:**

- 31 **(1) A summary of the data collected and reviewed by the**
- 32 **statewide child fatality review committee in the previous**
- 33 **calendar year.**
- 34 **(2) Trends and patterns that have been identified by the**
- 35 **statewide child fatality review committee concerning deaths**
- 36 **of children in Indiana.**
- 37 **(3) Recommended actions or resources to prevent future child**
- 38 **fatalities in Indiana.**

1 A report submitted under this section to the legislative council
2 must be in an electronic format under IC 5-14-6.

3 (b) The statewide child fatality review committee shall provide
4 a copy of a report submitted under this section to a member of the
5 public upon request.

6 (c) The state department shall make the report available on the
7 state department's Internet web site.

8 Sec. 12. (a) A report released under this section 11 of this
9 chapter may not contain identifying information relating to the
10 fatalities reviewed by the statewide child fatality review committee
11 or any local child fatality review team.

12 (b) Except as otherwise provided in this article, review data
13 concerning a child fatality are confidential and may not be
14 released.

15 Sec. 13. The discussions, determinations, conclusions, and
16 recommendations of the statewide child fatality review committee
17 or its members, concerning a review of a child fatality, at a meeting
18 of the statewide child fatality review committee:

- 19 (1) are privileged; and
- 20 (2) are not:
 - 21 (A) subject to subpoena or discovery; or
 - 22 (B) admissible as evidence;
- 23 in any judicial or administrative proceeding.

24 Sec. 14. A member of the statewide child fatality review
25 committee is not entitled to receive compensation or per diem but
26 is entitled to receive mileage on the days on which the member is
27 engaged in the business of the statewide child fatality review
28 committee.

29 Sec. 15. The statewide child fatality review committee is subject
30 to the confidentiality provisions of IC 31-33-18 applying to records
31 held by the statewide child fatality review committee.

32 **Chapter 5. State Child Fatality Review Coordinator**

33 Sec. 1. The state department shall employ a state child fatality
34 review coordinator to do the following:

- 35 (1) Assist the statewide child fatality review committee
36 chairperson in establishing agendas for meetings of the
37 statewide child fatality review committee.
- 38 (2) Coordinate information and materials for the meetings of

- 1 **the statewide child fatality review committee.**
- 2 **(3) Compile raw data for presentation to the statewide child**
- 3 **fatality review committee.**
- 4 **(4) Contact the appropriate individuals if any issues with the**
- 5 **electronic data collection system occur.**
- 6 **(5) Record information concerning child fatality reviews**
- 7 **conducted by the statewide child fatality review committee in**
- 8 **the electronic data collection system.**
- 9 **(6) Record and compile recommendations by the statewide**
- 10 **child fatality review committee for the prevention of child**
- 11 **fatalities and investigate available prevention resources.**
- 12 **(7) Work with the chairperson of the statewide child fatality**
- 13 **review committee to prepare the annual report described in**
- 14 **IC 16-49-4-11.**
- 15 **(8) Facilitate distribution of the annual report described in**
- 16 **IC 16-49-4-11.**
- 17 **(9) Represent the state of Indiana at national meetings**
- 18 **concerning child fatalities and child fatality reviews.**
- 19 **(10) Assist local child fatality review teams by:**
- 20 **(A) assisting with the establishment of local child fatality**
- 21 **review teams;**
- 22 **(B) acting as a liaison between the statewide child fatality**
- 23 **review committee and local child fatality review teams;**
- 24 **(C) creating and providing forms, including the data**
- 25 **collection form described in section 2 of this chapter, for**
- 26 **local child fatality review teams and the statewide child**
- 27 **fatality review committee;**
- 28 **(D) developing protocols for meetings of and fatality**
- 29 **reviews conducted by local child fatality review teams;**
- 30 **(E) providing data collection tools that include collecting**
- 31 **and storing:**
- 32 **(i) identifying and nonidentifying information;**
- 33 **(ii) information concerning the circumstances**
- 34 **surrounding the death of a child;**
- 35 **(iii) information concerning factors that contributed to**
- 36 **the death of a child; and**
- 37 **(iv) information concerning findings and**
- 38 **recommendations regarding the death of a child by the**

- 1 **local child fatality review team;**
- 2 **(F) providing training on data collection and technical**
- 3 **assistance for the electronic data collection system;**
- 4 **(G) providing information on the prevention of child**
- 5 **fatalities; and**
- 6 **(H) obtaining death certificates for local child fatality**
- 7 **review teams if necessary.**
- 8 **(11) Coordinate local or statewide training related to child**
- 9 **fatality review.**
- 10 **(12) Maintain all confidentiality statements signed in**
- 11 **accordance with IC 16-49-4-9.**
- 12 **(13) Attend meetings of the commission on improving the**
- 13 **status of children in Indiana, established by IC 2-5-36-3, as**
- 14 **requested by the chairperson of the commission.**

15 **Sec. 2. (a) The state child fatality review coordinator shall**
 16 **develop a data collection form that includes:**

- 17 **(1) identifying and nonidentifying information;**
- 18 **(2) information regarding the circumstances surrounding a**
- 19 **death;**
- 20 **(3) factors contributing to a death; and**
- 21 **(4) findings and recommendations that include the following**
- 22 **information:**
 - 23 **(A) Whether similar future deaths could be prevented.**
 - 24 **(B) A list of:**
 - 25 **(i) agencies and entities that should be involved; and**
 - 26 **(ii) any other resources that should be used;**
 - 27 **to adequately prevent future child deaths in the area.**

28 **(b) The state child fatality review coordinator shall develop a**
 29 **confidentiality form for use by the statewide child fatality review**
 30 **committee and local child fatality review teams.**

31 **Sec. 3. The following must be paid from funds appropriated to**
 32 **the state department:**

- 33 **(1) The salary of the state child fatality review coordinator.**
- 34 **(2) Expenses for any training for:**
 - 35 **(A) the state child fatality review coordinator;**
 - 36 **(B) members of the statewide child fatality review**
 - 37 **committee; and**
 - 38 **(C) members of local child fatality review teams.**

1 **(3) Other expenses related to the duties of the state child**
2 **fatality review coordinator.**

3 SECTION 14. IC 31-9-2-43.3 IS REPEALED [EFFECTIVE JULY
4 1, 2013]. Sec. 43.3: "Emergency medical services", for purposes of
5 IC 31-33-24, has the meaning set forth in IC 31-33-24-2.

6 (b) "Emergency medical services", for purposes of IC 31-33-25, has
7 the meaning set forth in IC 31-33-25-2.

8 SECTION 15. IC 31-9-2-76.4 IS REPEALED [EFFECTIVE JULY
9 1, 2013]. Sec. 76.4: (a) "Local child fatality review team", for purposes
10 of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.

11 (b) "Local child fatality review team", for purposes of IC 31-33-25,
12 has the meaning set forth in IC 31-33-25-3.

13 SECTION 16. IC 31-9-2-80.5 IS REPEALED [EFFECTIVE JULY
14 1, 2013]. Sec. 80.5: (a) "Mental health provider", for purposes of
15 IC 31-33-24, has the meaning set forth in IC 31-33-24-4.

16 (b) "Mental health provider", for purposes of IC 31-33-25, has the
17 meaning set forth in IC 31-33-25-4.

18 SECTION 17. IC 31-9-2-121.5 IS REPEALED [EFFECTIVE JULY
19 1, 2013]. Sec. 121.5: (a) "Statewide child fatality review committee",
20 for purposes of IC 31-33-24, has the meaning set forth in
21 IC 31-33-24-5.

22 (b) "Statewide child fatality review committee", for purposes of
23 IC 31-33-25, has the meaning set forth in IC 31-33-25-5.

24 SECTION 18. IC 31-25-2-20.4, AS AMENDED BY P.L.128-2012,
25 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 20.4. (a) The department shall establish at least
27 three (3) citizen review panels in accordance with the requirements of
28 the federal Child Abuse Prevention and Treatment Act under 42 U.S.C.
29 5106a.

30 (b) A citizen review panel consists of volunteer members who
31 broadly represent the community in which the panel is established,
32 including members who have expertise in the prevention and treatment
33 of child abuse and neglect.

34 (c) The department shall appoint the citizen review panels in the
35 following manner:

36 (1) One (1) panel must be a community child protection team
37 established in a county under IC 31-33-3-1, selected by the
38 director of the department with the consent of the team.

- 1 (2) One (1) panel must be either:
- 2 (A) the statewide child fatality review committee established
- 3 under ~~IC 31-33-25-6~~; **IC 16-49-4**; or
- 4 (B) a local child fatality review team established under
- 5 ~~IC 31-33-24-6~~; **IC 16-49-2**;
- 6 selected by the director of the department with the consent of the
- 7 committee or team.
- 8 (3) One (1) panel must be a foster care advisory panel consisting
- 9 of at least five (5) and not more than eleven (11) members,
- 10 selected to the extent feasible from the membership of any foster
- 11 care advisory group previously established or recognized by the
- 12 department. If the panel consists of seven (7) or fewer members,
- 13 the panel must include at least one (1) foster parent licensed by
- 14 the department and one (1) foster parent licensed by the
- 15 department through a child placing agency licensed under
- 16 IC 31-27-6. If the panel consists of more than seven (7) members,
- 17 the panel must include two (2) foster parents licensed by the
- 18 department and two (2) foster parents licensed by the department
- 19 through a child placing agency licensed under IC 31-27-6.
- 20 Additional members of the panel must include one (1) or more
- 21 individuals who are employed by a child placing agency licensed
- 22 under IC 31-27-6 and who provide services to foster families and
- 23 children placed by the department in out-of-home placements,
- 24 and may include other representatives of child welfare service
- 25 providers or persons who provide training to current or
- 26 prospective foster parents. All members of this panel must be
- 27 individuals who are not employees of the department.
- 28 (4) The membership of any additional citizen review panels
- 29 established under this section shall be determined by the director
- 30 of the department, consistent with the guidelines for panel
- 31 membership stated in subsection (b) and the purposes and
- 32 functions of the panels as described in this section.
- 33 (5) Each citizen review panel shall be appointed for a term of
- 34 three (3) years beginning July 1, 2007. Upon expiration of the
- 35 term of the panel described in subdivision (1), the director of the
- 36 department shall select a community child protection team
- 37 established in a different county for the succeeding term. Upon
- 38 expiration of the term of the panel described in subdivision (2),

1 the director of the department shall select a different fatality
 2 review team, or committee, if available, for the succeeding term.
 3 Panels appointed under subdivision (3) or (4) may be reappointed
 4 for successive terms, in the discretion of the director of the
 5 department. The director may appoint individuals as needed to fill
 6 vacancies that occur during the term of any panel appointed under
 7 subdivision (3) or (4).

8 (d) A citizen review panel shall evaluate the extent to which a child
 9 welfare agency is effectively discharging the agency's child protection
 10 responsibilities by examining:

- 11 (1) the policies and procedures of child welfare agencies;
- 12 (2) if appropriate, specific child protective services cases; and
- 13 (3) other criteria the citizen review panel considers important to
 14 ensure the protection of children.

15 (e) Each citizen review panel shall:

- 16 (1) meet at least one (1) time every three (3) months; and
- 17 (2) prepare and make available to the department and the public
 18 an annual report that contains a summary of the activities of the
 19 citizen review panel.

20 (f) The department shall, not more than six (6) months after the date
 21 the department receives a report from a citizen review panel under
 22 subsection (e), submit to the citizen review panel a written response
 23 indicating whether and how the department will incorporate the
 24 recommendations of the citizen review panel. The department shall at
 25 the same time provide appropriate child welfare agencies with copies
 26 of the department's written response.

27 (g) A child welfare agency shall make all reports and other materials
 28 in the child welfare agency's possession available to a citizen review
 29 panel established under this section, including any reports and
 30 materials that the child welfare agency has received from other
 31 agencies.

32 (h) A member of a citizen review panel may not disclose to a person
 33 or government official any identifying information that is provided to
 34 the citizen review panel about:

- 35 (1) a specific child protective services case or child welfare
 36 agency case;
- 37 (2) a child or member of the child's family who is the subject of
 38 a child protective services assessment; or

1 (3) any other individuals identified in confidential reports,
2 documents, or other materials.

3 (i) If a member of a citizen review panel violates subsection (h), the
4 department may remove the member from the citizen review panel.

5 (j) A child welfare agency shall cooperate and work with each
6 citizen review panel established under this section.

7 SECTION 19. IC 31-25-2-24 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: **Sec. 24. The department shall**
10 **annually prepare a report concerning all child fatalities in Indiana**
11 **that are the result of child abuse or neglect. The report must**
12 **include the following information:**

13 (1) **A summary of the information gathered concerning child**
14 **fatalities resulting from abuse or neglect.**

15 (2) **Demographic information regarding victims, perpetrators,**
16 **and households involved in child fatalities resulting from**
17 **abuse or neglect.**

18 (3) **An analysis of the primary risk factors involved in child**
19 **fatalities resulting from abuse or neglect.**

20 (4) **A summary of the most frequent causes of child fatalities**
21 **resulting from abuse or neglect.**

22 (5) **A description of the manner in which the information was**
23 **assembled.**

24 **The department shall post the report prepared under this section**
25 **on the department's Internet web site.**

26 SECTION 20. IC 31-33-18-1, AS AMENDED BY P.L.128-2012,
27 SECTION 153, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in section
29 1.5 of this chapter, the following are confidential:

30 (1) Reports made under this article (or IC 31-6-11 before its
31 repeal).

32 (2) Any other information obtained, reports written, or
33 photographs taken concerning the reports in the possession of:

34 (A) the division of family resources;

35 (B) the local office;

36 (C) the department; or

37 (D) the department of child services ombudsman established
38 by IC 4-13-19-3.

- 1 (b) Except as provided in section 1.5 of this chapter, all records held
- 2 by:
- 3 (1) the division of family resources;
- 4 (2) a local office;
- 5 (3) the department;
- 6 (4) a local child fatality review team established under
- 7 ~~IC 31-33-24~~; **IC 16-49-2**;
- 8 (5) the statewide child fatality review committee established
- 9 under ~~IC 31-33-25~~; **IC 16-49-4**; or
- 10 (6) the department of child services ombudsman established by
- 11 IC 4-13-19-3;

12 regarding the death of a child determined to be a result of abuse,
 13 abandonment, or neglect are confidential and may not be disclosed.

14 SECTION 21. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012,
 15 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to
 17 records held by:

- 18 (1) a local office;
- 19 (2) the department; **or**
- 20 ~~(3) a local child fatality review team established under~~
- 21 ~~IC 31-33-24~~;
- 22 ~~(4) the statewide child fatality review committee established~~
- 23 ~~under IC 31-33-25~~; **or**
- 24 ~~(5)~~ **(3)** the department of child services ombudsman established
- 25 by IC 4-13-19-3;

26 regarding a child whose death or near fatality may have been the result
 27 of abuse, abandonment, or neglect.

28 (b) For purposes of subsection (a), a child's death or near fatality
 29 may have been the result of abuse, abandonment, or neglect if:

- 30 (1) an entity described in subsection (a) determines that the child's
- 31 death or near fatality is the result of abuse, abandonment, or
- 32 neglect; or
- 33 (2) a prosecuting attorney files:
- 34 (A) an indictment or information; or
- 35 (B) a complaint alleging the commission of a delinquent act;
- 36 that, if proven, would cause a reasonable person to believe that
- 37 the child's death or near fatality may have been the result of
- 38 abuse, abandonment, or neglect.

1 Upon the request of any person, or upon its own motion, the court
2 exercising juvenile jurisdiction in the county in which the child's death
3 or near fatality occurred shall determine whether the allegations
4 contained in the indictment, information, or complaint described in
5 subdivision (2), if proven, would cause a reasonable person to believe
6 that the child's death or near fatality may have been the result of abuse,
7 abandonment, or neglect.

8 (c) If the juvenile court finds that the child's death or near fatality
9 was the result of abuse, abandonment, or neglect, the court shall make
10 written findings and provide a copy of the findings and the indictment,
11 information, or complaint described under subsection (b)(2) to the
12 department.

13 (d) As used in this section:

14 (1) "case" means:

- 15 (A) any intake report generated by the department;
- 16 (B) any investigation or assessment conducted by the
- 17 department; or
- 18 (C) ongoing involvement between the department and a child
- 19 or family that is the result of:
 - 20 (i) a program of informal adjustment; or
 - 21 (ii) a child in need of services action;

22 for which related records and documents have not been expunged
23 as required by law or by a court at the time the department is
24 notified of a fatality or near fatality;

25 (2) "contact" means in person communication about a case in
26 which:

- 27 (A) the child who is the victim of a fatality or near fatality is
- 28 alleged to be a victim; or
- 29 (B) the perpetrator of the fatality or near fatality is alleged to
- 30 be the perpetrator;

31 (3) "identifying information" means information that identifies an
32 individual, including an individual's:

- 33 (A) name, address, date of birth, occupation, place of
- 34 employment, and telephone number;
- 35 (B) employer identification number, mother's maiden name,
- 36 Social Security number, or any identification number issued by
- 37 a governmental entity;
- 38 (C) unique biometric data, including the individual's

- 1 fingerprint, voice print, or retina or iris image;
- 2 (D) unique electronic identification number, address, or
- 3 routing code;
- 4 (E) telecommunication identifying information; or
- 5 (F) telecommunication access device, including a card, a plate,
- 6 a code, an account number, a personal identification number,
- 7 an electronic serial number, a mobile identification number, or
- 8 another telecommunications service or device or means of
- 9 account access; and
- 10 (4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.
- 11 (e) Unless information in a record is otherwise confidential under
- 12 state or federal law, a record described in subsection (a) that has been
- 13 redacted in accordance with this section is not confidential and may be
- 14 disclosed to any person who requests the record. The person requesting
- 15 the record may be required to pay the reasonable expenses of copying
- 16 the record.
- 17 (f) When a person requests a record described in subsection (a), the
- 18 entity having control of the record shall immediately transmit a copy of
- 19 the record to the court exercising juvenile jurisdiction in the county in
- 20 which the death or near fatality of the child occurred. However, if the
- 21 court requests that the entity having control of a record transmit the
- 22 original record, the entity shall transmit the original record.
- 23 (g) Upon receipt of the record described in subsection (a), the court
- 24 shall, within thirty (30) days, redact the record to exclude:
- 25 (1) identifying information described in subsection (d)(3)(B)
- 26 through (d)(3)(F) of a person; and
- 27 (2) all identifying information of a child less than eighteen (18)
- 28 years of age.
- 29 (h) The court shall disclose the record redacted in accordance with
- 30 subsection (g) to any person who requests the record, if the person has
- 31 paid:
- 32 (1) to the entity having control of the record, the reasonable
- 33 expenses of copying under IC 5-14-3-8; and
- 34 (2) to the court, the reasonable expenses of copying the record.
- 35 (i) The data and information in a record disclosed under this section
- 36 must include the following:
- 37 (1) A summary of the report of abuse or neglect and a factual
- 38 description of the contents of the report.

- 1 (2) The date of birth and gender of the child.
- 2 (3) The cause of the fatality or near fatality, if the cause has been
- 3 determined.
- 4 (4) Whether the department had any contact with the child or the
- 5 perpetrator before the fatality or near fatality, and, if the
- 6 department had contact, the following:
 - 7 (A) The frequency of the contact with the child or the
 - 8 perpetrator before the fatality or near fatality and the date on
 - 9 which the last contact occurred before the fatality or near
 - 10 fatality.
 - 11 (B) A summary of the status of the child's case at the time of
 - 12 the fatality or near fatality, including:
 - 13 (i) whether the child's case was closed by the department
 - 14 before the fatality or near fatality; and
 - 15 (ii) if the child's case was closed as described under item (i),
 - 16 the date of closure and the reasons that the case was closed.
 - 17 (j) The court's determination under subsection (g) that certain
 - 18 identifying information or other information is not relevant to
 - 19 establishing the facts and circumstances leading to the death or near
 - 20 fatality of a child is not admissible in a criminal proceeding or civil
 - 21 action.
- 22 SECTION 22. IC 31-33-18-2, AS AMENDED BY P.L.48-2012,
- 23 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2013]: Sec. 2. The reports and other material described in
- 25 section 1(a) of this chapter and the unredacted reports and other
- 26 material described in section 1(b) of this chapter shall be made
- 27 available only to the following:
 - 28 (1) Persons authorized by this article.
 - 29 (2) A legally mandated public or private child protective agency
 - 30 investigating a report of child abuse or neglect or treating a child
 - 31 or family that is the subject of a report or record.
 - 32 (3) A police or other law enforcement agency, prosecuting
 - 33 attorney, or coroner in the case of the death of a child who is
 - 34 investigating a report of a child who may be a victim of child
 - 35 abuse or neglect.
 - 36 (4) A physician who has before the physician a child whom the
 - 37 physician reasonably suspects may be a victim of child abuse or
 - 38 neglect.

- 1 (5) An individual legally authorized to place a child in protective
2 custody if:
 - 3 (A) the individual has before the individual a child whom the
4 individual reasonably suspects may be a victim of abuse or
5 neglect; and
 - 6 (B) the individual requires the information in the report or
7 record to determine whether to place the child in protective
8 custody.
- 9 (6) An agency having the legal responsibility or authorization to
10 care for, treat, or supervise a child who is the subject of a report
11 or record or a parent, guardian, custodian, or other person who is
12 responsible for the child's welfare.
- 13 (7) An individual named in the report or record who is alleged to
14 be abused or neglected or, if the individual named in the report is
15 a child or is otherwise incompetent, the individual's guardian ad
16 litem or the individual's court appointed special advocate, or both.
- 17 (8) Each parent, guardian, custodian, or other person responsible
18 for the welfare of a child named in a report or record and an
19 attorney of the person described under this subdivision, with
20 protection for the identity of reporters and other appropriate
21 individuals.
- 22 (9) A court, for redaction of the record in accordance with section
23 1.5 of this chapter, or upon the court's finding that access to the
24 records may be necessary for determination of an issue before the
25 court. However, except for disclosure of a redacted record in
26 accordance with section 1.5 of this chapter, access is limited to in
27 camera inspection unless the court determines that public
28 disclosure of the information contained in the records is necessary
29 for the resolution of an issue then pending before the court.
- 30 (10) A grand jury upon the grand jury's determination that access
31 to the records is necessary in the conduct of the grand jury's
32 official business.
- 33 (11) An appropriate state or local official responsible for child
34 protection services or legislation carrying out the official's official
35 functions.
- 36 (12) A foster care review board established by a juvenile court
37 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
38 court's determination that access to the records is necessary to

- 1 enable the foster care review board to carry out the board's
- 2 purpose under IC 31-34-21.
- 3 (13) The community child protection team appointed under
- 4 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 5 enable the team to carry out the team's purpose under IC 31-33-3.
- 6 (14) A person about whom a report has been made, with
- 7 protection for the identity of:
 - 8 (A) any person reporting known or suspected child abuse or
 - 9 neglect; and
 - 10 (B) any other person if the person or agency making the
 - 11 information available finds that disclosure of the information
 - 12 would be likely to endanger the life or safety of the person.
- 13 (15) An employee of the department, a caseworker, or a juvenile
- 14 probation officer conducting a criminal history check under
- 15 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
- 16 appropriateness of an out-of-home placement for a:
 - 17 (A) child at imminent risk of placement;
 - 18 (B) child in need of services; or
 - 19 (C) delinquent child.
- 20 The results of a criminal history check conducted under this
- 21 subdivision must be disclosed to a court determining the
- 22 placement of a child described in clauses (A) through (C).
- 23 (16) A local child fatality review team established under
- 24 ~~IC 31-33-24-6.~~ **IC 16-49-2.**
- 25 (17) The statewide child fatality review committee established by
- 26 ~~IC 31-33-25-6.~~ **IC 16-49-4.**
- 27 (18) The department.
- 28 (19) The division of family resources, if the investigation report:
 - 29 (A) is classified as substantiated; and
 - 30 (B) concerns:
 - 31 (i) an applicant for a license to operate;
 - 32 (ii) a person licensed to operate;
 - 33 (iii) an employee of; or
 - 34 (iv) a volunteer providing services at;
- 35 a child care center licensed under IC 12-17.2-4 or a child care
- 36 home licensed under IC 12-17.2-5.
- 37 (20) A citizen review panel established under IC 31-25-2-20.4.
- 38 (21) The department of child services ombudsman established by

1 IC 4-13-19-3.
2 (22) The state superintendent of public instruction with protection
3 for the identity of:
4 (A) any person reporting known or suspected child abuse or
5 neglect; and
6 (B) any other person if the person or agency making the
7 information available finds that disclosure of the information
8 would be likely to endanger the life or safety of the person.
9 **(23) The state child fatality review coordinator employed by**
10 **the state department of health under IC 16-49-5-1.**
11 SECTION 23. IC 31-33-24 IS REPEALED [EFFECTIVE JULY 1,
12 2013]. (Child Fatality Review Teams).
13 SECTION 24. IC 31-33-25 IS REPEALED [EFFECTIVE JULY 1,
14 2013]. (Statewide Child Fatality Review Committee).
15 SECTION 25. IC 34-30-2-84.2 IS ADDED TO THE INDIANA
16 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
17 [EFFECTIVE JULY 1, 2013]: **Sec. 84.2. IC 16-49-3-5 (Concerning**
18 **hospitals, physicians, coroners, law enforcement officers, and**
19 **mental health providers who provide certain records to local child**
20 **fatality review teams).**
21 SECTION 26. IC 34-30-2-84.3 IS ADDED TO THE INDIANA
22 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
23 [EFFECTIVE JULY 1, 2013]: **Sec. 84.3. IC 16-49-3-9 (Concerning**
24 **a member of a local child fatality review team or an individual who**
25 **attends a meeting of a local child fatality review team as an invitee**
26 **of the chairperson).**
27 SECTION 27. IC 34-30-2-84.4 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
29 [EFFECTIVE JULY 1, 2013]: **Sec. 84.4. IC 16-49-4-5 (Concerning**
30 **hospitals, physicians, coroners, law enforcement officers, and**
31 **mental health providers who provide certain records to the**
32 **statewide child fatality review committee).**
33 SECTION 28. IC 34-30-2-84.6 IS ADDED TO THE INDIANA
34 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
35 [EFFECTIVE JULY 1, 2013]: **Sec. 84.6. IC 16-49-4-10 (Concerning**
36 **a member of the statewide child fatality review committee or an**
37 **individual who attends a meeting of the statewide child fatality**
38 **review committee as an invitee of the chairperson).**

1 SECTION 29. IC 34-30-2-134.3 IS REPEALED [EFFECTIVE
2 JULY 1, 2013]. ~~Sec. 134.3. IC 31-33-24-12 (Concerning a member of~~
3 ~~a local child fatality review team or a person who attends a meeting of~~
4 ~~a local child fatality review team as an invitee of the chairperson).~~

5 SECTION 30. IC 34-30-2-134.6 IS REPEALED [EFFECTIVE
6 JULY 1, 2013]. ~~Sec. 134.6. IC 31-33-25-11 (Concerning a member of~~
7 ~~the statewide child fatality review committee or a person who attends~~
8 ~~a meeting of the statewide child fatality review committee as an invitee~~
9 ~~of the chairperson).~~

10 SECTION 31. IC 34-46-2-11.4 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: **Sec. 11.4. IC 16-49-3-13 (Concerning**
13 **discussions, determinations, conclusions, and recommendations of**
14 **a local child fatality review team).**

15 SECTION 32. IC 34-46-2-11.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. IC 16-49-4-13 (Concerning**
18 **discussions, determinations, conclusions, and recommendations of**
19 **the statewide child fatality review committee).**

20 SECTION 33. IC 36-2-14-18, AS AMENDED BY P.L.3-2008,
21 SECTION 257, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) Notwithstanding
23 IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the
24 coroner is required to make available for public inspection and copying
25 the following:

- 26 (1) The name, age, address, sex, and race of the deceased.
- 27 (2) The address where the dead body was found, or if there is no
28 address the location where the dead body was found and, if
29 different, the address where the death occurred, or if there is no
30 address the location where the death occurred.
- 31 (3) The name of the agency to which the death was reported and
32 the name of the person reporting the death.
- 33 (4) The name of any public official or governmental employee
34 present at the scene of the death and the name of the person
35 certifying or pronouncing the death.
- 36 (5) Information regarding an autopsy (requested or performed)
37 limited to the date, the person who performed the autopsy, where
38 the autopsy was performed, and a conclusion as to:

- 1 (A) the probable cause of death;
- 2 (B) the probable manner of death; and
- 3 (C) the probable mechanism of death.
- 4 (6) The location to which the body was removed, the person
- 5 determining the location to which the body was removed, and the
- 6 authority under which the decision to remove the body was made.
- 7 (7) The records required to be filed by a coroner under section 6
- 8 of this chapter and the verdict and the written report required
- 9 under section 10 of this chapter.

10 (b) A county coroner or a coroner's deputy who receives an
 11 investigatory record from a law enforcement agency shall treat the
 12 investigatory record with the same confidentiality as the law
 13 enforcement agency would treat the investigatory record.

14 (c) Notwithstanding any other provision of this section, a coroner
 15 shall make available a full copy of an autopsy report, other than a
 16 photograph, a video recording, or an audio recording of the autopsy,
 17 upon the written request of a parent of the decedent, an adult child of
 18 the decedent, a next of kin of the decedent, or an insurance company
 19 investigating a claim arising from the death of the individual upon
 20 whom the autopsy was performed. A parent of the decedent, an adult
 21 child of the decedent, a next of kin of the decedent, and an insurance
 22 company are prohibited from publicly disclosing any information
 23 contained in the report beyond that information that may otherwise be
 24 disclosed by a coroner under this section. This prohibition does not
 25 apply to information disclosed in communications in conjunction with
 26 the investigation, settlement, or payment of the claim.

27 (d) Notwithstanding any other provision of this section, a coroner
 28 shall make available a full copy of an autopsy report, other than a
 29 photograph, a video recording, or an audio recording of the autopsy,
 30 upon the written request of:

- 31 (1) the director of the division of disability and rehabilitative
- 32 services established by IC 12-9-1-1;
- 33 (2) the director of the division of mental health and addiction
- 34 established by IC 12-21-1-1; or
- 35 (3) the director of the division of aging established by
- 36 IC 12-9.1-1-1;

37 in connection with a division's review of the circumstances surrounding
 38 the death of an individual who received services from a division or

1 through a division at the time of the individual's death.

2 (e) Notwithstanding any other provision of this section, a coroner
3 shall make available, upon written request, a full copy of an autopsy
4 report, including a photograph, a video recording, or an audio recording
5 of the autopsy, to:

6 (1) the department of child services established by IC 31-25-1-1,
7 including an office of the department located in the county where
8 the death occurred;

9 (2) the statewide child fatality review committee established by
10 ~~IC 31-33-25-6~~; **IC 16-49-4**; or

11 (3) a county child fatality review team or regional child fatality
12 review team established under ~~IC 31-33-24-6~~ **by the county or**
13 **IC 16-49-2** for the **county area** where the death occurred;

14 for purposes of an entity described in subdivisions (1) through (3)
15 conducting a review or an investigation of the circumstances
16 surrounding the death of a child (as defined in ~~IC 31-9-2-13(d)(1)~~)
17 **IC 16-49-1-2**) and making a determination as to whether the death of
18 the child was a result of abuse, abandonment, or neglect. An autopsy
19 report made available under this subsection is confidential and shall not
20 be disclosed to another individual or agency, unless otherwise
21 authorized or required by law.

22 (f) Except as provided in subsection (g), the information required to
23 be available under subsection (a) must be completed not later than
24 fourteen (14) days after the completion of:

25 (1) the autopsy report; or

26 (2) if applicable, any other report, including a toxicology report,
27 requested by the coroner as part of the coroner's investigation;
28 whichever is completed last.

29 (g) The prosecuting attorney may petition a circuit or superior court
30 for an order prohibiting the coroner from publicly disclosing the
31 information required in subsection (a). The prosecuting attorney shall
32 serve a copy of the petition on the coroner.

33 (h) Upon receipt of a copy of the petition described in subsection
34 (g), the coroner shall keep the information confidential until the court
35 rules on the petition.

36 (i) The court shall grant a petition filed under subsection (g) if the
37 prosecuting attorney proves by a preponderance of the evidence that
38 public access or dissemination of the information specified in

1 subsection (a) would create a significant risk of harm to the criminal
2 investigation of the death. The court shall state in the order the reasons
3 for granting or denying the petition. An order issued under this
4 subsection must use the least restrictive means and duration possible
5 when restricting access to the information. Information to which access
6 is restricted under this subsection is confidential.

7 (j) Any person may petition the court to modify or terminate an
8 order issued under subsection (i). The petition for modification or
9 termination must allege facts demonstrating that:

- 10 (1) the public interest will be served by allowing access; and
- 11 (2) access to the information specified in subsection (a) would not
12 create a significant risk to the criminal investigation of the death.

13 The person petitioning the court for modification or termination shall
14 serve a copy of the petition on the prosecuting attorney and the coroner.

15 (k) Upon receipt of a petition for modification or termination filed
16 under subsection (j), the court may:

- 17 (1) summarily grant, modify, or dismiss the petition; or
- 18 (2) set the matter for hearing.

19 If the court sets the matter for hearing, upon the motion of any party or
20 upon the court's own motion, the court may close the hearing to the
21 public.

22 (l) If the person filing the petition for modification or termination
23 proves by a preponderance of the evidence that:

- 24 (1) the public interest will be served by allowing access; and
- 25 (2) access to the information specified in subsection (a) would not
26 create a significant risk to the criminal investigation of the death;

27 the court shall modify or terminate its order restricting access to the

1 information. In ruling on a request under this subsection, the court shall
2 state the court's reasons for granting or denying the request."

3 Renumber all SECTIONS consecutively.
(Reference is to SB 125 as reprinted February 22, 2013.)

and when so amended that said bill do pass.

Representative Kubacki