Reprinted
February 15, 2013

SENATE BILL No. 572

DIGEST OF SB 572 (Updated February 14, 2013 2:51 pm - DI 110)

Citations Affected: IC 16-18; IC 16-37; IC 16-39; IC 16-49; IC 31-9; IC 31-25; IC 31-33; IC 34-30; IC 34-46; 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 local child fatality review team will enter into a written agreement with another local child fatality review team to receive, upon request, services, 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 Relocates certain provisions that are repealed concerning local child fatality review teams and the statewide child fatality review committee.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, Zakas, Tallian, Stoops

January 15, 2013, read first time and referred to Committee on Judiciary.
January 24, 2013, reported favorably — Do Pass.
February 14, 2013, read second time, amended, ordered engrossed.

C o p y

Reprinted
February 15, 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.

C o p y

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) name;
(2) sex;
(3) age;
(4) place of death;
(5) residence; and

C o p y

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

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

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

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

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

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

(1) To individuals who meet the following conditions:
(A) Are employed by:
(i) the provider at the same facility or agency;
(ii) a managed care provider (as defined in IC 12-7-2-127(b)); or
(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.
(B) Are involved in the planning, provision, and monitoring of services.

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

(3) To the patient's court appointed counsel and to the Indiana

C o p y

protection and advocacy services commission.

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

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

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

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

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

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

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

C o p y

(C) IC 16-41-2-3.
(D) IC 31-25-3-2.
(E) IC 31-33-5-4.
(F) IC 34-30-16-2.
(G) IC 35-46-1-13.
(11) To the extent necessary to satisfy release of information requirements under the following statutes:
(A) IC 12-24-11-2.
(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
(C) IC 12-26-11.
(D) IC 16-49-3.
(E) IC 16-49-4.
(12) To another health care provider in a health care emergency.
(13) For legitimate business purposes as described in IC 16-39-5-3.
(14) Under a court order under IC 16-39-3.
(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:
(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
(C) The request specifies an individual patient.
(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.
(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.
(F) The mental health record information disclosed to the United States Secret Service includes only:
(i) the patient's name, age, and address;
(ii) the date of the patient's admission to or discharge from the facility; and
(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.
(16) To the statewide waiver ombudsman established under

C o p y

IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 12. IC 16-49 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 49. CHILD FATALITY REVIEWS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

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

Sec. 3. "Child fatality committee" means a child fatality committee established under IC 16-49-2-1.

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

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

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

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

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

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

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

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

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

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

Sec. 9. "State child fatality review coordinator" refers to the

C o p y

state child fatality review coordinator employed by the state department under IC 16-49-5-1.

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

Chapter 2. Establishing Local Child Fatality Review Teams

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

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

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

(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 county.

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

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

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

(b) The child fatality committee members shall select a 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 local child fatality review team will enter into a written agreement with another local child fatality review team to receive, upon request, services, guidance, and expertise from the other local child fatality review team.

C o p y

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 representative from a school district in the area served by the local child fatality review team.

(b) In addition to the members under subsection (a), a local child fatality review team shall:

(1) have as a member of the local child fatality review team:

(A) a pediatrician or family practice physician;

(B) a representative from an emergency medical services provider;

(C) a representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2); and

(D) a mental health provider; or

(2) enter into a written agreement with another local child fatality review team for the provision of services, guidance, and expertise of a person listed in subdivision (1)(A) through (1)(D) who is a member of that local child fatality review team.

(c) In addition to the members under subsection (a), a local child fatality review team shall have:

(1) a member on the team who is a pathologist with forensic experience who is licensed to practice medicine in Indiana and who, if feasible, is certified by the American Board of Pathology in forensic pathology; or

(2) an agreement with a pathologist described in subdivision

C o p y

(1) for the provision of the pathologist's services and expertise, as needed by the local child fatality review team.

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

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

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

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

(A) child fatality committee; or

(B) local child fatality review team.

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

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

(6) One (1) of the following:

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

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

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

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

(1) Whether the child fatality committee established a:

(A) county child fatality review team; or

(B) regional child fatality review team.

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

(3) Whether the child fatality committee will or has entered into a memorandum of understanding described under section

C o p y

3(3) of this chapter.

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

Chapter 3. Local Child Fatality Review Teams

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

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

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

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

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

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

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

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

(c) A local child fatality review team may:

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

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

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

(1) the death of the child is:

(A) sudden;

(B) unexpected;

(C) unexplained; or

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

(2) the coroner in the area served by the local child fatality review team determines that the cause of the death of the

C o p y

child is:

(A) undetermined; or

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

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

(1) Records held by the:

(A) local or state health department; and

(B) department of child services.

(2) Medical records.

(3) Law enforcement records.

(4) Autopsy reports.

(5) Records of the coroner.

(6) Mental health reports.

(c) Except as otherwise provided under this article, information and records acquired by the local child fatality review team in the exercise of its duties under this chapter are confidential and exempt from disclosure.

(d) Records, information, documents, and reports acquired or produced by a local child fatality review team are not:

(1) subject to subpoena or discovery; or

(2) admissible as evidence;

in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before a local child fatality review team.

Sec. 4. The local child fatality review team shall review the death certificate of a child received from a local health officer to determine if the local child fatality review team is required to review the death of the child as required under section 3 of this chapter.

Sec. 5. (a) Subject to IC 34-30-15, if the local child fatality review team requests records from a hospital, physician, coroner, law enforcement officer, or mental health professional regarding a death that the local child fatality review team is reviewing, the hospital, physician, coroner, law enforcement officer, or mental health professional shall provide the requested records to the local child fatality review team.

(b) A person who provides records in accordance with subsection (a) in good faith is not subject to liability in:

C o p y

(1) a civil;
(2) an administrative;
(3) a disciplinary; or
(4) a criminal;

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

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

(1) identify the factors that surrounded or contributed to the death of the child;
(2) determine whether similar deaths could be prevented in the future;
(3) if applicable, identify:
(A) agencies and entities that should be involved; and
(B) any other resources that should be used;

to adequately prevent future deaths of children; and

(4) if applicable, identify solutions to improve practice and policy and enhance coordination.

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

(1) A summary of the data collected regarding the reviews conducted by the local child fatality review team.
(2) Actions recommended by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.
(3) Solutions proposed for system inadequacies.

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

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

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

(b) Meetings of a local child fatality review team that involve confidential records or identifying information regarding the death of a child that is confidential under state or federal law must be held as executive sessions.

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

(1) attends a meeting of the local child fatality review team; and
(2) is not a member of the local child fatality review team;

C o p y

shall sign a confidentiality statement prepared by the state child fatality review coordinator under IC 16-49-5-2. The chairperson of the local child fatality review team shall keep all confidentiality statements signed under this subsection.

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

(1) may discuss among themselves confidential matters that are before the local child fatality review team;

(2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local child fatality review team; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with negligence;

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

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

(1) Prepare the agenda for each meeting.

(2) Provide notices of meetings to all members of the local child fatality review team.

(3) Maintain confidentiality forms signed in accordance with sections 2(1) and 8(c) of this chapter.

(4) Ensure all new members of the child fatality review team and invitees sign the confidentiality forms as required under sections 2(1) and 8(c) of this chapter.

(5) Record all review data regarding the death of a child using the data collection tools provided by the state child fatality review coordinator and enter the information into the electronic data collection system.

(6) Attend training on the data collection tools.

(7) Serve as a liaison between the local child fatality review team and the:

(A) statewide child fatality review committee; and

(B) state child fatality review coordinator.

(8) Ensure compliance with section 8 of this chapter.

(9) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the local

C o p y

child fatality review team under section 5 of this chapter.

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

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

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

(1) are privileged; and

(2) are not:

(A) subject to subpoena or discovery; or

(B) admissible as evidence;

in any judicial or administrative proceeding.

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) multiple county health department established under IC 16-20-3.

(4) A pediatrician.

(5) A representative of law enforcement who has experience

C o p y

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 in 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 ombudsman, a representative of the office of department of child services ombudsman established by IC 4-13-19-3.

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

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

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

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

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

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

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

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

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

(4) Upon request by a local child fatality review team or the department of child services ombudsman established by

C o p y

IC 4-13-19-3, assist in or conduct a review of the death of a child as provided under section 5 of this chapter.

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

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

(1) the death of the child is:

(A) sudden;

(B) unexpected;

(C) unexplained; or

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

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

(A) undetermined; or

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

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

(1) Records held by the:

(A) local or state health department; and

(B) department of child services.

(2) Medical records.

(3) Law enforcement records.

(4) Autopsy reports.

(5) Records of the coroner.

(6) Mental health reports.

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

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

(1) a civil;

C o p y

(2) an administrative;
(3) a disciplinary; or
(4) a criminal;
action that might otherwise be imposed as a result of such disclosure.

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

(f) Records, information, documents, and reports acquired or produced by the statewide child fatality review committee are not:
(1) subject to subpoena or discovery; or
(2) admissible as evidence;
in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before the statewide child fatality review committee.

Sec. 6. In reviewing the death of a child under this chapter, the statewide child fatality review committee shall:
(1) identify the factors that surrounded or contributed to the death of the child;
(2) determine whether similar deaths could be prevented in the future;
(3) if applicable, identify:
(A) agencies and entities that should be involved; and
(B) any other resources that should be used;
to adequately prevent future deaths of children; and
(4) if applicable, identify solutions to improve practice and policy and enhance coordination.

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

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

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 of the statewide child fatality review committee.
(2) Work with the state child fatality review coordinator to:
(A) prepare the annual report of the statewide child fatality review committee described in section 11 of this

Copy

chapter; and

(B) ensure compliance with section 9 of this chapter.

(3) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the statewide child fatality review committee under section 5 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 to the legislative council, governor, department of child services, and the state department on or before December 31 of each year a report that includes the following information:

(1) A summary of the data collected and reviewed by the

Copy

statewide child fatality review committee in the previous calendar year.

(2) Trends and patterns that have been identified by the statewide child fatality review committee concerning deaths of children in Indiana.

(3) Recommended actions or resources to prevent future child fatalities in Indiana.

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

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

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

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

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

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

(1) are privileged; and

(2) are not:

(A) subject to subpoena or discovery; or

(B) admissible as evidence;

in any judicial or administrative proceeding.

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

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

Chapter 5. State Child Fatality Review Coordinator

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

(1) Assist the statewide child fatality review committee chairperson in establishing agendas for meetings of the

C o p y

statewide child fatality review committee.
(2) Coordinate information and materials for the meetings of the statewide child fatality review committee.
(3) Compile raw data for presentation to the statewide child fatality review committee.
(4) Contact the appropriate individuals if any issues with the electronic data collection system occur.
(5) Record information concerning child fatality reviews conducted by the statewide child fatality review committee in the electronic data collection system.
(6) Record and compile recommendations by the statewide child fatality review committee for the prevention of child fatalities and investigate available prevention resources.
(7) Work with the chairperson of the statewide child fatality review committee to prepare the annual report described in IC 16-49-4-11.
(8) Facilitate distribution of the annual report described in IC 16-49-4-11.
(9) Represent the state of Indiana at national meetings concerning child fatalities and child fatality reviews.
(10) Assist local child fatality review teams by:
(A) assisting with the establishment of local child fatality review teams;
(B) acting as a liaison between the statewide child fatality review committee and local child fatality review teams;
(C) creating and providing forms, including the data collection form described in section 2 of this chapter, for local child fatality review teams and the statewide child fatality review committee;
(D) developing protocols for meetings of and fatality reviews conducted by local child fatality review teams;
(E) providing data collection tools that include collecting and storing:
(i) identifying and nonidentifying information;
(ii) information concerning the circumstances surrounding the death of a child;
(iii) information concerning factors that contributed to the death of a child; and
(iv) information concerning findings and recommendations regarding the death of a child by the local child fatality review team;
(F) providing training on data collection and technical

C o p y

assistance for the electronic data collection system;

(G) providing information on the prevention of child fatalities; and

(H) obtaining death certificates for local child fatality review teams if necessary.

(11) Coordinating local or statewide training related to child fatality review.

(12) Maintaining all confidentiality statements signed in accordance with IC 16-49-4-9.

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

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations that include the following information:

(A) Whether similar future deaths could be prevented.

(B) A list of:

(i) agencies and entities that should be involved; and

(ii) any other resources that should be used;

to adequately prevent future child deaths in the area.

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

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

(1) The salary of the state child fatality review coordinator.

(2) Expenses for any training for:

(A) the state child fatality review coordinator;

(B) members of the statewide child fatality review committee; and

(C) members of local child fatality review teams.

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

SECTION 13. IC 31-9-2-43.3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 43.3. "Emergency medical services", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-2.~~

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

SECTION 14. IC 31-9-2-76.4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 76.4. (a) "Local child fatality review team", for purposes~~

C o p y

~~of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.~~

~~(b) "Local child fatality review team", for purposes of IC 31-33-25, has the meaning set forth in IC 3133-25-3.~~

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

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

SECTION 16. IC 31-9-2-121.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 121.5. (a) "Statewide child fatality review committee", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-5.~~

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

SECTION 17. IC 31-25-2-20.4, AS AMENDED BY P.L.128-2012, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 20.4. (a) The department shall establish at least three (3) citizen review panels in accordance with the requirements of the federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106a.

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

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

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

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

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

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

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

(3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by

C o p y

the department and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

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

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

(1) the policies and procedures of child welfare agencies;

(2) if appropriate, specific child protective services cases; and

(3) other criteria the citizen review panel considers important to ensure the protection of children.

(e) Each citizen review panel shall:

(1) meet at least one (1) time every three (3) months; and

(2) prepare and make available to the department and the public

Copy

an annual report that contains a summary of the activities of the citizen review panel.

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

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

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

(1) a specific child protective services case or child welfare agency case;

(2) a child or member of the child's family who is the subject of a child protective services assessment; or

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

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

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

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

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

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

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

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

C o p y

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

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

SECTION 19. IC 31-33-18-1, AS AMENDED BY P.L.128-2012, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

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

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

(A) the division of family resources;

(B) the local office;

(C) the department; or

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

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

(1) the division of family resources;

(2) a local office;

(3) the department;

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

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

(6) the department of child services ombudsman established by IC 4-13-19-3;

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

SECTION 20. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to records held by:

(1) a local office;

(2) the department; **or**

~~(3) a local child fatality review team established under IC 31-33-24;~~

~~(4) the statewide child fatality review committee established under IC 31-33-25; or~~

~~(5)~~ **(3)** the department of child services ombudsman established by IC 4-13-19-3;

Copy

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

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

(1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or

(2) a prosecuting attorney files:

(A) an indictment or information; or

(B) a complaint alleging the commission of a delinquent act;

that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

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

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

(d) As used in this section:

(1) "case" means:

(A) any intake report generated by the department;

(B) any investigation or assessment conducted by the department; or

(C) ongoing involvement between the department and a child or family that is the result of:

(i) a program of informal adjustment; or

(ii) a child in need of services action;

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

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

(A) the child who is the victim of a fatality or near fatality is alleged to be a victim; or

(B) the perpetrator of the fatality or near fatality is alleged to

copy

be the perpetrator;

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

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(e) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(f) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(g) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

(h) The court shall disclose the record redacted in accordance with subsection (g) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

C o p y

(2) to the court, the reasonable expenses of copying the record.

(i) The data and information in a record disclosed under this section must include the following:

(1) A summary of the report of abuse or neglect and a factual description of the contents of the report.

(2) The date of birth and gender of the child.

(3) The cause of the fatality or near fatality, if the cause has been determined.

(4) Whether the department had any contact with the child or the perpetrator before the fatality or near fatality, and, if the department had contact, the following:

(A) The frequency of the contact with the child or the perpetrator before the fatality or near fatality and the date on which the last contact occurred before the fatality or near fatality.

(B) A summary of the status of the child's case at the time of the fatality or near fatality, including:

(i) whether the child's case was closed by the department before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the date of closure and the reasons that the case was closed.

(j) The court's determination under subsection (g) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 21. IC 31-33-18-2, AS AMENDED BY P.L.48-2012, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

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

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

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

C o p y

neglect.

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

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

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

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

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under

C o p y

IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

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

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

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

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

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

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

(22) The state superintendent of public instruction with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information

C o p y

would be likely to endanger the life or safety of the person.

(23) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.

SECTION 22. IC 31-33-24 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Child Fatality Review Teams).

SECTION 23. IC 31-33-25 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Statewide Child Fatality Review Committee).

SECTION 24. IC 34-30-2-84.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.2. IC 16-49-3-5 (Concerning hospitals, physicians, coroners, law enforcement officers, and mental health providers who provide certain records to local child fatality review teams.)**

SECTION 25. IC 34-30-2-84.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.3. IC 16-49-3-9 (Concerning a member of a local child fatality review team or an individual who attends a meeting of a local child fatality review team as an invitee of the chairperson).**

SECTION 26. IC 34-30-2-84.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.4. IC 16-49-4-5 (Concerning hospitals, physicians, coroners, law enforcement officers, and mental health providers who provide certain records to the statewide child fatality review committee.)**

SECTION 27. IC 34-30-2-84.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.6. IC 16-49-4-10 (Concerning a member of the statewide child fatality review committee or an individual who attends a meeting of the statewide child fatality review committee as an invitee of the chairperson).**

SECTION 28. IC 34-30-2-134.6 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 134.6. IC 31-33-25-11 (Concerning a member of the statewide child fatality review committee or a person who attends a meeting of the statewide child fatality review committee as an invitee of the chairperson).~~

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

SECTION 30. IC 34-46-2-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

C o p y

[EFFECTIVE JULY 1, 2013]: **Sec. 11.4. IC 16-49-3-13 (Concerning discussions, determinations, conclusions, and recommendations of a local child fatality review team.)**

SECTION 31. IC 34-46-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. IC 16-49-4-13 (Concerning discussions, determinations, conclusions, and recommendations of the statewide child fatality review committee.)**

SECTION 32. IC 36-2-14-18, AS AMENDED BY P.L.3-2008, SECTION 257, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

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

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

C o p y

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

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

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

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

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

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

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

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

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

C o p y

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

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

(1) the autopsy report; or

(2) if applicable, any other report, including a toxicology report, requested by the coroner as part of the coroner's investigation;

whichever is completed last.

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

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

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

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

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death.

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

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

(1) summarily grant, modify, or dismiss the petition; or

(2) set the matter for hearing.

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

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

C o p y

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;

the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request.

C o p y

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.

SENATE MOTION

Madam President: I move that Senate Bill 572 be amended to read as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

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

(1) To individuals who meet the following conditions:

(A) Are employed by:

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

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

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

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

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

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

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

(5) To the division of mental health and addiction for the purpose

Copy

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

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

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

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

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

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

(C) IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information

C o p y

requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(D) IC 16-49-3.

(E) IC 16-49-4.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or

C o p y

(a)(15) in good faith is immune from civil and criminal liability.".

Page 3, line 33, delete "the" and insert "**a**".

Page 5, line 12, delete "committee" and insert "**local child fatality review team**".

Page 5, line 13, delete "memorandum of understanding" and insert "**written agreement**".

Page 5, line 14, delete "guidance" and insert "**services, guidance,**".

Page 5, between lines 34 and 35, begin a new line block indented and insert:

"**(6) A representative from a school district in the area served by the local child fatality review team.**

(b) In addition to the members under subsection (a), a local child fatality review team shall:

(1) have as a member of the local child fatality review team:

(A) a pediatrician or family practice physician;

(B) a representative from an emergency medical services provider;

(C) a representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2); and

(D) a mental health provider; or

(2) enter into a written agreement with another local child fatality review team for the provision of services, guidance, and expertise of a person listed in subdivision (1)(A) through (1)(D) who is a member of that local child fatality review team.".

Page 5, delete lines 35 through 42.

Page 6, delete lines 1 through 5.

Page 6, line 6, delete "(b)" and insert "**(c)**".

Page 6, line 40, delete "member".

Page 7, line 1, delete "regional" and insert "**local**".

Page 7, delete lines 26 through 39, begin a new paragraph and insert:

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

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

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

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

(b) Any individuals who are invited by the chairperson to attend

C o p y

a meeting of a local child fatality review team shall sign a confidentiality statement prepared by the state child fatality review coordinator under IC 16-49-5-2.".

Page 7, line 40, delete "(b)" and insert "**(c)**".

Page 7, line 41, after "members" insert "**to the local child fatality review team**".

Page 7, line 41, delete "IC 16-49-2-5" and insert "**IC 16-49-2-5; and**".

Page 7, delete line 42.

Page 8, delete lines 3 through 15, begin a new paragraph and insert:

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

(1) the death of the child is:

(A) sudden;

(B) unexpected;

(C) unexplained; or

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

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

(A) undetermined; or

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

Page 8, line 17, delete "shall" and insert "**may**".

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"**(d) Records, information, documents, and reports acquired or produced by a local child fatality review team are not:**

(1) subject to subpoena or discovery; or

(2) admissible as evidence;

in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before a local child fatality review team.".

Page 8, line 37, after "5." insert "**(a)**".

Page 9, between lines 1 and 2, begin a new paragraph and insert:

"**(b) A person who provides records in accordance with subsection (a) in good faith is not subject to liability in:**

(1) a civil;

(2) an administrative;

(3) a disciplinary; or

C o p y

(4) a criminal;

action that might otherwise be imposed as a result of such disclosure.".

Page 9, delete lines 12 through 13, begin a new line block indented and insert:

"**(4) if applicable, identify solutions to improve practice and policy and enhance coordination.**".

Page 9, line 18, delete "recommend" and insert "**recommended**".

Page 10, line 16, after "team" insert "**or the chairperson's designee**".

Page 10, between lines 35 and 36, begin a new line block indented and insert:

"**(9) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the local child fatality review team under section 5 of this chapter.**".

Page 10, line 39, after "in" insert "**preparing**".

Page 11, between lines 1 and 2, begin a new paragraph and insert:

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

(1) are privileged; and

(2) are not:

(A) subject to subpoena or discovery; or

(B) admissible as evidence;

in any judicial or administrative proceeding.".

Page 11, line 22, delete "a".

Page 11, line 32, delete "is" and insert "**in**".

Page 12, delete lines 31 through 42, begin a new paragraph and insert:

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

(1) the death of the child is:

(A) sudden;

(B) unexpected;

(C) unexplained; or

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

(2) the coroner in the area in which the child's death occurred

C o p y

determines that the cause of the death of the child is:

(A) undetermined; or

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

Page 13, delete lines 1 through 3.

Page 13, line 5, delete "shall" and insert "**may**".

Page 13, between lines 22 and 23, begin a new paragraph and insert:

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

(1) a civil;

(2) an administrative;

(3) a disciplinary; or

(4) a criminal;

action that might otherwise be imposed as a result of such disclosure.".

Page 13, line 23, delete "(d)" and insert "**(e)**".

Page 13, between lines 26 and 27, begin a new paragraph and insert:

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

(1) subject to subpoena or discovery; or

(2) admissible as evidence;

in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before the statewide child fatality review committee.".

Page 13, delete lines 37 through 38, begin a new line block indented and insert:

"**(4) if applicable, identify solutions to improve practice and policy and enhance coordination.**".

Page 14, line 4, delete "meeting." and insert "**meeting of the statewide child fatality review committee.**".

Page 14, delete lines 5 through 7, begin a new line block indented and insert:

"**(2) Work with the state child fatality review coordinator to:**

(A) prepare the annual report of the statewide child fatality review committee described in section 11 of this chapter; and

(B) ensure compliance with section 9 of this chapter.

(3) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the statewide child fatality review committee under section 5 of this chapter.".

C o p y

Page 14, line 40, delete "a report".

Page 14, line 41, delete "January 1" and insert "**December 31**".

Page 14, line 42, after "year" insert "**a report**".

Page 15, delete lines 1 through 2, begin a new line block indented and insert:

"**(1) A summary of the data collected and reviewed by the statewide child fatality review committee in the previous calendar year.**".

Page 15, delete lines 21 through 23, begin a new paragraph and insert:

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

(1) are privileged; and

(2) are not:

(A) subject to subpoena or discovery; or

(B) admissible as evidence;

in any judicial or administrative proceeding.".

Page 15, line 27, delete "team." and insert "**committee.**".

Page 15, line 32, after "The" insert "**state**".

Page 16, between lines 6 and 7, begin a new line block indented and insert:

"**(7) Work with the chairperson of the statewide child fatality review committee to prepare the annual report described in IC 16-49-4-11.**".

Page 16, line 7, delete "(7)" and insert "**(8)**".

Page 16, line 9, delete "(8)" and insert "**(9)**".

Page 16, line 11, delete "(9)" and insert "**(10)**".

Page16, line 38, delete "(10)" and insert "**(11)**".

Page 16, line 40, delete "(11)" and insert "**(12)**".

Page 20, line 36, delete "subsection" and insert "**section**".

Page 20, line 36, delete "to" and insert "**on**".

Page 21, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 20. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to records held by:

(1) a local office;

(2) the department; **or**

~~(3) a local child fatality review team established under~~

C o p y

~~IC 31-33-24;~~

~~(4) the statewide child fatality review committee established under IC 31-33-25; or~~

~~(5)~~ **(3)** the department of child services ombudsman established by IC 4-13-19-3;

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

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

(1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or

(2) a prosecuting attorney files:

(A) an indictment or information; or

(B) a complaint alleging the commission of a delinquent act;

that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

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

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

(d) As used in this section:

(1) "case" means:

(A) any intake report generated by the department;

(B) any investigation or assessment conducted by the department; or

(C) ongoing involvement between the department and a child or family that is the result of:

(i) a program of informal adjustment; or

(ii) a child in need of services action;

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

C o p y

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

(A) the child who is the victim of a fatality or near fatality is alleged to be a victim; or

(B) the perpetrator of the fatality or near fatality is alleged to be the perpetrator;

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

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(e) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(f) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(g) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

C o p y

(h) The court shall disclose the record redacted in accordance with subsection (g) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

(i) The data and information in a record disclosed under this section must include the following:

(1) A summary of the report of abuse or neglect and a factual description of the contents of the report.

(2) The date of birth and gender of the child.

(3) The cause of the fatality or near fatality, if the cause has been determined.

(4) Whether the department had any contact with the child or the perpetrator before the fatality or near fatality, and, if the department had contact, the following:

(A) The frequency of the contact with the child or the perpetrator before the fatality or near fatality and the date on which the last contact occurred before the fatality or near fatality.

(B) A summary of the status of the child's case at the time of the fatality or near fatality, including:

(i) whether the child's case was closed by the department before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the date of closure and the reasons that the case was closed.

(j) The court's determination under subsection (g) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.".

Delete pages 22 through 23.

Page 24, delete lines 1 through 16.

Page 26, line 34, delete "department of health." and insert "**child fatality review coordinator employed by the state department of health under IC 16-49-5-1.**".

Page 26, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 24. IC 34-30-2-84.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.2. IC 16-49-3-5 (Concerning hospitals, physicians, coroners, law enforcement officers, and mental health providers who provide certain records to local child**

C o p y

fatality review teams.)".

Page 27, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 26. IC 34-30-2-84.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 84.4. IC 16-49-4-5 (Concerning hospitals, physicians, coroners, law enforcement officers, and mental health providers who provide certain records to the statewide child fatality review committee.)**".

Page 27, line 3, delete "IC 34-30-2-84.4" and insert "IC 34-30-2-84.6".

Page 27, line 5, delete "84.4." and insert "**84.6.**".

Page 27, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 27. IC 34-30-2-134.6 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 134.6. IC 31-33-25-11 (Concerning a member of the statewide child fatality review committee or a person who attends a meeting of the statewide child fatality review committee as an invitee of the chairperson).~~

SECTION 28. IC 34-30-2-134.3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 134.3. IC 31-33-24-12 (Concerning a member of a local child fatality review team or a person who attends a meeting of a local child fatality review team as an invitee of the chairperson).~~

SECTION 29. IC 34-46-2-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.4. IC 16-49-3-13 (Concerning discussions, determinations, conclusions, and recommendations of a local child fatality review team.)**

SECTION 30. IC 34-46-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. IC 16-49-4-13 (Concerning discussions, determinations, conclusions, and recommendations of the statewide child fatality review committee.)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 572 as printed January 25, 2013.)

HEAD

C o p y