



January 25, 2013

SENATE BILL No. 572

DIGEST OF SB 572 (Updated January 23, 2013 11:15 am - DI 106)

Citations Affected: IC 16-18; IC 16-37; IC 16-49; IC 31-9; IC 31-25; IC 31-33; IC 34-30; IC 36-2.

Synopsis: Child fatality reviews. Establishes a child fatality committee in each county to: (1) determine whether to establish a county or regional child fatality review team for the county; (2) appoint members to the local child fatality review team; and (3) determine whether the committee will enter into a memorandum of understanding with another local child fatality review team to receive, upon request, guidance and expertise from the other local child fatality review team. Requires the department of health to employ a state child fatality review coordinator to assist the statewide child fatality review committee and assist local child fatality review teams. Establishes other duties for the state child fatality review coordinator. Establishes duties and responsibilities of local child fatality review teams and the statewide child fatality review committee. Requires the following to be paid from funds appropriated to the state department of health: (1) The salary of the state child fatality review coordinator. (2) Expenses for training for the state child fatality review coordinator, members of local child fatality review teams, and members of the statewide child fatality review committee. (3) Other expenses related to the duties of the state child fatality review coordinator. Repeals current provisions concerning local child fatality review teams and the statewide child fatality review committee. Relocates certain provisions that are repealed concerning local child fatality review teams and the statewide child fatality review committee.

Effective: July 1, 2013.

Head, Eckerty, Randolph, Broden

January 15, 2013, read first time and referred to Committee on Judiciary.
January 24, 2013, reported favorably — Do Pass.

SB 572—LS 7411/DI 110+



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January 25, 2013

First Regular Session 118th General Assembly (2013)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 572

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-18-2-54.3, AS ADDED BY P.L.1-2010,
2 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 54.3. **(a)** "Child", for purposes of IC 16-35-8, has
4 the meaning set forth in IC 16-35-8-1.

5 **(b) "Child", for purposes of IC 16-49, has the meaning set forth**
6 **in IC 16-49-1-2.**

7 SECTION 2. IC 16-18-2-54.4 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: **Sec. 54.4. "Child fatality committee",**
10 **for purposes of IC 16-49, has the meaning set forth in IC 16-49-1-3.**

11 SECTION 3. IC 16-18-2-86.3 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013]: **Sec. 86.3. "County child fatality**
14 **review team" for purposes of IC 16-49, has the meaning set forth**
15 **in IC 16-49-1-4.**

16 SECTION 4. IC 16-18-2-110 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. **(a)** "Emergency

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1 medical services", for purposes of IC 16-31, means the provision of
 2 emergency ambulance services or other services, including extrication
 3 and rescue services, utilized in serving an individual's need for
 4 immediate medical care in order to prevent loss of life or aggravation
 5 of physiological or psychological illness or injury.

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

8 SECTION 5. IC 16-18-2-210.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: **Sec. 210.5. "Local child fatality review
 11 team", for purposes of IC 16-49, has the meaning set forth in
 12 IC 16-49-1-6.**

13 SECTION 6. IC 16-18-2-225.8 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 225.8. (a) "Mental
 15 health provider", for purposes of IC 16-36-1.5, has the meaning set
 16 forth in IC 16-36-1.5-2.

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

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

24 SECTION 8. IC 16-18-2-338.7 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: **Sec. 338.7. "State child fatality review
 27 coordinator" for purposes of IC 16-49, has the meaning set forth
 28 in IC 16-49-1-9.**

29 SECTION 9. IC 16-18-2-340.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2013]: **Sec. 340.5. "Statewide child fatality
 32 review committee", for purposes of IC 16-49, has the meaning set
 33 forth in IC 16-49-1-10.**

34 SECTION 10. IC 16-37-3-9, AS AMENDED BY P.L.81-2005,
 35 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 9. (a) The local health officer shall, from the
 37 stillbirth and death certificates, make a permanent record of the:

- 38 (1) name;
 39 (2) sex;
 40 (3) age;
 41 (4) place of death;
 42 (5) residence; and



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1 (6) for a death certificate only:
 2 (A) residence addresses of the deceased during the two (2)
 3 years before the death; and
 4 (B) Social Security number;
 5 of the deceased.

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

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

16 (d) The local health officer may make records of other data in
 17 connection with deaths for statistical purposes or for the purpose of
 18 planning health programs. Records under this subsection are not public
 19 records.

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

24 SECTION 11. IC 16-49 IS ADDED TO THE INDIANA CODE AS
 25 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2013]:

27 **ARTICLE 49. CHILD FATALITY REVIEWS**

28 **Chapter 1. Definitions**

29 **Sec. 1. The definitions in this chapter apply throughout this**
 30 **article.**

31 **Sec. 2. "Child" means an individual less than eighteen (18) years**
 32 **of age.**

33 **Sec. 3. "Child fatality committee" means the child fatality**
 34 **committee established under IC 16-49-2-1.**

35 **Sec. 4. "County child fatality review team" means a child**
 36 **fatality review team established by a child fatality committee under**
 37 **IC 16-49-2 for a county.**

38 **Sec. 5. "Emergency medical services" means the provision of**
 39 **emergency ambulance services or other services, including**
 40 **extrication and rescue services, utilized in serving an individual's**
 41 **need for immediate medical care in order to prevent loss of life or**
 42 **aggravation of physiological or psychological illness or injury.**



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1 **Sec. 6. "Local child fatality review team" refers to a county or**
2 **regional child fatality review team established by a child fatality**
3 **committee under IC 16-49-2.**

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

5 **(1) A registered nurse or licensed practical nurse licensed**
6 **under IC 25-23.**

7 **(2) A clinical social worker licensed under IC 25-23.6-5.**

8 **(3) A marriage and family therapist licensed under**
9 **IC 25-23.6-8.**

10 **(4) A psychologist licensed under IC 25-33.**

11 **(5) A school psychologist licensed by the Indiana state board**
12 **of education.**

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

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

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

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

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

25 **(1) The county prosecutor or a representative of the county**
26 **prosecutor of the county.**

27 **(2) The county coroner or a deputy coroner of the county**
28 **representing the county coroner.**

29 **(3) A representative from:**

30 **(A) a county health department established under**
31 **IC 16-20-2;**

32 **(B) a health and hospital corporation established under**
33 **IC 16-22-8; or**

34 **(C) a multiple county health department established under**
35 **IC 16-20-3;**

36 **that is located in or serves the county.**

37 **(4) A representative from the department of child services.**

38 **(5) A representative of law enforcement from the county.**

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

42 **(b) The child fatality committee members shall select a**

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chairperson at the first meeting.

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

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

(1) Determine whether to establish a:

(A) county child fatality review team; or

(B) regional child fatality review team;

for the county.

(2) Appoint members to the local child fatality review team in accordance with the member requirements established under this chapter.

(3) Determine whether the committee will enter into a memorandum of understanding with another local child fatality review team to receive, upon request, guidance and expertise from the other local child fatality review team.

Sec. 4. (a) A local child fatality review team consists of the following members:

(1) A county prosecutor or a representative of a county prosecutor from the area served by the local child fatality review team.

(2) A county coroner or a deputy coroner from the area served by the local child fatality review team.

(3) A representative from:

(A) a county health department established under IC 16-20-2;

(B) a health and hospital corporation established under IC 16-22-8; or

(C) a multiple county health department established under IC 16-20-3;

that is located in or serves the area served by the local child fatality review team.

(4) A representative from the department of child services.

(5) A representative of law enforcement from the area served by the local child fatality review team.

(6) A pediatrician or family practice physician residing or practicing medicine in the area served by the local child fatality review team.

(7) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.

(8) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served

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1 by the local child fatality review team.
 2 (9) A representative from a school district in the area served
 3 by the local child fatality review team.
 4 (10) A mental health provider providing services in the area
 5 served by the local child fatality review team.
 6 (b) In addition to the members under subsection (a), a local
 7 child fatality review team shall have:
 8 (1) a member on the team who is a pathologist with forensic
 9 experience who is licensed to practice medicine in Indiana and
 10 who, if feasible, is certified by the American Board of
 11 Pathology in forensic pathology; or
 12 (2) an agreement with a pathologist described in subdivision
 13 (1) for the provision of the pathologist's services and
 14 expertise, as needed by the local child fatality review team.
 15 **Sec. 5. A local child fatality review team may have additional**
 16 **members from the following categories:**
 17 (1) A representative of a hospital located in the area served by
 18 the local child fatality review team.
 19 (2) A representative from a juvenile or probate court in the
 20 area served by the local child fatality review team.
 21 (3) Other representatives requested to serve as members by
 22 the:
 23 (A) child fatality committee; or
 24 (B) local child fatality review team.
 25 (4) A representative from the department of natural resources
 26 who lives or works in the area served by the local child
 27 fatality review team.
 28 (5) A representative from Prevent Child Abuse Indiana (an
 29 organization for the prevention of child abuse) who lives or
 30 works in the area served by the local child fatality review
 31 team.
 32 (6) One (1) of the following:
 33 (A) A court appointed special advocate who provides court
 34 appointed special advocate services in the area served by
 35 the local child fatality review team.
 36 (B) A guardian ad litem who provides guardian ad litem
 37 services in the area served by the local child fatality review
 38 team.
 39 **Sec. 6. If the local child fatality review team is a regional child**
 40 **fatality review team, more than one (1) member of each of the**
 41 **members listed in section 4 of this chapter may serve on the local**
 42 **child fatality review team if each of the members represents a**

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- 1 different county served by the regional child fatality review team.
- 2 **Sec. 7. Not later than ninety (90) days after the first meeting of**
- 3 **the child fatality committee, the county prosecutor or county**
- 4 **prosecutor's representative shall submit a report to the state child**
- 5 **fatality review coordinator that includes the following information:**
- 6 **(1) Whether the child fatality committee established a:**
- 7 **(A) county child fatality review team; or**
- 8 **(B) regional child fatality review team.**
- 9 **(2) The names and contact numbers of all of the members of**
- 10 **the local child fatality review team.**
- 11 **(3) Whether the child fatality committee will or has entered**
- 12 **into a memorandum of understanding described under section**
- 13 **3(3) of this chapter.**
- 14 **(4) Any assistance the child fatality committee would like**
- 15 **from the state child fatality review coordinator in forming the**
- 16 **local child fatality review team.**

Chapter 3. Local Child Fatality Review Teams

- 17 **Chapter 3. Local Child Fatality Review Teams**
- 18 **Sec. 1. (a) The local child fatality review team shall meet for the**
- 19 **first meeting of the local child fatality review team at the call of a**
- 20 **county prosecutor or county prosecutor's representative.**
- 21 **(b) The members of a local child fatality review team shall elect**
- 22 **a member to serve as the chairperson at the first meeting.**
- 23 **(c) The members of the local child fatality review team shall**
- 24 **meet at the call of the chairperson for all meetings after the first**
- 25 **meeting.**
- 26 **Sec. 2. (a) Before a local child fatality review team may review**
- 27 **the death of a child as provided under section 3 of this chapter, the**
- 28 **following must occur:**
- 29 **(1) The members of the local child fatality review team and**
- 30 **any individuals who are invited by the chairperson to attend**
- 31 **a meeting of the local child fatality review team sign a**
- 32 **confidentiality statement prepared by the state child fatality**
- 33 **review coordinator under IC 16-49-5-2.**
- 34 **(2) The members of the local child fatality review team review**
- 35 **the purpose and goal of the local child fatality review team**
- 36 **regarding the death of a child.**
- 37 **(3) The members of the local child fatality review team review**
- 38 **the data collection form developed by the state child fatality**
- 39 **review coordinator under IC 16-49-5-2.**
- 40 **(b) A local child fatality review team may:**
- 41 **(1) appoint additional members as provided in IC 16-49-2-5**
- 42 **to the local child fatality review team; and**

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1 (2) if there is a vacancy on the local child fatality review team,
 2 appoint an individual to fill the vacancy.
 3 **Sec. 3. (a) A local child fatality review team shall review the**
 4 **death of a child that:**
 5 (1) occurred in the area served by the local child fatality
 6 review team; and
 7 (2) is one (1) or more of the following:
 8 (A) Sudden.
 9 (B) Unexpected.
 10 (C) Unexplained.
 11 (D) Assessed by the department of child services for
 12 alleged abuse or neglect that resulted in the fatality.
 13 (E) Determined by a coroner in the area served by the local
 14 child fatality review team to be the result of a homicide,
 15 suicide, or accident.
 16 **(b) In conducting a child fatality review under subsection (a),**
 17 **the local child fatality review team shall review all applicable**
 18 **records and information related to the death of the child, including**
 19 **the following:**
 20 (1) Records held by the:
 21 (A) local or state health department; and
 22 (B) department of child services.
 23 (2) Medical records.
 24 (3) Law enforcement records.
 25 (4) Autopsy reports.
 26 (5) Records of the coroner.
 27 (6) Mental health reports.
 28 **(c) Except as otherwise provided under this article, information**
 29 **and records acquired by the local child fatality review team in the**
 30 **exercise of its duties under this chapter are confidential and**
 31 **exempt from disclosure.**
 32 **Sec. 4. The local child fatality review team shall review the**
 33 **death certificate of a child received from a local health officer to**
 34 **determine if the local child fatality review team is required to**
 35 **review the death of the child as required under section 3 of this**
 36 **chapter.**
 37 **Sec. 5. Subject to IC 34-30-15, if the local child fatality review**
 38 **team requests records from a hospital, physician, coroner, law**
 39 **enforcement officer, or mental health professional regarding a**
 40 **death that the local child fatality review team is reviewing, the**
 41 **hospital, physician, coroner, law enforcement officer, or mental**
 42 **health professional shall provide the requested records to the local**

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- 1 child fatality review team.
- 2 **Sec. 6. In reviewing the death of a child under this chapter, the**
- 3 **local child fatality review team shall:**
- 4 (1) identify the factors that surrounded or contributed to the
- 5 death of the child;
- 6 (2) determine whether similar deaths could be prevented in
- 7 the future;
- 8 (3) if applicable, identify:
- 9 (A) agencies and entities that should be involved; and
- 10 (B) any other resources that should be used;
- 11 to adequately prevent future deaths of children; and
- 12 (4) if applicable, identify defects in the system and solutions to
- 13 those defects.
- 14 **Sec. 7. (a) A local child fatality review team may prepare and**
- 15 **release a report that may include the following information:**
- 16 (1) A summary of the data collected regarding the reviews
- 17 conducted by the local child fatality review team.
- 18 (2) Actions recommend by the local child fatality review team
- 19 to prevent injuries to children and child deaths in the area
- 20 served by the local child fatality review team.
- 21 (3) Solutions proposed for system inadequacies.
- 22 (b) A report released under this section may not contain
- 23 identifying information relating to the fatalities reviewed by the
- 24 local child fatality review team.
- 25 (c) Except as otherwise provided in this article, review data
- 26 concerning a child fatality is confidential and may not be released.
- 27 **Sec. 8. (a) Except as provided in subsection (b), meetings of a**
- 28 **local child fatality review team are open to the public.**
- 29 (b) Meetings of a local child fatality review team that involve
- 30 confidential records or identifying information regarding the death
- 31 of a child that is confidential under state or federal law must be
- 32 held as executive sessions.
- 33 (c) If an executive session is held under subsection (b), each
- 34 invitee who:
- 35 (1) attends a meeting of the local child fatality review team;
- 36 and
- 37 (2) is not a member of the local child fatality review team;
- 38 shall sign a confidentiality statement prepared by the state child
- 39 fatality review coordinator under IC 16-49-5-2. The chairperson of
- 40 the local child fatality review team shall keep all confidentiality
- 41 statements signed under this subsection.
- 42 **Sec. 9. Members of a local child fatality review team and**

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1 individuals who attend a meeting of a local child fatality review
2 team as invitees of the chairperson:

- 3 (1) may discuss among themselves confidential matters that
- 4 are before the local child fatality review team;
- 5 (2) are bound by all applicable laws regarding the
- 6 confidentiality of matters reviewed by the local child fatality
- 7 review team; and
- 8 (3) except when acting:
 - 9 (A) with malice;
 - 10 (B) in bad faith; or
 - 11 (C) with negligence;
- 12 are immune from any civil or criminal liability that might
- 13 otherwise be imposed as a result of sharing among themselves
- 14 confidential matters that are before the local child fatality
- 15 review team.

16 **Sec. 10. The chairperson of a local child fatality review team**
17 **shall do the following:**

- 18 (1) Prepare the agenda for each meeting.
- 19 (2) Provide notices of meetings to all members of the local
- 20 child fatality review team.
- 21 (3) Maintain confidentiality forms signed in accordance with
- 22 sections 2(1) and 8(c) of this chapter.
- 23 (4) Ensure all new members of the child fatality review team
- 24 and invitees sign the confidentiality forms as required under
- 25 sections 2(1) and 8(c) of this chapter.
- 26 (5) Record all review data regarding the death of a child using
- 27 the data collection tools provided by the state child fatality
- 28 review coordinator and enter the information into the
- 29 electronic data collection system.
- 30 (6) Attend training on the data collection tools.
- 31 (7) Serve as a liaison between the local child fatality review
- 32 team and the:
 - 33 (A) statewide child fatality review committee; and
 - 34 (B) state child fatality review coordinator.
- 35 (8) Ensure compliance with section 8 of this chapter.

36 **Sec. 11. The department of child services shall have access to all**
37 **data submitted by a local child fatality review team, including**
38 **access to the electronic data collection system, to assist the**
39 **department of child services in the report required under**
40 **IC 31-25-2-24.**

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

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- by the local child fatality review team.
- Chapter 4. Statewide Child Fatality Review Committee**
- Sec. 1. The statewide child fatality review committee is established to:**
 - (1) identify similarities, trends, and factual patterns concerning the deaths of children in Indiana;
 - (2) create strategies and make recommendations for the prevention of injuries to and deaths of children;
 - (3) provide expertise, consultation, guidance, and training to local child fatality review teams; and
 - (4) advise and educate the legislature, governor, and public on the status of child fatalities in Indiana.
- Sec. 2. The statewide child fatality review committee consists of the following members appointed by the governor:**
 - (1) A coroner or deputy coroner.
 - (2) A representative from the state department who:
 - (A) is a licensed physician; and
 - (B) specializes in injury prevention.
 - (3) A representative of a:
 - (A) local health department established under IC 16-20-2; or
 - (B) a multiple county health department established under IC 16-20-3.
 - (4) A pediatrician.
 - (5) A representative of law enforcement who has experience in investigating child deaths.
 - (6) A representative from an emergency medical services provider.
 - (7) The director or a representative of the department of child services.
 - (8) A representative of a prosecuting attorney who has experience is prosecuting child abuse.
 - (9) A pathologist who is:
 - (A) certified by the American Board of Pathology in forensic pathology; and
 - (B) licensed to practice medicine in Indiana.
 - (10) A mental health provider.
 - (11) A representative of a child abuse prevention program.
 - (12) A representative of the department of education.
 - (13) An epidemiologist.
 - (14) The state child fatality review coordinator.
 - (15) At the discretion of the department of child services

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1 ombudsman, a representative of the office of department of
2 child services ombudsman established by IC 4-13-19-3.
3 **Sec. 3. All members of the statewide child fatality review**
4 **committee and any individuals invited to attend a meeting of the**
5 **statewide child fatality review committee shall sign a**
6 **confidentiality statement prepared by the state child fatality review**
7 **coordinator.**
8 **Sec. 4. The statewide child fatality review committee shall do the**
9 **following:**
10 **(1) Compile and analyze data recorded by local child fatality**
11 **review teams in reviewing child fatalities.**
12 **(2) Review child mortality records and examine all other**
13 **records relevant to child fatalities in Indiana.**
14 **(3) Assist efforts by local child fatality review teams by:**
15 **(A) overseeing the creation of standardized forms and**
16 **protocols necessary for the review of child deaths;**
17 **(B) providing expertise by answering questions related to**
18 **a child's death that a local child fatality review team is**
19 **reviewing;**
20 **(C) establishing and sponsoring training programs for**
21 **members of local child fatality review teams; and**
22 **(D) providing, upon request of a local child fatality review**
23 **team, expertise in creating local prevention strategies.**
24 **(4) Upon request by a local child fatality review team or the**
25 **department of child services ombudsman established by**
26 **IC 4-13-19-3, assist in or conduct a review of the death of a**
27 **child as provided under section 5 of this chapter.**
28 **(5) Create strategies and make recommendations for the**
29 **safety of children and prevention of serious injuries or deaths**
30 **of children.**
31 **Sec. 5. (a) Upon request by a local child fatality review team or**
32 **the department of child services ombudsman established by**
33 **IC 4-13-19-3, the statewide child fatality review committee shall**
34 **assist a local child fatality review team or conduct a review of the**
35 **death of a child that:**
36 **(1) occurred in Indiana; and**
37 **(2) is one (1) or more of the following:**
38 **(A) Sudden.**
39 **(B) Unexpected.**
40 **(C) Unexplained.**
41 **(D) Assessed by the department of child services for**
42 **alleged abuse or neglect that resulted in the fatality.**

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1 (E) Determined by a coroner in the area served by the local
2 child fatality review team to be the result of a homicide,
3 suicide, or accident.

4 (b) In conducting a child fatality review under subsection (a),
5 the statewide child fatality review committee shall review all
6 applicable records and information related to the death of the
7 child, including the following:

8 (1) Records held by the:

9 (A) local or state health department; and
10 (B) department of child services.

11 (2) Medical records.
12 (3) Law enforcement records.
13 (4) Autopsy reports.
14 (5) Records of the coroner.
15 (6) Mental health reports.

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

23 (d) Except as otherwise provided in this article, information and
24 records acquired by the statewide child fatality review committee
25 in the exercise of its duties under this chapter are confidential and
26 exempt from disclosure.

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

29 (1) identify the factors that surrounded or contributed to the
30 death of the child;
31 (2) determine whether similar deaths could be prevented in
32 the future;
33 (3) if applicable, identify:

34 (A) agencies and entities that should be involved; and
35 (B) any other resources that should be used;
36 to adequately prevent future deaths of children; and
37 (4) if applicable, identify defects in the system and solutions to
38 those defects.

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

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

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

- (1) Work with the state child fatality review coordinator to prepare the agenda for each meeting.**
- (2) Prepare the annual report of the statewide child fatality review committee described in section 11 of this chapter.**
- (3) Ensure compliance with section 9 of this chapter.**

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

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

- (1) confidential records; or**
- (2) identifying information regarding the death of a child that is confidential under state or federal law;**

shall be held as an executive session.

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

- (1) attends the meeting; and**
- (2) is not a member of the statewide child fatality review committee;**

shall sign a confidentiality statement prepared by the state child fatality review coordinator.

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

- (1) may discuss among themselves confidential matters that are before the statewide child fatality review committee;**
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child fatality review committee; and**
- (3) except when acting:**
 - (A) with malice;**
 - (B) in bad faith; or**
 - (C) with gross negligence;**

are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the statewide child fatality review committee.

Sec. 11. (a) The statewide child fatality review committee shall submit a report to the legislative council, governor, department of child services, and the state department on or before January 1 of each year that includes the following information:

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- 1 (1) The status of child fatalities reviewed by the statewide
- 2 child fatality review committee in the previous year.
- 3 (2) Trends and patterns that have been identified by the
- 4 statewide child fatality review committee concerning deaths
- 5 of children in Indiana.
- 6 (3) Recommended actions or resources to prevent future child
- 7 fatalities in Indiana.

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

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

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

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

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

21 Sec. 13. The testimony of a member of the statewide child
 22 fatality review committee is not admissible as evidence concerning
 23 an investigation by the statewide child fatality review committee.

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 in which the member is
 27 engaged in the business of the statewide child fatality review team.

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

31 Chapter 5. State Child Fatality Review Coordinator

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

- 34 (1) Assist the statewide child fatality review committee
- 35 chairperson in establishing agendas for meetings of the
- 36 statewide child fatality review committee.
- 37 (2) Coordinate information and materials for the meetings of
- 38 the statewide child fatality review committee.
- 39 (3) Compile raw data for presentation to the statewide child
- 40 fatality review committee.
- 41 (4) Contact the appropriate individuals if any issues with the
- 42 electronic data collection system occur.

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

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- 1 develop a data collection form that includes:
- 2 (1) identifying and nonidentifying information;
- 3 (2) information regarding the circumstances surrounding a
- 4 death;
- 5 (3) factors contributing to a death; and
- 6 (4) findings and recommendations that include the following
- 7 information:
- 8 (A) Whether similar future deaths could be prevented.
- 9 (B) A list of:
- 10 (i) agencies and entities that should be involved; and
- 11 (ii) any other resources that should be used;
- 12 to adequately prevent future child deaths in the area.
- 13 (b) The state child fatality review coordinator shall develop a
- 14 confidentiality form for use by the statewide child fatality review
- 15 committee and local child fatality review teams.

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

- 18 (1) The salary of the state child fatality review coordinator.
- 19 (2) Expenses for any training for:
- 20 (A) the state child fatality review coordinator;
- 21 (B) members of the statewide child fatality review
- 22 committee; and
- 23 (C) members of local child fatality review teams.
- 24 (3) Other expenses related to the duties of the state child
- 25 fatality review coordinator.

26 SECTION 12. IC 31-9-2-43.3 IS REPEALED [EFFECTIVE JULY
 27 1, 2013]. Sec: 43.3: "Emergency medical services", for purposes of
 28 IC 31-33-24, has the meaning set forth in IC 31-33-24-2.

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

31 SECTION 13. IC 31-9-2-76.4 IS REPEALED [EFFECTIVE JULY
 32 1, 2013]. Sec: 76.4: (a) "Local child fatality review team", for purposes
 33 of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.

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

36 SECTION 14. IC 31-9-2-80.5 IS REPEALED [EFFECTIVE JULY
 37 1, 2013]. Sec: 80.5: (a) "Mental health provider", for purposes of
 38 IC 31-33-24, has the meaning set forth in IC 31-33-24-4.

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

41 SECTION 15. IC 31-9-2-121.5 IS REPEALED [EFFECTIVE JULY
 42 1, 2013]. Sec: 121.5: (a) "Statewide child fatality review committee",

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1 for purposes of IC 31-33-24, has the meaning set forth in
2 IC 31-33-24-5.

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

5 SECTION 16. IC 31-25-2-20.4, AS AMENDED BY P.L.128-2012,
6 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 20.4. (a) The department shall establish at least
8 three (3) citizen review panels in accordance with the requirements of
9 the federal Child Abuse Prevention and Treatment Act under 42 U.S.C.
10 5106a.

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

15 (c) The department shall appoint the citizen review panels in the
16 following manner:

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

20 (2) One (1) panel must be either:
21 (A) the statewide child fatality review committee established
22 under ~~IC 31-33-25-6~~; **IC 16-49-4**; or

23 (B) a local child fatality review team established under
24 ~~IC 31-33-24-6~~; **IC 16-49-2**;
25 selected by the director of the department with the consent of the
26 committee or team.

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

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1 and may include other representatives of child welfare service
 2 providers or persons who provide training to current or
 3 prospective foster parents. All members of this panel must be
 4 individuals who are not employees of the department.
 5 (4) The membership of any additional citizen review panels
 6 established under this section shall be determined by the director
 7 of the department, consistent with the guidelines for panel
 8 membership stated in subsection (b) and the purposes and
 9 functions of the panels as described in this section.
 10 (5) Each citizen review panel shall be appointed for a term of
 11 three (3) years beginning July 1, 2007. Upon expiration of the
 12 term of the panel described in subdivision (1), the director of the
 13 department shall select a community child protection team
 14 established in a different county for the succeeding term. Upon
 15 expiration of the term of the panel described in subdivision (2),
 16 the director of the department shall select a different fatality
 17 review team, or committee, if available, for the succeeding term.
 18 Panels appointed under subdivision (3) or (4) may be reappointed
 19 for successive terms, in the discretion of the director of the
 20 department. The director may appoint individuals as needed to fill
 21 vacancies that occur during the term of any panel appointed under
 22 subdivision (3) or (4).
 23 (d) A citizen review panel shall evaluate the extent to which a child
 24 welfare agency is effectively discharging the agency's child protection
 25 responsibilities by examining:
 26 (1) the policies and procedures of child welfare agencies;
 27 (2) if appropriate, specific child protective services cases; and
 28 (3) other criteria the citizen review panel considers important to
 29 ensure the protection of children.
 30 (e) Each citizen review panel shall:
 31 (1) meet at least one (1) time every three (3) months; and
 32 (2) prepare and make available to the department and the public
 33 an annual report that contains a summary of the activities of the
 34 citizen review panel.
 35 (f) The department shall, not more than six (6) months after the date
 36 the department receives a report from a citizen review panel under
 37 subsection (e), submit to the citizen review panel a written response
 38 indicating whether and how the department will incorporate the
 39 recommendations of the citizen review panel. The department shall at
 40 the same time provide appropriate child welfare agencies with copies
 41 of the department's written response.
 42 (g) A child welfare agency shall make all reports and other materials

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1 in the child welfare agency's possession available to a citizen review
2 panel established under this section, including any reports and
3 materials that the child welfare agency has received from other
4 agencies.

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

- 8 (1) a specific child protective services case or child welfare
9 agency case;
- 10 (2) a child or member of the child's family who is the subject of
11 a child protective services assessment; or
- 12 (3) any other individuals identified in confidential reports,
13 documents, or other materials.

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

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

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

- 24 (1) **A summary of the information gathered concerning child
25 fatalities resulting from abuse or neglect.**
- 26 (2) **Demographic information regarding victims, perpetrators,
27 and households involved in child fatalities resulting from
28 abuse or neglect.**
- 29 (3) **An analysis of the primary risk factors involved in child
30 fatalities resulting from abuse or neglect.**
- 31 (4) **A summary of the most frequent causes of child fatalities
32 resulting from abuse or neglect.**
- 33 (5) **A description of the manner in which the information was
34 assembled.**

35 **The department shall post the report prepared under this
36 subsection to the department's Internet web site.**

37 SECTION 18. IC 31-33-18-1, AS AMENDED BY P.L.128-2012,
38 SECTION 153, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2013]: **Sec. 1. (a) Except as provided in section
40 1.5 of this chapter, the following are confidential:**

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

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- 1 (2) Any other information obtained, reports written, or
- 2 photographs taken concerning the reports in the possession of:
- 3 (A) the division of family resources;
- 4 (B) the local office;
- 5 (C) the department; or
- 6 (D) the department of child services ombudsman established
- 7 by IC 4-13-19-3.

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

- 10 (1) the division of family resources;
- 11 (2) a local office;
- 12 (3) the department;
- 13 (4) a local child fatality review team established under
- 14 ~~IC 31-33-24~~; **IC 16-49-2**;
- 15 (5) the statewide child fatality review committee established
- 16 under ~~IC 31-33-25~~; **IC 16-49-4**; or
- 17 (6) the department of child services ombudsman established by
- 18 IC 4-13-19-3;

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

21 SECTION 19. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012,
22 SECTION 154, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to
24 records held by:

- 25 (1) a local office;
- 26 (2) the department;
- 27 (3) a local child fatality review team established under
- 28 ~~IC 31-33-24~~; **IC 16-49-2**;
- 29 (4) the statewide child fatality review committee established
- 30 under ~~IC 31-33-25~~; **IC 16-49-4**; or
- 31 (5) the department of child services ombudsman established by
- 32 IC 4-13-19-3;

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

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

- 37 (1) an entity described in subsection (a) determines that the child's
- 38 death or near fatality is the result of abuse, abandonment, or
- 39 neglect; or
- 40 (2) a prosecuting attorney files:
- 41 (A) an indictment or information; or
- 42 (B) a complaint alleging the commission of a delinquent act;

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- 1 that, if proven, would cause a reasonable person to believe that
 2 the child's death or near fatality may have been the result of
 3 abuse, abandonment, or neglect.
- 4 Upon the request of any person, or upon its own motion, the court
 5 exercising juvenile jurisdiction in the county in which the child's death
 6 or near fatality occurred shall determine whether the allegations
 7 contained in the indictment, information, or complaint described in
 8 subdivision (2), if proven, would cause a reasonable person to believe
 9 that the child's death or near fatality may have been the result of abuse,
 10 abandonment, or neglect.
- 11 (c) If the juvenile court finds that the child's death or near fatality
 12 was the result of abuse, abandonment, or neglect, the court shall make
 13 written findings and provide a copy of the findings and the indictment,
 14 information, or complaint described under subsection (b)(2) to the
 15 department.
- 16 (d) As used in this section:
- 17 (1) "case" means:
- 18 (A) any intake report generated by the department;
 19 (B) any investigation or assessment conducted by the
 20 department; or
 21 (C) ongoing involvement between the department and a child
 22 or family that is the result of:
- 23 (i) a program of informal adjustment; or
 24 (ii) a child in need of services action;
 25 for which related records and documents have not been expunged
 26 as required by law or by a court at the time the department is
 27 notified of a fatality or near fatality;
- 28 (2) "contact" means in person communication about a case in
 29 which:
- 30 (A) the child who is the victim of a fatality or near fatality is
 31 alleged to be a victim; or
 32 (B) the perpetrator of the fatality or near fatality is alleged to
 33 be the perpetrator;
- 34 (3) "identifying information" means information that identifies an
 35 individual, including an individual's:
- 36 (A) name, address, date of birth, occupation, place of
 37 employment, and telephone number;
 38 (B) employer identification number, mother's maiden name,
 39 Social Security number, or any identification number issued by
 40 a governmental entity;
 41 (C) unique biometric data, including the individual's
 42 fingerprint, voice print, or retina or iris image;

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

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

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- 1 care for, treat, or supervise a child who is the subject of a report
- 2 or record or a parent, guardian, custodian, or other person who is
- 3 responsible for the child's welfare.
- 4 (7) An individual named in the report or record who is alleged to
- 5 be abused or neglected or, if the individual named in the report is
- 6 a child or is otherwise incompetent, the individual's guardian ad
- 7 litem or the individual's court appointed special advocate, or both.
- 8 (8) Each parent, guardian, custodian, or other person responsible
- 9 for the welfare of a child named in a report or record and an
- 10 attorney of the person described under this subdivision, with
- 11 protection for the identity of reporters and other appropriate
- 12 individuals.
- 13 (9) A court, for redaction of the record in accordance with section
- 14 1.5 of this chapter, or upon the court's finding that access to the
- 15 records may be necessary for determination of an issue before the
- 16 court. However, except for disclosure of a redacted record in
- 17 accordance with section 1.5 of this chapter, access is limited to in
- 18 camera inspection unless the court determines that public
- 19 disclosure of the information contained in the records is necessary
- 20 for the resolution of an issue then pending before the court.
- 21 (10) A grand jury upon the grand jury's determination that access
- 22 to the records is necessary in the conduct of the grand jury's
- 23 official business.
- 24 (11) An appropriate state or local official responsible for child
- 25 protection services or legislation carrying out the official's official
- 26 functions.
- 27 (12) A foster care review board established by a juvenile court
- 28 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the
- 29 court's determination that access to the records is necessary to
- 30 enable the foster care review board to carry out the board's
- 31 purpose under IC 31-34-21.
- 32 (13) The community child protection team appointed under
- 33 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 34 enable the team to carry out the team's purpose under IC 31-33-3.
- 35 (14) A person about whom a report has been made, with
- 36 protection for the identity of:
 - 37 (A) any person reporting known or suspected child abuse or
 - 38 neglect; and
 - 39 (B) any other person if the person or agency making the
 - 40 information available finds that disclosure of the information
 - 41 would be likely to endanger the life or safety of the person.
- 42 (15) An employee of the department, a caseworker, or a juvenile

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1 probation officer conducting a criminal history check under
 2 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
 3 appropriateness of an out-of-home placement for a:
 4 (A) child at imminent risk of placement;
 5 (B) child in need of services; or
 6 (C) delinquent child.

7 The results of a criminal history check conducted under this
 8 subdivision must be disclosed to a court determining the
 9 placement of a child described in clauses (A) through (C).

10 (16) A local child fatality review team established under
 11 ~~IC 31-33-24-6.~~ **IC 16-49-2.**

12 (17) The statewide child fatality review committee established by
 13 ~~IC 31-33-25-6.~~ **IC 16-49-4.**

14 (18) The department.

15 (19) The division of family resources, if the investigation report:
 16 (A) is classified as substantiated; and
 17 (B) concerns:
 18 (i) an applicant for a license to operate;
 19 (ii) a person licensed to operate;
 20 (iii) an employee of; or
 21 (iv) a volunteer providing services at;
 22 a child care center licensed under IC 12-17.2-4 or a child care
 23 home licensed under IC 12-17.2-5.

24 (20) A citizen review panel established under IC 31-25-2-20.4.

25 (21) The department of child services ombudsman established by
 26 IC 4-13-19-3.

27 (22) The state superintendent of public instruction with protection
 28 for the identity of:
 29 (A) any person reporting known or suspected child abuse or
 30 neglect; and
 31 (B) any other person if the person or agency making the
 32 information available finds that disclosure of the information
 33 would be likely to endanger the life or safety of the person.

34 **(23) The state department of health.**
 35 SECTION 21. IC 31-33-24 IS REPEALED [EFFECTIVE JULY 1,
 36 2013]. (Child Fatality Review Teams).
 37 SECTION 22. IC 31-33-25 IS REPEALED [EFFECTIVE JULY 1,
 38 2013]. (Statewide Child Fatality Review Committee).
 39 SECTION 23. IC 34-30-2-84.3 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2013]: **Sec. 84.3. IC 16-49-3-9 (Concerning**
 42 **a member of a local child fatality review team or an individual who**

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1 attends a meeting of a local child fatality review team as an invitee
2 of the chairperson).

3 SECTION 24. IC 34-30-2-84.4 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: **Sec. 84.4. IC 16-49-4-10 (Concerning**
6 **a member of the statewide child fatality review committee or an**
7 **individual who attends a meeting of the statewide child fatality**
8 **review committee as an invitee of the chairperson).**

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

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

37 (b) A county coroner or a coroner's deputy who receives an
38 investigatory record from a law enforcement agency shall treat the
39 investigatory record with the same confidentiality as the law
40 enforcement agency would treat the investigatory record.

41 (c) Notwithstanding any other provision of this section, a coroner
42 shall make available a full copy of an autopsy report, other than a

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1 photograph, a video recording, or an audio recording of the autopsy,
 2 upon the written request of a parent of the decedent, an adult child of
 3 the decedent, a next of kin of the decedent, or an insurance company
 4 investigating a claim arising from the death of the individual upon
 5 whom the autopsy was performed. A parent of the decedent, an adult
 6 child of the decedent, a next of kin of the decedent, and an insurance
 7 company are prohibited from publicly disclosing any information
 8 contained in the report beyond that information that may otherwise be
 9 disclosed by a coroner under this section. This prohibition does not
 10 apply to information disclosed in communications in conjunction with
 11 the investigation, settlement, or payment of the claim.

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

- 16 (1) the director of the division of disability and rehabilitative
- 17 services established by IC 12-9-1-1;
- 18 (2) the director of the division of mental health and addiction
- 19 established by IC 12-21-1-1; or
- 20 (3) the director of the division of aging established by
- 21 IC 12-9.1-1-1;

22 in connection with a division's review of the circumstances surrounding
 23 the death of an individual who received services from a division or
 24 through a division at the time of the individual's death.

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

- 29 (1) the department of child services established by IC 31-25-1-1,
- 30 including an office of the department located in the county where
- 31 the death occurred;
- 32 (2) the statewide child fatality review committee established by
- 33 ~~IC 31-33-25-6~~; **IC 16-49-4**; or
- 34 (3) a county child fatality review team or regional child fatality
- 35 review team established under ~~IC 31-33-24-6~~ **IC 16-49-2** by the
- 36 ~~county~~ or for the ~~county~~ **area** where the death occurred;

37 for purposes of an entity described in subdivisions (1) through (3)
 38 conducting a review or an investigation of the circumstances
 39 surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and
 40 making a determination as to whether the death of the child was a
 41 result of abuse, abandonment, or neglect. An autopsy report made
 42 available under this subsection is confidential and shall not be

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1 disclosed to another individual or agency, unless otherwise authorized
2 or required by law.

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

- 6 (1) the autopsy report; or
- 7 (2) if applicable, any other report, including a toxicology report,
8 requested by the coroner as part of the coroner's investigation;
9 whichever is completed last.

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

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

17 (i) The court shall grant a petition filed under subsection (g) if the
18 prosecuting attorney proves by a preponderance of the evidence that
19 public access or dissemination of the information specified in
20 subsection (a) would create a significant risk of harm to the criminal
21 investigation of the death. The court shall state in the order the reasons
22 for granting or denying the petition. An order issued under this
23 subsection must use the least restrictive means and duration possible
24 when restricting access to the information. Information to which access
25 is restricted under this subsection is confidential.

26 (j) Any person may petition the court to modify or terminate an
27 order issued under subsection (i). The petition for modification or
28 termination must allege facts demonstrating 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 person petitioning the court for modification or termination shall
33 serve a copy of the petition on the prosecuting attorney and the coroner.

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

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

38 If the court sets the matter for hearing, upon the motion of any party or
39 upon the court's own motion, the court may close the hearing to the
40 public.

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

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 572, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 572 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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