

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 125 be amended to read as follows:

- 1 Page 5, between lines 7 and 8, begin a new paragraph and insert:
2 "SECTION 2. IC 16-18-2-54.3, AS ADDED BY P.L.1-2010,
3 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 54.3. **(a)** "Child", for purposes of IC 16-35-8, has
5 the meaning set forth in IC 16-35-8-1.
6 **(b) "Child", for purposes of IC 16-49, has the meaning set forth
7 in IC 16-49-1-2.**
8 SECTION 1. IC 16-18-2-54.4 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2013]: **Sec. 54.4. "Child fatality committee",
11 for purposes of IC 16-49, has the meaning set forth in IC 16-49-1-3.**
12 SECTION 2. IC 16-18-2-86.3 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: **Sec. 86.3. "County child fatality
15 review team" for purposes of IC 16-49, has the meaning set forth
16 in IC 16-49-1-4.**
17 SECTION 3. IC 16-18-2-110 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. **(a)** "Emergency
19 medical services", for purposes of IC 16-31, means the provision of
20 emergency ambulance services or other services, including extrication
21 and rescue services, utilized in serving an individual's need for
22 immediate medical care in order to prevent loss of life or aggravation
23 of physiological or psychological illness or injury.
24 **(b) "Emergency medical services", for purposes of IC 16-49, has
25 the meaning set forth in IC 16-49-1-5.**
26 SECTION 4. IC 16-18-2-210.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2013]: **Sec. 210.5. "Local child fatality review
29 team", for purposes of IC 16-49, has the meaning set forth in
30 IC 16-49-1-6.**

1 SECTION 5. IC 16-18-2-225.8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 225.8. (a) "Mental
 3 health provider", for purposes of IC 16-36-1.5, has the meaning set
 4 forth in IC 16-36-1.5-2.

5 (b) **"Mental health provider", for purposes of IC 16-49, has the**
 6 **meaning set forth in IC 16-49-1-7.**

7 SECTION 6. IC 16-18-2-313.7 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2013]: **Sec. 313.7. "Regional child fatality**
 10 **review team", for purposes of IC 16-49, has the meaning set forth**
 11 **in IC 16-49-1-8.**

12 SECTION 7. IC 16-18-2-338.7 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2013]: **Sec. 338.7. "State child fatality review**
 15 **coordinator" for purposes of IC 16-49, has the meaning set forth**
 16 **in IC 16-49-1-9.**

17 SECTION 8. IC 16-18-2-340.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2013]: **Sec. 340.5. "Statewide child fatality**
 20 **review committee", for purposes of IC 16-49, has the meaning set**
 21 **forth in IC 16-49-1-10.**

22 SECTION 9. IC 16-37-3-9, AS AMENDED BY P.L.81-2005,
 23 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 9. (a) The local health officer shall, from the
 25 stillbirth and death certificates, make a permanent record of the:

- 26 (1) name;
- 27 (2) sex;
- 28 (3) age;
- 29 (4) place of death;
- 30 (5) residence; and
- 31 (6) for a death certificate only:
 - 32 (A) residence addresses of the deceased during the two (2)
 - 33 years before the death; and
 - 34 (B) Social Security number;

35 of the deceased.

36 (b) The records shall be open to public inspection. Except as
 37 provided in this subsection, the Social Security number is confidential
 38 and may not be disclosed to the public. After December 31, 2005, the
 39 Social Security number shall be disclosed to the secretary of state and
 40 election division for voter list maintenance purposes under IC 3-7-26.3
 41 and IC 3-7-45.

42 (c) The local health officer shall, not later than January 31, April 30,
 43 July 31, and October 31 of each year, furnish to the county auditor the
 44 records of all deaths within the officer's jurisdiction that occurred
 45 during the previous three (3) months.

46 (d) The local health officer may make records of other data in

1 connection with deaths for statistical purposes or for the purpose of
 2 planning health programs. Records under this subsection are not public
 3 records.

4 **(e) The local health officer shall furnish a death certificate of the**
 5 **death of a child to the local child fatality review team established**
 6 **under IC 16-49-2 that serves the area in which the child's death**
 7 **occurred.**

8 SECTION 10. IC 16-39-2-6, AS AMENDED BY P.L.1-2007,
 9 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Without the consent of the
 11 patient, the patient's mental health record may only be disclosed as
 12 follows:

13 (1) To individuals who meet the following conditions:

14 (A) Are employed by:

15 (i) the provider at the same facility or agency;

16 (ii) a managed care provider (as defined in
 17 IC 12-7-2-127(b)); or

18 (iii) a health care provider or mental health care provider, if
 19 the mental health records are needed to provide health care
 20 or mental health services to the patient.

21 (B) Are involved in the planning, provision, and monitoring of
 22 services.

23 (2) To the extent necessary to obtain payment for services
 24 rendered or other benefits to which the patient may be entitled, as
 25 provided in IC 16-39-5-3.

26 (3) To the patient's court appointed counsel and to the Indiana
 27 protection and advocacy services commission.

28 (4) For research conducted in accordance with IC 16-39-5-3 and
 29 the rules of the division of mental health and addiction, the rules
 30 of the division of disability and rehabilitative services, or the rules
 31 of the provider.

32 (5) To the division of mental health and addiction for the purpose
 33 of data collection, research, and monitoring managed care
 34 providers (as defined in IC 12-7-2-127(b)) who are operating
 35 under a contract with the division of mental health and addiction.

36 (6) To the extent necessary to make reports or give testimony
 37 required by the statutes pertaining to admissions, transfers,
 38 discharges, and guardianship proceedings.

39 (7) To a law enforcement agency if any of the following
 40 conditions are met:

41 (A) A patient escapes from a facility to which the patient is
 42 committed under IC 12-26.

43 (B) The superintendent of the facility determines that failure
 44 to provide the information may result in bodily harm to the
 45 patient or another individual.

46 (C) A patient commits or threatens to commit a crime on

- 1 facility premises or against facility personnel.
- 2 (D) A patient is in the custody of a law enforcement officer or
3 agency for any reason and:
- 4 (i) the information to be released is limited to medications
5 currently prescribed for the patient or to the patient's history
6 of adverse medication reactions; and
- 7 (ii) the provider determines that the release of the
8 medication information will assist in protecting the health,
9 safety, or welfare of the patient.
- 10 Mental health records released under this clause must be
11 maintained in confidence by the law enforcement agency
12 receiving them.
- 13 (8) To a coroner or medical examiner, in the performance of the
14 individual's duties.
- 15 (9) To a school in which the patient is enrolled if the
16 superintendent of the facility determines that the information will
17 assist the school in meeting educational needs of a person with a
18 disability under 20 U.S.C. 1400 et seq.
- 19 (10) To the extent necessary to satisfy reporting requirements
20 under the following statutes:
- 21 (A) IC 12-10-3-10.
22 (B) IC 12-24-17-5.
23 (C) IC 16-41-2-3.
24 (D) IC 31-25-3-2.
25 (E) IC 31-33-5-4.
26 (F) IC 34-30-16-2.
27 (G) IC 35-46-1-13.
- 28 (11) To the extent necessary to satisfy release of information
29 requirements under the following statutes:
- 30 (A) IC 12-24-11-2.
31 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
32 (C) IC 12-26-11.
33 **(D) IC 16-49-3.**
34 **(E) IC 16-49-4.**
- 35 (12) To another health care provider in a health care emergency.
- 36 (13) For legitimate business purposes as described in
37 IC 16-39-5-3.
- 38 (14) Under a court order under IC 16-39-3.
- 39 (15) With respect to records from a mental health or
40 developmental disability facility, to the United States Secret
41 Service if the following conditions are met:
- 42 (A) The request does not apply to alcohol or drug abuse
43 records described in 42 U.S.C. 290dd-2 unless authorized by
44 a court order under 42 U.S.C. 290dd-2(b)(2)(c).
45 (B) The request relates to the United States Secret Service's
46 protective responsibility and investigative authority under 18

- 1 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
 2 (C) The request specifies an individual patient.
 3 (D) The director or superintendent of the facility determines
 4 that disclosure of the mental health record may be necessary
 5 to protect a person under the protection of the United States
 6 Secret Service from serious bodily injury or death.
 7 (E) The United States Secret Service agrees to only use the
 8 mental health record information for investigative purposes
 9 and not disclose the information publicly.
 10 (F) The mental health record information disclosed to the
 11 United States Secret Service includes only:
 12 (i) the patient's name, age, and address;
 13 (ii) the date of the patient's admission to or discharge from
 14 the facility; and
 15 (iii) any information that indicates whether or not the patient
 16 has a history of violence or presents a danger to the person
 17 under protection.
 18 (16) To the statewide waiver ombudsman established under
 19 IC 12-11-13, in the performance of the ombudsman's duties.
 20 (b) After information is disclosed under subsection (a)(15) and if the
 21 patient is evaluated to be dangerous, the records shall be interpreted in
 22 consultation with a licensed mental health professional on the staff of
 23 the United States Secret Service.
 24 (c) A person who discloses information under subsection (a)(7) or
 25 (a)(15) in good faith is immune from civil and criminal liability.
 26 SECTION 11. IC 16-49 IS ADDED TO THE INDIANA CODE AS
 27 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 28 2013]:
 29 **ARTICLE 49. CHILD FATALITY REVIEWS**
 30 **Chapter 1. Definitions**
 31 **Sec. 1. The definitions in this chapter apply throughout this**
 32 **article.**
 33 **Sec. 2. "Child" means an individual less than eighteen (18) years**
 34 **of age.**
 35 **Sec. 3. "Child fatality committee" means a child fatality**
 36 **committee established under IC 16-49-2-1.**
 37 **Sec. 4. "County child fatality review team" means a child**
 38 **fatality review team established by a child fatality committee under**
 39 **IC 16-49-2 for a county.**
 40 **Sec. 5. "Emergency medical services" means the provision of**
 41 **emergency ambulance services or other services, including**
 42 **extrication and rescue services, utilized in serving an individual's**
 43 **need for immediate medical care in order to prevent loss of life or**
 44 **aggravation of physiological or psychological illness or injury.**
 45 **Sec. 6. "Local child fatality review team" refers to a county or**
 46 **regional child fatality review team established by a child fatality**

1 committee under IC 16-49-2.

2 Sec. 7. "Mental health provider" means any of the following:

- 3 (1) A registered nurse or licensed practical nurse licensed
4 under IC 25-23.
5 (2) A clinical social worker licensed under IC 25-23.6-5.
6 (3) A marriage and family therapist licensed under
7 IC 25-23.6-8.
8 (4) A psychologist licensed under IC 25-33.
9 (5) A school psychologist licensed by the Indiana state board
10 of education.

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

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

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

20 Chapter 2. Establishing Local Child Fatality Review Teams

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

- 23 (1) The county prosecutor or a representative of the county
24 prosecutor of the county.
25 (2) The county coroner or a deputy coroner of the county
26 representing the county coroner.
27 (3) A representative from:
28 (A) a county health department established under
29 IC 16-20-2;
30 (B) a health and hospital corporation established under
31 IC 16-22-8; or
32 (C) a multiple county health department established under
33 IC 16-20-3;

34 that is located in or serves the county.

- 35 (4) A representative from the department of child services.
36 (5) A representative of law enforcement from the county.

37 Sec. 2. (a) The child fatality committee shall meet for the first
38 meeting of the child fatality committee at the call of the county
39 prosecutor or the county prosecutor's representative.

40 (b) The child fatality committee members shall select a
41 chairperson at the first meeting.

42 (c) The child fatality committee shall meet at the call of the
43 chairperson for all meetings after the first meeting.

44 Sec. 3. The child fatality committee shall do the following:

- 45 (1) Determine whether to establish a:
46 (A) county child fatality review team; or
47 (B) regional child fatality review team;

- 1 for the county.
- 2 **(2) Appoint members to the local child fatality review team in**
3 **accordance with the member requirements established under**
4 **this chapter.**
- 5 **(3) Determine whether the local child fatality review team will**
6 **enter into a written agreement with another local child**
7 **fatality review team to receive, upon request, services,**
8 **guidance, and expertise from the other local child fatality**
9 **review team.**
- 10 **Sec. 4. (a) A local child fatality review team consists of the**
11 **following members:**
- 12 **(1) A county prosecutor or a representative of a county**
13 **prosecutor from the area served by the local child fatality**
14 **review team.**
- 15 **(2) A county coroner or a deputy coroner from the area**
16 **served by the local child fatality review team.**
- 17 **(3) A representative from:**
- 18 **(A) a county health department established under**
19 **IC 16-20-2;**
- 20 **(B) a health and hospital corporation established under**
21 **IC 16-22-8; or**
- 22 **(C) a multiple county health department established under**
23 **IC 16-20-3;**
- 24 **that is located in or serves the area served by the local child**
25 **fatality review team.**
- 26 **(4) A representative from the department of child services.**
- 27 **(5) A representative of law enforcement from the area served**
28 **by the local child fatality review team.**
- 29 **(6) A representative from a school district in the area served**
30 **by the local child fatality review team.**
- 31 **(b) In addition to the members under subsection (a), a local**
32 **child fatality review team shall:**
- 33 **(1) have as a member of the local child fatality review team:**
- 34 **(A) a pediatrician or family practice physician;**
- 35 **(B) a representative from an emergency medical services**
36 **provider;**
- 37 **(C) a representative from a fire department or volunteer**
38 **fire department (as defined in IC 36-8-12-2); and**
- 39 **(D) a mental health provider; or**
- 40 **(2) enter into a written agreement with another local child**
41 **fatality review team for the provision of services, guidance,**
42 **and expertise of a person listed in subdivision (1)(A) through**
43 **(1)(D) who is a member of that local child fatality review**
44 **team.**
- 45 **(c) In addition to the members under subsection (a), a local child**
46 **fatality review team shall have:**
- 47 **(1) a member on the team who is a pathologist with forensic**

1 **experience who is licensed to practice medicine in Indiana and**
 2 **who, if feasible, is certified by the American Board of**
 3 **Pathology in forensic pathology; or**

4 **(2) an agreement with a pathologist described in subdivision**
 5 **(1) for the provision of the pathologist's services and**
 6 **expertise, as needed by the local child fatality review team.**

7 **Sec. 5. A local child fatality review team may have additional**
 8 **members from the following categories:**

9 **(1) A representative of a hospital located in the area served by**
 10 **the local child fatality review team.**

11 **(2) A representative from a juvenile or probate court in the**
 12 **area served by the local child fatality review team.**

13 **(3) Other representatives requested to serve as members by**
 14 **the:**

15 **(A) child fatality committee; or**

16 **(B) local child fatality review team.**

17 **(4) A representative from the department of natural resources**
 18 **who lives or works in the area served by the local child**
 19 **fatality review team.**

20 **(5) A representative from Prevent Child Abuse Indiana (an**
 21 **organization for the prevention of child abuse) who lives or**
 22 **works in the area served by the local child fatality review**
 23 **team.**

24 **(6) One (1) of the following:**

25 **(A) A court appointed special advocate who provides court**
 26 **appointed special advocate services in the area served by**
 27 **the local child fatality review team.**

28 **(B) A guardian ad litem who provides guardian ad litem**
 29 **services in the area served by the local child fatality review**
 30 **team.**

31 **Sec. 6. If the local child fatality review team is a regional child**
 32 **fatality review team, more than one (1) of each of the members**
 33 **listed in section 4 of this chapter may serve on the local child**
 34 **fatality review team if each of the members represents a different**
 35 **county served by the local child fatality review team.**

36 **Sec. 7. Not later than ninety (90) days after the first meeting of**
 37 **the child fatality committee, the county prosecutor or county**
 38 **prosecutor's representative shall submit a report to the state child**
 39 **fatality review coordinator that includes the following information:**

40 **(1) Whether the child fatality committee established a:**

41 **(A) county child fatality review team; or**

42 **(B) regional child fatality review team.**

43 **(2) The names and contact numbers of all of the members of**
 44 **the local child fatality review team.**

45 **(3) Whether the child fatality committee will or has entered**
 46 **into a memorandum of understanding described under section**
 47 **3(3) of this chapter.**

1 **(4) Any assistance the child fatality committee would like**
 2 **from the state child fatality review coordinator in forming the**
 3 **local child fatality review team.**

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

5 **Sec. 1. (a) The local child fatality review team shall meet for the**
 6 **first meeting of the local child fatality review team at the call of a**
 7 **county prosecutor or county prosecutor's representative.**

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

10 **(c) The members of the local child fatality review team shall**
 11 **meet at the call of the chairperson for all meetings after the first**
 12 **meeting.**

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

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

18 **(2) review the purpose and goal of the local child fatality**
 19 **review team; and**

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

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

26 **(c) A local child fatality review team may:**

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

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

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

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

35 **(A) sudden;**

36 **(B) unexpected;**

37 **(C) unexplained; or**

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

40 **(2) the coroner in the area served by the local child fatality**
 41 **review team determines that the cause of the death of the**
 42 **child is:**

43 **(A) undetermined; or**

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

45 **(b) In conducting a child fatality review under subsection (a),**
 46 **the local child fatality review team may review all applicable**
 47 **records and information related to the death of the child, including**

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

- 1 the future;
- 2 (3) if applicable, identify:
- 3 (A) agencies and entities that should be involved; and
- 4 (B) any other resources that should be used;
- 5 to adequately prevent future deaths of children; and
- 6 (4) if applicable, identify solutions to improve practice and
- 7 policy and enhance coordination.
- 8 **Sec. 7. (a) A local child fatality review team may prepare and**
- 9 **release a report that may include the following information:**
- 10 (1) A summary of the data collected regarding the reviews
- 11 conducted by the local child fatality review team.
- 12 (2) Actions recommended by the local child fatality review
- 13 team to prevent injuries to children and child deaths in the
- 14 area served by the local child fatality review team.
- 15 (3) Solutions proposed for system inadequacies.
- 16 (b) A report released under this section may not contain
- 17 identifying information relating to the fatalities reviewed by the
- 18 local child fatality review team.
- 19 (c) Except as otherwise provided in this article, review data
- 20 concerning a child fatality is confidential and may not be released.
- 21 **Sec. 8. (a) Except as provided in subsection (b), meetings of a**
- 22 **local child fatality review team are open to the public.**
- 23 (b) Meetings of a local child fatality review team that involve
- 24 confidential records or identifying information regarding the death
- 25 of a child that is confidential under state or federal law must be
- 26 held as executive sessions.
- 27 (c) If an executive session is held under subsection (b), each
- 28 invitee who:
- 29 (1) attends a meeting of the local child fatality review team;
- 30 and
- 31 (2) is not a member of the local child fatality review team;
- 32 shall sign a confidentiality statement prepared by the state child
- 33 fatality review coordinator under IC 16-49-5-2. The chairperson of
- 34 the local child fatality review team shall keep all confidentiality
- 35 statements signed under this subsection.
- 36 **Sec. 9. Members of a local child fatality review team and**
- 37 **individuals who attend a meeting of a local child fatality review**
- 38 **team as invitees of the chairperson:**
- 39 (1) may discuss among themselves confidential matters that
- 40 are before the local child fatality review team;
- 41 (2) are bound by all applicable laws regarding the
- 42 confidentiality of matters reviewed by the local child fatality
- 43 review team; and
- 44 (3) except when acting:
- 45 (A) with malice;
- 46 (B) in bad faith; or
- 47 (C) with negligence;

1 are immune from any civil or criminal liability that might
2 otherwise be imposed as a result of sharing among themselves
3 confidential matters that are before the local child fatality
4 review team.

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

- 7 (1) Prepare the agenda for each meeting.
- 8 (2) Provide notices of meetings to all members of the local
- 9 child fatality review team.
- 10 (3) Maintain confidentiality forms signed in accordance with
- 11 sections 2(1) and 8(c) of this chapter.
- 12 (4) Ensure all new members of the child fatality review team
- 13 and invitees sign the confidentiality forms as required under
- 14 sections 2(1) and 8(c) of this chapter.
- 15 (5) Record all review data regarding the death of a child using
- 16 the data collection tools provided by the state child fatality
- 17 review coordinator and enter the information into the
- 18 electronic data collection system.
- 19 (6) Attend training on the data collection tools.
- 20 (7) Serve as a liaison between the local child fatality review
- 21 team and the:
 - 22 (A) statewide child fatality review committee; and
 - 23 (B) state child fatality review coordinator.
- 24 (8) Ensure compliance with section 8 of this chapter.
- 25 (9) Upon the conclusion of a review of a child fatality, destroy
- 26 all records, information, and documents obtained by the local
- 27 child fatality review team under section 5 of this chapter.

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

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

36 **Sec. 13. The discussions, determinations, conclusions, and**
37 **recommendations of a local child fatality review team, or its**
38 **members, concerning a review of a child fatality at a meeting of the**
39 **local child fatality review team:**

- 40 (1) are privileged; and
- 41 (2) are not:
 - 42 (A) subject to subpoena or discovery; or
 - 43 (B) admissible as evidence;
- 44 in any judicial or administrative proceeding.

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

46 **Sec. 1. The statewide child fatality review committee is**
47 **established to:**

- 1 (1) identify similarities, trends, and factual patterns
- 2 concerning the deaths of children in Indiana;
- 3 (2) create strategies and make recommendations for the
- 4 prevention of injuries to and deaths of children;
- 5 (3) provide expertise, consultation, guidance, and training to
- 6 local child fatality review teams; and
- 7 (4) advise and educate the legislature, governor, and public on
- 8 the status of child fatalities in Indiana.

9 **Sec. 2. The statewide child fatality review committee consists of**
 10 **the following members appointed by the governor:**

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

41 **Sec. 3. All members of the statewide child fatality review**
 42 **committee and any individuals invited to attend a meeting of the**
 43 **statewide child fatality review committee shall sign a**
 44 **confidentiality statement prepared by the state child fatality review**
 45 **coordinator.**

46 **Sec. 4. The statewide child fatality review committee shall do the**
 47 **following:**

- 1 **(1) Compile and analyze data recorded by local child fatality**
- 2 **review teams in reviewing child fatalities.**
- 3 **(2) Review child mortality records and examine all other**
- 4 **records relevant to child fatalities in Indiana.**
- 5 **(3) Assist efforts by local child fatality review teams by:**
- 6 **(A) overseeing the creation of standardized forms and**
- 7 **protocols necessary for the review of child deaths;**
- 8 **(B) providing expertise by answering questions related to**
- 9 **a child's death that a local child fatality review team is**
- 10 **reviewing;**
- 11 **(C) establishing and sponsoring training programs for**
- 12 **members of local child fatality review teams; and**
- 13 **(D) providing, upon request of a local child fatality review**
- 14 **team, expertise in creating local prevention strategies.**
- 15 **(4) Upon request by a local child fatality review team or the**
- 16 **department of child services ombudsman established by**
- 17 **IC 4-13-19-3, assist in or conduct a review of the death of a**
- 18 **child as provided under section 5 of this chapter.**
- 19 **(5) Create strategies and make recommendations for the**
- 20 **safety of children and prevention of serious injuries or deaths**
- 21 **of children.**

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

- 27 **(1) the death of the child is:**
- 28 **(A) sudden;**
- 29 **(B) unexpected;**
- 30 **(C) unexplained; or**
- 31 **(D) assessed by the department of child services for alleged**
- 32 **abuse or neglect that resulted in the death of the child; or**
- 33 **(2) the coroner in the area in which the child's death occurred**
- 34 **determines that the cause of the death of the child is:**
- 35 **(A) undetermined; or**
- 36 **(B) the result of a homicide, suicide, or accident.**

37 **(b) In conducting a child fatality review under subsection (a),**
 38 **the statewide child fatality review committee may review all**
 39 **applicable records and information related to the death of the**
 40 **child, including the following:**

- 41 **(1) Records held by the:**
- 42 **(A) local or state health department; and**
- 43 **(B) department of child services.**
- 44 **(2) Medical records.**
- 45 **(3) Law enforcement records.**
- 46 **(4) Autopsy reports.**
- 47 **(5) Records of the coroner.**

1 **(6) Mental health reports.**
2 **(c) Subject to IC 34-30-15, if the statewide child fatality review**
3 **committee requests records from a hospital, physician, coroner,**
4 **law enforcement officer, or mental health professional regarding**
5 **a death that the statewide child fatality review committee is**
6 **investigating, the hospital, physician, coroner, law enforcement**
7 **officer, or mental health professional shall provide the requested**
8 **records to the statewide child fatality review committee.**
9 **(d) A person who provides records in accordance with**
10 **subsection (c) in good faith is not subject to liability in:**
11 **(1) a civil;**
12 **(2) an administrative;**
13 **(3) a disciplinary; or**
14 **(4) a criminal;**
15 **action that might otherwise be imposed as a result of such**
16 **disclosure.**
17 **(e) Except as otherwise provided in this article, information and**
18 **records acquired by the statewide child fatality review committee**
19 **in the exercise of its duties under this chapter are confidential and**
20 **exempt from disclosure.**
21 **(f) Records, information, documents, and reports acquired or**
22 **produced by the statewide child fatality review committee are not:**
23 **(1) subject to subpoena or discovery; or**
24 **(2) admissible as evidence;**
25 **in any judicial or administrative proceeding. Information that is**
26 **otherwise discoverable or admissible from original sources is not**
27 **immune from discovery or use in any proceeding merely because**
28 **the information was presented during proceedings before the**
29 **statewide child fatality review committee.**
30 **Sec. 6. In reviewing the death of a child under this chapter, the**
31 **statewide child fatality review committee shall:**
32 **(1) identify the factors that surrounded or contributed to the**
33 **death of the child;**
34 **(2) determine whether similar deaths could be prevented in**
35 **the future;**
36 **(3) if applicable, identify:**
37 **(A) agencies and entities that should be involved; and**
38 **(B) any other resources that should be used;**
39 **to adequately prevent future deaths of children; and**
40 **(4) if applicable, identify solutions to improve practice and**
41 **policy and enhance coordination.**
42 **Sec. 7. (a) The chairperson of the statewide child fatality review**
43 **committee shall be selected by the governor.**
44 **(b) The statewide child fatality review committee shall meet at**
45 **the call of the chairperson.**
46 **Sec. 8. The chairperson of the statewide child fatality review**
47 **committee shall do the following:**

- 1 **(1) Work with the state child fatality review coordinator to**
- 2 **prepare the agenda for each meeting of the statewide child**
- 3 **fatality review committee.**
- 4 **(2) Work with the state child fatality review coordinator to:**
- 5 **(A) prepare the annual report of the statewide child**
- 6 **fatality review committee described in section 11 of this**
- 7 **chapter; and**
- 8 **(B) ensure compliance with section 9 of this chapter.**
- 9 **(3) Upon the conclusion of a review of a child fatality, destroy**
- 10 **all records, information, and documents obtained by the**
- 11 **statewide child fatality review committee under section 5 of**
- 12 **this chapter.**

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

15 **(b) A meeting of the statewide child fatality review committee**
 16 **that involves:**

- 17 **(1) confidential records; or**
- 18 **(2) identifying information regarding the death of a child that**
- 19 **is confidential under state or federal law;**
- 20 **shall be held as an executive session.**

21 **(c) If a meeting is held as an executive session under subsection**
 22 **(b), each invitee who:**

- 23 **(1) attends the meeting; and**
- 24 **(2) is not a member of the statewide child fatality review**
- 25 **committee;**
- 26 **shall sign a confidentiality statement prepared by the state child**
- 27 **fatality review coordinator.**

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

- 31 **(1) may discuss among themselves confidential matters that**
- 32 **are before the statewide child fatality review committee;**
- 33 **(2) are bound by all applicable laws regarding the**
- 34 **confidentiality of matters reviewed by the statewide child**
- 35 **fatality review committee; and**
- 36 **(3) except when acting:**
- 37 **(A) with malice;**
- 38 **(B) in bad faith; or**
- 39 **(C) with gross negligence;**
- 40 **are immune from any civil or criminal liability that might**
- 41 **otherwise be imposed as a result of communicating among**
- 42 **themselves about confidential matters that are before the**
- 43 **statewide child fatality review committee.**

44 **Sec. 11. (a) The statewide child fatality review committee shall**
 45 **submit to the legislative council, governor, department of child**
 46 **services, state department, and commission on improving the**
 47 **status of children in Indiana on or before December 31 of each**

- 1 year a report that includes the following information:
- 2 (1) A summary of the data collected and reviewed by the
- 3 statewide child fatality review committee in the previous
- 4 calendar year.
- 5 (2) Trends and patterns that have been identified by the
- 6 statewide child fatality review committee concerning deaths
- 7 of children in Indiana.
- 8 (3) Recommended actions or resources to prevent future child
- 9 fatalities in Indiana.

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

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

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

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

21 (b) Except as otherwise provided in this article, review data
 22 concerning a child fatality is confidential and may not be released.

23 **Sec. 13.** The discussions, determinations, conclusions, and
 24 recommendations of the statewide child fatality review committee
 25 or its members, concerning a review of a child fatality, at a meeting
 26 of the statewide child fatality review committee:

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

32 **Sec. 14.** A member of the statewide child fatality review
 33 committee is not entitled to receive compensation or per diem but
 34 is entitled to receive mileage on the days on which the member is
 35 engaged in the business of the statewide child fatality review
 36 committee.

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

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

41 **Sec. 1.** The state department shall employ a state child fatality
 42 review coordinator to do the following:

- 43 (1) Assist the statewide child fatality review committee
- 44 chairperson in establishing agendas for meetings of the
- 45 statewide child fatality review committee.
- 46 (2) Coordinate information and materials for the meetings of
- 47 the statewide child fatality review committee.

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

- 1 accordance with IC 16-49-4-9.
- 2 **Sec. 2. (a) The state child fatality review coordinator shall**
- 3 **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 that include the following**
- 9 **information:**
- 10 **(A) Whether similar future deaths could be prevented.**
- 11 **(B) A list of:**
- 12 **(i) agencies and entities that should be involved; and**
- 13 **(ii) any other resources that should be used;**
- 14 **to adequately prevent future child deaths in the area.**
- 15 **(b) The state child fatality review coordinator shall develop a**
- 16 **confidentiality form for use by the statewide child fatality review**
- 17 **committee and local child fatality review teams.**
- 18 **Sec. 3. The following must be paid from funds appropriated to**
- 19 **the state department:**
- 20 **(1) The salary of the state child fatality review coordinator.**
- 21 **(2) Expenses for any training for:**
- 22 **(A) the state child fatality review coordinator;**
- 23 **(B) members of the statewide child fatality review**
- 24 **committee; and**
- 25 **(C) members of local child fatality review teams.**
- 26 **(3) Other expenses related to the duties of the state child**
- 27 **fatality review coordinator.**
- 28 SECTION 12. IC 31-9-2-43.3 IS REPEALED [EFFECTIVE JULY
- 29 1, 2013]. Sec. 43.3: "Emergency medical services", for purposes of
- 30 IC 31-33-24, has the meaning set forth in IC 31-33-24-2.
- 31 (b) "Emergency medical services", for purposes of IC 31-33-25, has
- 32 the meaning set forth in IC 31-33-25-2.
- 33 SECTION 13. IC 31-9-2-76.4 IS REPEALED [EFFECTIVE JULY
- 34 1, 2013]. Sec. 76.4: (a) "Local child fatality review team", for purposes
- 35 of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.
- 36 (b) "Local child fatality review team", for purposes of IC 31-33-25,
- 37 has the meaning set forth in IC 31-33-25-3.
- 38 SECTION 14. IC 31-9-2-80.5 IS REPEALED [EFFECTIVE JULY
- 39 1, 2013]. Sec. 80.5: (a) "Mental health provider", for purposes of
- 40 IC 31-33-24, has the meaning set forth in IC 31-33-24-4.
- 41 (b) "Mental health provider", for purposes of IC 31-33-25, has the
- 42 meaning set forth in IC 31-33-25-4.
- 43 SECTION 15. IC 31-9-2-121.5 IS REPEALED [EFFECTIVE JULY
- 44 1, 2013]. Sec. 121.5: (a) "Statewide child fatality review committee",
- 45 for purposes of IC 31-33-24, has the meaning set forth in
- 46 IC 31-33-24-5.

1 (b) "Statewide child fatality review committee"; for purposes of
2 ~~IC 31-33-25~~; has the meaning set forth in ~~IC 31-33-25-5~~.

3 SECTION 16. IC 31-25-2-20.4, AS AMENDED BY P.L.128-2012,
4 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 20.4. (a) The department shall establish at least
6 three (3) citizen review panels in accordance with the requirements of
7 the federal Child Abuse Prevention and Treatment Act under 42 U.S.C.
8 5106a.

9 (b) A citizen review panel consists of volunteer members who
10 broadly represent the community in which the panel is established,
11 including members who have expertise in the prevention and treatment
12 of child abuse and neglect.

13 (c) The department shall appoint the citizen review panels in the
14 following manner:

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

18 (2) One (1) panel must be either:

19 (A) the statewide child fatality review committee established
20 under ~~IC 31-33-25-6~~; **IC 16-49-4**; or

21 (B) a local child fatality review team established under
22 ~~IC 31-33-24-6~~; **IC 16-49-2**;

23 selected by the director of the department with the consent of the
24 committee or team.

25 (3) One (1) panel must be a foster care advisory panel consisting
26 of at least five (5) and not more than eleven (11) members,
27 selected to the extent feasible from the membership of any foster
28 care advisory group previously established or recognized by the
29 department. If the panel consists of seven (7) or fewer members,
30 the panel must include at least one (1) foster parent licensed by
31 the department and one (1) foster parent licensed by the
32 department through a child placing agency licensed under
33 IC 31-27-6. If the panel consists of more than seven (7) members,
34 the panel must include two (2) foster parents licensed by the
35 department and two (2) foster parents licensed by the department
36 through a child placing agency licensed under IC 31-27-6.
37 Additional members of the panel must include one (1) or more
38 individuals who are employed by a child placing agency licensed
39 under IC 31-27-6 and who provide services to foster families and
40 children placed by the department in out-of-home placements,
41 and may include other representatives of child welfare service
42 providers or persons who provide training to current or
43 prospective foster parents. All members of this panel must be
44 individuals who are not employees of the department.

45 (4) The membership of any additional citizen review panels
46 established under this section shall be determined by the director

1 of the department, consistent with the guidelines for panel
2 membership stated in subsection (b) and the purposes and
3 functions of the panels as described in this section.

4 (5) Each citizen review panel shall be appointed for a term of
5 three (3) years beginning July 1, 2007. Upon expiration of the
6 term of the panel described in subdivision (1), the director of the
7 department shall select a community child protection team
8 established in a different county for the succeeding term. Upon
9 expiration of the term of the panel described in subdivision (2),
10 the director of the department shall select a different fatality
11 review team, or committee, if available, for the succeeding term.
12 Panels appointed under subdivision (3) or (4) may be reappointed
13 for successive terms, in the discretion of the director of the
14 department. The director may appoint individuals as needed to fill
15 vacancies that occur during the term of any panel appointed under
16 subdivision (3) or (4).

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

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

24 (e) Each citizen review panel shall:

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

29 (f) The department shall, not more than six (6) months after the date
30 the department receives a report from a citizen review panel under
31 subsection (e), submit to the citizen review panel a written response
32 indicating whether and how the department will incorporate the
33 recommendations of the citizen review panel. The department shall at
34 the same time provide appropriate child welfare agencies with copies
35 of the department's written response.

36 (g) A child welfare agency shall make all reports and other materials
37 in the child welfare agency's possession available to a citizen review
38 panel established under this section, including any reports and
39 materials that the child welfare agency has received from other
40 agencies.

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

- 44 (1) a specific child protective services case or child welfare
- 45 agency case;
- 46 (2) a child or member of the child's family who is the subject of

- 1 a child protective services assessment; or
- 2 (3) any other individuals identified in confidential reports,
- 3 documents, or other materials.
- 4 (i) If a member of a citizen review panel violates subsection (h), the
- 5 department may remove the member from the citizen review panel.
- 6 (j) A child welfare agency shall cooperate and work with each
- 7 citizen review panel established under this section.

8 SECTION 17. IC 31-25-2-24 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: **Sec. 24. The department shall**
 11 **annually prepare a report concerning all child fatalities in Indiana**
 12 **that are the result of child abuse or neglect. The report must**
 13 **include the following information:**

- 14 (1) A summary of the information gathered concerning child
- 15 fatalities resulting from abuse or neglect.
- 16 (2) Demographic information regarding victims, perpetrators,
- 17 and households involved in child fatalities resulting from
- 18 abuse or neglect.
- 19 (3) An analysis of the primary risk factors involved in child
- 20 fatalities resulting from abuse or neglect.
- 21 (4) A summary of the most frequent causes of child fatalities
- 22 resulting from abuse or neglect.
- 23 (5) A description of the manner in which the information was
- 24 assembled.

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

27 SECTION 18. IC 31-33-18-1, AS AMENDED BY P.L.128-2012,
 28 SECTION 153, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in section
 30 1.5 of this chapter, the following are confidential:

- 31 (1) Reports made under this article (or IC 31-6-11 before its
- 32 repeal).
- 33 (2) Any other information obtained, reports written, or
- 34 photographs taken concerning the reports in the possession of:
- 35 (A) the division of family resources;
- 36 (B) the local office;
- 37 (C) the department; or
- 38 (D) the department of child services ombudsman established
- 39 by IC 4-13-19-3.

40 (b) Except as provided in section 1.5 of this chapter, all records held
 41 by:

- 42 (1) the division of family resources;
- 43 (2) a local office;
- 44 (3) the department;
- 45 (4) a local child fatality review team established under
- 46 ~~IC 31-33-24~~; **IC 16-49-2**;

1 (5) the statewide child fatality review committee established
 2 under ~~IC 31-33-25~~; **IC 16-49-4**; or
 3 (6) the department of child services ombudsman established by
 4 IC 4-13-19-3;
 5 regarding the death of a child determined to be a result of abuse,
 6 abandonment, or neglect are confidential and may not be disclosed.
 7 SECTION 19. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012,
 8 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to
 10 records held by:
 11 (1) a local office;
 12 (2) the department; **or**
 13 ~~(3) a local child fatality review team established under~~
 14 ~~IC 31-33-24;~~
 15 ~~(4) the statewide child fatality review committee established~~
 16 ~~under IC 31-33-25; or~~
 17 ~~(5) (3) the department of child services ombudsman established~~
 18 ~~by IC 4-13-19-3;~~
 19 regarding a child whose death or near fatality may have been the result
 20 of abuse, abandonment, or neglect.
 21 (b) For purposes of subsection (a), a child's death or near fatality
 22 may have been the result of abuse, abandonment, or neglect if:
 23 (1) an entity described in subsection (a) determines that the child's
 24 death or near fatality is the result of abuse, abandonment, or
 25 neglect; or
 26 (2) a prosecuting attorney files:
 27 (A) an indictment or information; or
 28 (B) a complaint alleging the commission of a delinquent act;
 29 that, if proven, would cause a reasonable person to believe that
 30 the child's death or near fatality may have been the result of
 31 abuse, abandonment, or neglect.
 32 Upon the request of any person, or upon its own motion, the court
 33 exercising juvenile jurisdiction in the county in which the child's death
 34 or near fatality occurred shall determine whether the allegations
 35 contained in the indictment, information, or complaint described in
 36 subdivision (2), if proven, would cause a reasonable person to believe
 37 that the child's death or near fatality may have been the result of abuse,
 38 abandonment, or neglect.
 39 (c) If the juvenile court finds that the child's death or near fatality
 40 was the result of abuse, abandonment, or neglect, the court shall make
 41 written findings and provide a copy of the findings and the indictment,
 42 information, or complaint described under subsection (b)(2) to the
 43 department.
 44 (d) As used in this section:
 45 (1) "case" means:
 46 (A) any intake report generated by the department;

- 1 (B) any investigation or assessment conducted by the
- 2 department; or
- 3 (C) ongoing involvement between the department and a child
- 4 or family that is the result of:
 - 5 (i) a program of informal adjustment; or
 - 6 (ii) a child in need of services action;
- 7 for which related records and documents have not been expunged
- 8 as required by law or by a court at the time the department is
- 9 notified of a fatality or near fatality;
- 10 (2) "contact" means in person communication about a case in
- 11 which:
 - 12 (A) the child who is the victim of a fatality or near fatality is
 - 13 alleged to be a victim; or
 - 14 (B) the perpetrator of the fatality or near fatality is alleged to
 - 15 be the perpetrator;
- 16 (3) "identifying information" means information that identifies an
- 17 individual, including an individual's:
 - 18 (A) name, address, date of birth, occupation, place of
 - 19 employment, and telephone number;
 - 20 (B) employer identification number, mother's maiden name,
 - 21 Social Security number, or any identification number issued by
 - 22 a governmental entity;
 - 23 (C) unique biometric data, including the individual's
 - 24 fingerprint, voice print, or retina or iris image;
 - 25 (D) unique electronic identification number, address, or
 - 26 routing code;
 - 27 (E) telecommunication identifying information; or
 - 28 (F) telecommunication access device, including a card, a plate,
 - 29 a code, an account number, a personal identification number,
 - 30 an electronic serial number, a mobile identification number, or
 - 31 another telecommunications service or device or means of
 - 32 account access; and
- 33 (4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.
- 34 (e) Unless information in a record is otherwise confidential under
- 35 state or federal law, a record described in subsection (a) that has been
- 36 redacted in accordance with this section is not confidential and may be
- 37 disclosed to any person who requests the record. The person requesting
- 38 the record may be required to pay the reasonable expenses of copying
- 39 the record.
- 40 (f) When a person requests a record described in subsection (a), the
- 41 entity having control of the record shall immediately transmit a copy of
- 42 the record to the court exercising juvenile jurisdiction in the county in
- 43 which the death or near fatality of the child occurred. However, if the
- 44 court requests that the entity having control of a record transmit the
- 45 original record, the entity shall transmit the original record.
- 46 (g) Upon receipt of the record described in subsection (a), the court

- 1 shall, within thirty (30) days, redact the record to exclude:
- 2 (1) identifying information described in subsection (d)(3)(B)
- 3 through (d)(3)(F) of a person; and
- 4 (2) all identifying information of a child less than eighteen (18)
- 5 years of age.
- 6 (h) The court shall disclose the record redacted in accordance with
- 7 subsection (g) to any person who requests the record, if the person has
- 8 paid:
- 9 (1) to the entity having control of the record, the reasonable
- 10 expenses of copying under IC 5-14-3-8; and
- 11 (2) to the court, the reasonable expenses of copying the record.
- 12 (i) The data and information in a record disclosed under this section
- 13 must include the following:
- 14 (1) A summary of the report of abuse or neglect and a factual
- 15 description of the contents of the report.
- 16 (2) The date of birth and gender of the child.
- 17 (3) The cause of the fatality or near fatality, if the cause has been
- 18 determined.
- 19 (4) Whether the department had any contact with the child or the
- 20 perpetrator before the fatality or near fatality, and, if the
- 21 department had contact, the following:
- 22 (A) The frequency of the contact with the child or the
- 23 perpetrator before the fatality or near fatality and the date on
- 24 which the last contact occurred before the fatality or near
- 25 fatality.
- 26 (B) A summary of the status of the child's case at the time of
- 27 the fatality or near fatality, including:
- 28 (i) whether the child's case was closed by the department
- 29 before the fatality or near fatality; and
- 30 (ii) if the child's case was closed as described under item (i),
- 31 the date of closure and the reasons that the case was closed.
- 32 (j) The court's determination under subsection (g) that certain
- 33 identifying information or other information is not relevant to
- 34 establishing the facts and circumstances leading to the death or near
- 35 fatality of a child is not admissible in a criminal proceeding or civil
- 36 action.
- 37 SECTION 20. IC 31-33-18-2, AS AMENDED BY P.L.48-2012,
- 38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2013]: Sec. 2. The reports and other material described in
- 40 section 1(a) of this chapter and the unredacted reports and other
- 41 material described in section 1(b) of this chapter shall be made
- 42 available only to the following:
- 43 (1) Persons authorized by this article.
- 44 (2) A legally mandated public or private child protective agency
- 45 investigating a report of child abuse or neglect or treating a child
- 46 or family that is the subject of a report or record.

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

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

1 **the state department of health under IC 16-49-5-1.**
2 SECTION 21. IC 31-33-24 IS REPEALED [EFFECTIVE JULY 1,
3 2013]. (Child Fatality Review Teams).
4 SECTION 22. IC 31-33-25 IS REPEALED [EFFECTIVE JULY 1,
5 2013]. (Statewide Child Fatality Review Committee).
6 SECTION 23. IC 34-30-2-84.2 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 84.2. IC 16-49-3-5 (Concerning**
9 **hospitals, physicians, coroners, law enforcement officers, and**
10 **mental health providers who provide certain records to local child**
11 **fatality review teams.)**
12 SECTION 24. IC 34-30-2-84.3 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: **Sec. 84.3. IC 16-49-3-9 (Concerning**
15 **a member of a local child fatality review team or an individual who**
16 **attends a meeting of a local child fatality review team as an invitee**
17 **of the chairperson).**
18 SECTION 25. IC 34-30-2-84.4 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2013]: **Sec. 84.4. IC 16-49-4-5 (Concerning**
21 **hospitals, physicians, coroners, law enforcement officers, and**
22 **mental health providers who provide certain records to the**
23 **statewide child fatality review committee.)**
24 SECTION 26. IC 34-30-2-84.6 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: **Sec. 84.6. IC 16-49-4-10 (Concerning**
27 **a member of the statewide child fatality review committee or an**
28 **individual who attends a meeting of the statewide child fatality**
29 **review committee as an invitee of the chairperson).**
30 SECTION 27. IC 34-30-2-134.3 IS REPEALED [EFFECTIVE
31 JULY 1, 2013]. ~~Sec. 134.3. IC 31-33-24-12 (Concerning a member of~~
32 ~~a local child fatality review team or a person who attends a meeting of~~
33 ~~a local child fatality review team as an invitee of the chairperson):~~
34 SECTION 28. IC 34-30-2-134.6 IS REPEALED [EFFECTIVE
35 JULY 1, 2013]. ~~Sec. 134.6. IC 31-33-25-11 (Concerning a member of~~
36 ~~the statewide child fatality review committee or a person who attends~~
37 ~~a meeting of the statewide child fatality review committee as an invitee~~
38 ~~of the chairperson):~~
39 SECTION 29. IC 34-46-2-11.4 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2013]: **Sec. 11.4. IC 16-49-3-13 (Concerning**
42 **discussions, determinations, conclusions, and recommendations of**
43 **a local child fatality review team.)**
44 SECTION 30. IC 34-46-2-11.5 IS ADDED TO THE INDIANA
45 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. IC 16-49-4-13 (Concerning**

1 **discussions, determinations, conclusions, and recommendations of**
2 **the statewide child fatality review committee.)**

3 SECTION 31. IC 36-2-14-18, AS AMENDED BY P.L.3-2008,
4 SECTION 257, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) Notwithstanding
6 IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the
7 coroner is required to make available for public inspection and copying
8 the following:

- 9 (1) The name, age, address, sex, and race of the deceased.
- 10 (2) The address where the dead body was found, or if there is no
11 address the location where the dead body was found and, if
12 different, the address where the death occurred, or if there is no
13 address the location where the death occurred.
- 14 (3) The name of the agency to which the death was reported and
15 the name of the person reporting the death.
- 16 (4) The name of any public official or governmental employee
17 present at the scene of the death and the name of the person
18 certifying or pronouncing the death.
- 19 (5) Information regarding an autopsy (requested or performed)
20 limited to the date, the person who performed the autopsy, where
21 the autopsy was performed, and a conclusion as to:
 - 22 (A) the probable cause of death;
 - 23 (B) the probable manner of death; and
 - 24 (C) the probable mechanism of death.
- 25 (6) The location to which the body was removed, the person
26 determining the location to which the body was removed, and the
27 authority under which the decision to remove the body was made.
- 28 (7) The records required to be filed by a coroner under section 6
29 of this chapter and the verdict and the written report required
30 under section 10 of this chapter.

31 (b) A county coroner or a coroner's deputy who receives an
32 investigatory record from a law enforcement agency shall treat the
33 investigatory record with the same confidentiality as the law
34 enforcement agency would treat the investigatory record.

35 (c) Notwithstanding any other provision of this section, a coroner
36 shall make available a full copy of an autopsy report, other than a
37 photograph, a video recording, or an audio recording of the autopsy,
38 upon the written request of a parent of the decedent, an adult child of
39 the decedent, a next of kin of the decedent, or an insurance company
40 investigating a claim arising from the death of the individual upon
41 whom the autopsy was performed. A parent of the decedent, an adult
42 child of the decedent, a next of kin of the decedent, and an insurance
43 company are prohibited from publicly disclosing any information
44 contained in the report beyond that information that may otherwise be
45 disclosed by a coroner under this section. This prohibition does not
46 apply to information disclosed in communications in conjunction with

1 the investigation, settlement, or payment of the claim.

2 (d) Notwithstanding any other provision of this section, a coroner

3 shall make available a full copy of an autopsy report, other than a

4 photograph, a video recording, or an audio recording of the autopsy,

5 upon the written request of:

6 (1) the director of the division of disability and rehabilitative

7 services established by IC 12-9-1-1;

8 (2) the director of the division of mental health and addiction

9 established by IC 12-21-1-1; or

10 (3) the director of the division of aging established by

11 IC 12-9.1-1-1;

12 in connection with a division's review of the circumstances surrounding

13 the death of an individual who received services from a division or

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

15 (e) Notwithstanding any other provision of this section, a coroner

16 shall make available, upon written request, a full copy of an autopsy

17 report, including a photograph, a video recording, or an audio recording

18 of the autopsy, to:

19 (1) the department of child services established by IC 31-25-1-1,

20 including an office of the department located in the county where

21 the death occurred;

22 (2) the statewide child fatality review committee established by

23 ~~IC 31-33-25-6~~; **IC 16-49-4**; or

24 (3) a county child fatality review team or regional child fatality

25 review team established under ~~IC 31-33-24-6~~ **by the county or**

26 **IC 16-49-2** for the **county area** where the death occurred;

27 for purposes of an entity described in subdivisions (1) through (3)

28 conducting a review or an investigation of the circumstances

29 surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and

30 making a determination as to whether the death of the child was a

31 result of abuse, abandonment, or neglect. An autopsy report made

32 available under this subsection is confidential and shall not be

33 disclosed to another individual or agency, unless otherwise authorized

34 or required by law.

35 (f) Except as provided in subsection (g), the information required to

36 be available under subsection (a) must be completed not later than

37 fourteen (14) days after the completion of:

38 (1) the autopsy report; or

39 (2) if applicable, any other report, including a toxicology report,

40 requested by the coroner as part of the coroner's investigation;

41 whichever is completed last.

42 (g) The prosecuting attorney may petition a circuit or superior court

43 for an order prohibiting the coroner from publicly disclosing the

44 information required in subsection (a). The prosecuting attorney shall

45 serve a copy of the petition on the coroner.

46 (h) Upon receipt of a copy of the petition described in subsection

1 (g), the coroner shall keep the information confidential until the court
 2 rules on the petition.

3 (i) The court shall grant a petition filed under subsection (g) if the
 4 prosecuting attorney proves by a preponderance of the evidence that
 5 public access or dissemination of the information specified in
 6 subsection (a) would create a significant risk of harm to the criminal
 7 investigation of the death. The court shall state in the order the reasons
 8 for granting or denying the petition. An order issued under this
 9 subsection must use the least restrictive means and duration possible
 10 when restricting access to the information. Information to which access
 11 is restricted under this subsection is confidential.

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

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

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

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

22 (1) summarily grant, modify, or dismiss the petition; or
 23 (2) set the matter for hearing.

24 If the court sets the matter for hearing, upon the motion of any party or
 25 upon the court's own motion, the court may close the hearing to the
 26 public.

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

29 (1) the public interest will be served by allowing access; and
 30 (2) access to the information specified in subsection (a) would not
 31 create a significant risk to the criminal investigation of the death;
 32 the court shall modify or terminate its order restricting access to the
 33 information. In ruling on a request under this subsection, the court shall
 34 state the court's reasons for granting or denying the request."

35 Renumber all SECTIONS consecutively.
 (Reference is to SB 125 as printed February 1, 2013.)

Senator HEAD