



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 4, after "46." insert "**Legislative Committee for**
- 2 **Oversight of**".
- 3 Page 1, line 4, delete "Oversight Committee".
- 4 Page 1, line 5, delete "child" and insert "**legislative committee for**
- 5 **oversight of child services**".
- 6 Page 1, line 6, delete "services oversight committee".
- 7 Page 1, line 10, delete "child services oversight committee" and
- 8 insert "**legislative committee for oversight of child services**".
- 9 Page 1, line 10, delete "established." and insert "**established to:**".
- 10 Page 1, delete lines 11 through 17, begin a new line block indented
- 11 and insert:
- 12 "**(1) review the data reported by the statewide child protection**
- 13 **and review committee; and**
- 14 **(2) review services provided to children and families in any**
- 15 **case reviewed by the statewide child protection and fatality**
- 16 **review committee to:**
- 17 **(A) develop an understanding of the causes of child**
- 18 **fatalities;**
- 19 **(B) make recommendations for implementing changes**

1 **within state agencies that will prevent child deaths and**
 2 **improve child safety; and**
 3 **(C) make recommendations to the general assembly and**
 4 **the governor on statutory, policy, and practice changes**
 5 **that will prevent child deaths and improve child safety."**

6 Page 2, delete lines 1 through 9.

7 Page 2, line 10, delete "Sec. 5." and insert "**Sec. 4.**".

8 Page 2, between lines 24 and 25, begin a new line block indented
 9 and insert:

10 **"(5) One (1) individual appointed by the governor."**

11 Page 2, line 25, delete "(5)" and insert "**(6)**".

12 Page 2, delete lines 26 through 30.

13 Page 2, line 35, delete "(3) and (4)" and insert "**(3), (4), and (5)**".

14 Page 3, between lines 5 and 6, begin a new paragraph and insert:

15 **"Sec. 5. (a) The committee shall:**

16 **(1) review the data reported by the statewide child protection**
 17 **and fatality review committee; and**

18 **(2) review services provided to children and families in any**
 19 **case reviewed by the statewide child protection and fatality**
 20 **review committee.**

21 **(b) The committee shall advise the department and other state**
 22 **agencies on efforts to educate the public concerning:**

23 **(1) the incidence and cause of child deaths;**

24 **(2) the prevention of child death; and**

25 **(3) the role of the public in preventing child death and steps**
 26 **that members of the public can take to prevent child death**
 27 **and improve child safety.**

28 **(c) The committee may do the following:**

29 **(1) Meet with a local child serious bodily injury and fatality**
 30 **review team or the statewide child protection and fatality**
 31 **review team to receive a report on any case reviewed under**
 32 **IC 16-49.**

33 **(2) Recommend to the department and other state agencies**
 34 **policy and process changes that would prevent child death**
 35 **and improve child safety.**

36 **(3) Recommend to the legislative council any necessary**
 37 **statutory changes that would prevent child death and improve**
 38 **child safety.**

39 **(4) Study any other issue relevant to preventing child death**
 40 **and improving child safety as determined by the chairperson**
 41 **of the committee.**

42 **(d) In conducting a review under subsection (a), the committee**

1 may review all applicable records and information related to the
 2 injury or death of a child, including the following:

3 (1) Records held by the:

4 (A) local health department or state department of health;
 5 and

6 (B) department.

7 (2) Medical records.

8 (3) Law enforcement records.

9 (4) Autopsy records.

10 (5) Records of the coroner.

11 (6) Mental health reports.

12 (e) Subject to IC 34-30-15, if the committee requests records
 13 from a hospital, physician, coroner, law enforcement officer, or
 14 mental health professional regarding an injury or death that the
 15 committee is investigating, the hospital, physician, coroner, law
 16 enforcement officer, or mental health professional shall provide the
 17 requested records to the committee.

18 (f) A person who provides records in accordance with
 19 subsection (e) in good faith is not subject to liability in:

20 (1) a civil;

21 (2) an administrative;

22 (3) a disciplinary; or

23 (4) a criminal;

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

25 (g) Except as otherwise provided in this article, information and
 26 records acquired by the committee in the exercise of its duties
 27 under this chapter are confidential and exempt from disclosure.

28 (h) Records, information, documents, and reports acquired or
 29 produced by the committee are not:

30 (1) subject to subpoena or discovery; or

31 (2) admissible as evidence;

32 in any judicial or administrative proceeding. Information that is
 33 otherwise discoverable or admissible from original sources is not
 34 immune from discovery or use in any proceeding merely because
 35 the information was presented during proceedings before the
 36 committee."

37 Page 3, line 7, delete "chairperson." and insert "**chairperson and**
 38 **must meet at least one (1) time during each calendar quarter.**".

39 Page 3, line 10, after "child" insert "**protection and**".

40 Page 3, line 24, after "child" insert "**protection and**".

41 Page 4, line 1, after "11." insert "**(a)**".

42 Page 4, line 1, delete "the results of its" and insert "**on its**

1 **activities".**

2 Page 4, line 2, delete "study".

3 Page 4, between lines 3 and 4, begin a new paragraph and insert:

4 **"(b) The report must include the committee's recommendations**
5 **concerning any of the following:**

6 **(1) The implementation of cross-agency training that the**
7 **committee finds will prevent child death and improve child**
8 **safety.**

9 **(2) Ways to meet the technical assistance needs of the**
10 **department and other agencies providing services to children.**

11 **(3) Ways to fill any service gaps identified by the committee.**

12 **(4) Proposed changes to statutes, administrative rules,**
13 **policies, and procedures that the committee finds will prevent**
14 **child death and improve child safety.**

15 **(c) The committee shall provide a copy of the report prepared**
16 **under subsection (a) to the governor."**

17 Page 4, delete lines 27 through 35, begin a new paragraph and
18 insert:

19 **"Sec. 17. The chairperson of the committee shall use the**
20 **information in the report received from the statewide child**
21 **protection and fatality review committee under IC 16-49-4-11 to**
22 **develop the committee's work program for the ensuing calendar**
23 **year."**

24 Page 4, line 37, delete "a complaint submitted in writing" and
25 insert **"any written complaint regarding any case the department**
26 **has been involved in and any complaint regarding child abuse and**
27 **neglect submitted"**.

28 Page 4, line 39, delete "4(1)" and insert **"5(a)"**.

29 Page 4, between lines 39 and 40, begin a new paragraph and insert:

30 SECTION 1. IC 16-49-1-3, AS ADDED BY P.L.119-2013,
31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 3. "Child **serious bodily injury and** fatality
33 committee" means a child **serious bodily injury and** fatality
34 committee established under IC 16-49-2-1.

35 SECTION 2. IC 16-49-1-4, AS ADDED BY P.L.119-2013,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 4. "County child **serious bodily injury and**
38 fatality review team" means a child **serious bodily injury and** fatality
39 review team established by a child **serious bodily injury and** fatality
40 committee under IC 16-49-2 for a county.

41 SECTION 3. IC 16-49-1-6, AS ADDED BY P.L.119-2013,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 6. "Local child **serious bodily injury and**
 2 fatality review team" refers to a county or regional child **serious bodily**
 3 **injury and** fatality review team established by a child **serious bodily**
 4 **injury and** fatality committee under IC 16-49-2.

5 SECTION 4. IC 16-49-1-8, AS ADDED BY P.L.119-2013,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 8. "Regional child **serious bodily injury and**
 8 fatality review team" means a child **serious bodily injury and** fatality
 9 review team established by a child **serious bodily injury and** fatality
 10 committee under IC 16-49-2 for a region consisting of more than one
 11 (1) county.

12 SECTION 5. IC 16-49-1-9, AS ADDED BY P.L.119-2013,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 9. "State child **protection and** fatality review
 15 coordinator" refers to the state child **protection and** fatality review
 16 coordinator employed by the state department under IC 16-49-5-1.

17 SECTION 6. IC 16-49-1-10, AS ADDED BY P.L.119-2013,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 10. "Statewide child **protection and** fatality
 20 review committee" refers to the statewide child **protection and** fatality
 21 review committee established by IC 16-49-4-1.

22 SECTION 7. IC 16-49-2-1, AS ADDED BY P.L.119-2013,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 1. A child **serious bodily injury and** fatality
 25 committee is established in each county and consists of the following
 26 members:

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

40 SECTION 8. IC 16-49-2-2, AS ADDED BY P.L.119-2013,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 2. (a) The child **serious bodily injury and**

1 fatality committee shall meet for the first meeting of the child **serious**
 2 **bodily injury and** fatality committee at the call of the prosecuting
 3 attorney of the county, or the prosecuting attorney's representative.

4 (b) The child **serious bodily injury and** fatality committee
 5 members shall select a chairperson at the first meeting.

6 (c) The child **serious bodily injury and** fatality committee shall
 7 meet at the call of the chairperson for all meetings after the first
 8 meeting.

9 SECTION 9. IC 16-49-2-3, AS ADDED BY P.L.119-2013,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 3. The child **serious bodily injury and**
 12 fatality committee shall do the following:

13 (1) Determine whether to establish a:

14 (A) county child **serious bodily injury and** fatality review
 15 team; or

16 (B) regional child **serious bodily injury and** fatality review
 17 team;

18 for the county.

19 (2) Appoint members to the local child **serious bodily injury and**
 20 fatality review team in accordance with the member requirements
 21 established under this chapter.

22 (3) Determine whether the local child **serious bodily injury and**
 23 fatality review team will enter into a written agreement with
 24 another local child **serious bodily injury and** fatality review
 25 team to receive, upon request, services, guidance, and expertise
 26 from the other local child **serious bodily injury and** fatality
 27 review team.

28 SECTION 10. IC 16-49-2-4, AS ADDED BY P.L.119-2013,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 4. (a) A local child **serious bodily injury and**
 31 fatality review team consists of the following members:

32 (1) The prosecuting attorney of the county or a representative of
 33 a prosecuting attorney from the area served by the local child
 34 **serious bodily injury and** fatality review team.

35 (2) A county coroner or a deputy coroner from the area served by
 36 the local child **serious bodily injury and** fatality review team.

37 (3) A representative from:

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

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

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

1 that is located in or serves the area served by the local child
2 **serious bodily injury and** fatality review team.

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

4 (5) A representative of law enforcement from the area served by
5 the local child **serious bodily injury and** fatality review team.

6 (6) A representative from a school district in the area served by
7 the local child **serious bodily injury and** fatality review team.

8 (b) In addition to the members under subsection (a), a local child
9 **serious bodily injury and** fatality review team shall:

10 (1) have as a member of the local child **serious bodily injury and**
11 fatality review team:

12 (A) a pediatrician or family practice physician;

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

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

17 (D) a mental health provider; or

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

23 (c) In addition to the members under subsection (a), a local child
24 **serious bodily injury and** fatality review team shall have:

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

29 (2) an agreement with a pathologist described in subdivision (1)
30 for the provision of the pathologist's services and expertise, as
31 needed by the local child **serious bodily injury and** fatality
32 review team.

33 SECTION 11. IC 16-49-2-5, AS ADDED BY P.L.119-2013,
34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 5. A local child **serious bodily injury and**
36 fatality review team may have additional members from the following
37 categories:

38 (1) A representative of a hospital located in the area served by the
39 local child **serious bodily injury and** fatality review team.

40 (2) A representative from a juvenile or probate court in the area
41 served by the local child **serious bodily injury and** fatality
42 review team.

- 1 (3) Other representatives requested to serve as members by the:
 2 (A) child **serious bodily injury and** fatality committee; or
 3 (B) local child **serious bodily injury and** fatality review team.
- 4 (4) A representative from the department of natural resources who
 5 lives or works in the area served by the local child **serious bodily**
 6 **injury and** fatality review team.
- 7 (5) A representative from Prevent Child Abuse Indiana (an
 8 organization for the prevention of child abuse) who lives or works
 9 in the area served by the local child **serious bodily injury and**
 10 fatality review team.
- 11 (6) One (1) of the following:
- 12 (A) A court appointed special advocate who provides court
 13 appointed special advocate services in the area served by the
 14 local child **serious bodily injury and** fatality review team.
- 15 (B) A guardian ad litem who provides guardian ad litem
 16 services in the area served by the local child **serious bodily**
 17 **injury and** fatality review team.
- 18 SECTION 12. IC 16-49-2-6, AS ADDED BY P.L.119-2013,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 6. If the local child **serious bodily injury and**
 21 fatality review team is a regional child **serious bodily injury and**
 22 fatality review team, more than one (1) of each of the members listed
 23 in section 4 of this chapter may serve on the local child **serious bodily**
 24 **injury and** fatality review team if each of the members represents a
 25 different county served by the local child **serious bodily injury and**
 26 fatality review team.
- 27 SECTION 13. IC 16-49-2-7, AS AMENDED BY P.L.2-2014,
 28 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 7. Not later than ninety (90) days after the
 30 first meeting of the child **serious bodily injury and** fatality committee,
 31 the prosecuting attorney of the county or prosecuting attorney's
 32 representative shall submit a report to the state child **protection and**
 33 fatality review coordinator that includes the following information:
- 34 (1) Whether the child **serious bodily injury and** fatality
 35 committee established a:
- 36 (A) county child **serious bodily injury and** fatality review
 37 team; or
 38 (B) regional child **serious bodily injury and** fatality review
 39 team.
- 40 (2) The names and contact numbers of all of the members of the
 41 local child **serious bodily injury and** fatality review team.
- 42 (3) Whether the child **serious bodily injury and** fatality

1 committee will or has entered into a written agreement described
2 under section 3(3) of this chapter.

3 (4) Any assistance the child **serious bodily injury and** fatality
4 committee would like from the state child **protection and** fatality
5 review coordinator in forming the local child **serious bodily**
6 **injury and** fatality review team.

7 SECTION 14. IC 16-49-3-1, AS ADDED BY P.L.119-2013,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 1. (a) The local child **serious bodily injury**
10 **and** fatality review team shall meet for the first meeting of the local
11 child **serious bodily injury and** fatality review team at the call of a
12 prosecuting attorney or prosecuting attorney's representative.

13 (b) The members of a local child **serious bodily injury and** fatality
14 review team shall elect a member to serve as the chairperson at the first
15 meeting.

16 (c) The members of the local child **serious bodily injury and**
17 fatality review team shall meet at the call of the chairperson for all
18 meetings after the first meeting.

19 SECTION 15. IC 16-49-3-2, AS ADDED BY P.L.119-2013,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 2. (a) After an individual becomes a member
22 of a local child **serious bodily injury and** fatality review team and
23 before the member participates in a review, ~~of a child fatality~~, the
24 member shall:

- 25 (1) sign a confidentiality statement prepared by the state child
26 **protection and** fatality review coordinator under IC 16-49-5-2;
- 27 (2) review the purpose and goal of the local child **serious bodily**
28 **injury and** fatality review team; and
- 29 (3) review the data collection form developed by the state child
30 **protection and** fatality review coordinator under IC 16-49-5-2.

31 (b) Any individuals who are invited by the chairperson to attend a
32 meeting of a local child **serious bodily injury and** fatality review team
33 shall sign a confidentiality statement prepared by the state child
34 **protection and** fatality review coordinator under IC 16-49-5-2.

35 (c) A local child **serious bodily injury and** fatality review team
36 may:

- 37 (1) appoint additional members to the local child **serious bodily**
38 **injury and** fatality review team as provided in IC 16-49-2-5; and
- 39 (2) if there is a vacancy on the local child **serious bodily injury**
40 **and** fatality review team, appoint an individual to fill the vacancy.

41 SECTION 16. IC 16-49-3-3, AS AMENDED BY P.L.29-2016,
42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 3. (a) A local child **serious bodily injury and**
2 fatality review team:

3 (1) shall review the death of a child whose death incident
4 occurred in the area served by the local child **serious bodily**
5 **injury and** fatality review team and may review the death of a
6 child whose death occurred in the area served by the local child
7 **serious bodily injury and** fatality review team if:

8 (A) the death of the child is:

9 (i) sudden;

10 (ii) unexpected;

11 (iii) unexplained; or

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

14 (B) the coroner in the area where the death occurred
15 determines that the cause of the death of the child is:

16 (i) undetermined; or

17 (ii) the result of a homicide, suicide, or accident; ~~and~~

18 (2) may, at its discretion, review the near fatality of a child whose
19 incident or injury occurred in the area served by the local child
20 **serious bodily injury and** fatality review team; **and**

21 **(3) may, at its discretion, review the serious bodily injury (as**
22 **defined in IC 35-31.5-2-292) sustained by a child whose**
23 **incident or serious bodily injury occurred in the area served**
24 **by the local child serious bodily injury and fatality review**
25 **team.**

26 (b) In conducting a child **serious bodily injury or** fatality review
27 under subsection (a), the local child **serious bodily injury and** fatality
28 review team may review all applicable records and information related
29 to the **serious bodily injury**, death, or near fatality of the child,
30 including the following:

31 (1) Records held by the:

32 (A) local or state health department; and

33 (B) department of child services.

34 (2) Medical records.

35 (3) Law enforcement records.

36 (4) Autopsy reports.

37 (5) Records of the coroner.

38 (6) Mental health reports.

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

1 (d) Records, information, documents, and reports acquired or
 2 produced by a local child **serious bodily injury and** fatality review
 3 team are not:

- 4 (1) subject to subpoena or discovery; or
- 5 (2) admissible as evidence;

6 in any judicial or administrative proceeding. Information that is
 7 otherwise discoverable or admissible from original sources is not
 8 immune from discovery or use in any proceeding merely because the
 9 information was presented during proceedings before a local child
 10 **serious bodily injury and** fatality review team.

11 SECTION 17. IC 16-49-3-4, AS ADDED BY P.L.119-2013,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 4. The local child **serious bodily injury and**
 14 fatality review team shall review the death certificate of a child
 15 received from a local health officer to determine if the local child
 16 **serious bodily injury and** fatality review team is required to review
 17 the death of the child as required under section 3 of this chapter.

18 SECTION 18. IC 16-49-3-5, AS ADDED BY P.L.119-2013,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 5. (a) Subject to IC 34-30-15, if the local child
 21 **serious bodily injury and** fatality review team requests records from
 22 a hospital, physician, coroner, law enforcement officer, or mental
 23 health professional regarding a **the serious bodily injury or** death that
 24 the local child **serious bodily injury and** fatality review team is
 25 reviewing, the hospital, physician, coroner, law enforcement officer, or
 26 mental health professional shall provide the requested records to the
 27 local child **serious bodily injury and** fatality review team.

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

- 30 (1) a civil;
- 31 (2) an administrative;
- 32 (3) a disciplinary; or
- 33 (4) a criminal;

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

35 SECTION 19. IC 16-49-3-6, AS ADDED BY P.L.119-2013,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 6. In reviewing the **serious bodily injury or**
 38 death of a child under this chapter, the local child **serious bodily**
 39 **injury and** fatality review team shall:

- 40 (1) identify the factors that surrounded or contributed to the
 41 **serious bodily injury or** death of the child;
- 42 (2) determine whether similar **serious bodily injuries or** deaths

- 1 could be prevented in the future;
- 2 (3) if applicable, identify:
- 3 (A) agencies and entities that should be involved; and
- 4 (B) any other resources that should be used;
- 5 to adequately prevent future **serious bodily injuries and** deaths
- 6 of children; and
- 7 (4) if applicable, identify solutions to improve practice and policy
- 8 and enhance coordination.

9 SECTION 20. IC 16-49-3-7, AS AMENDED BY P.L.29-2016,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 7. (a) Before July 1 each year, a local child
 12 **serious bodily injury and** fatality review team shall prepare and
 13 submit to the state child **protection and** fatality review coordinator a
 14 report that must include the following information:

15 (1) A summary of the data collected regarding the reviews
 16 conducted by the local child **serious bodily injury and** fatality
 17 review team in the previous calendar year.

18 (2) Actions recommended by the local child **serious bodily**
 19 **injury and** fatality review team to prevent injuries to children and
 20 child deaths in the area served by the local child **serious bodily**
 21 **injury and** fatality review team.

22 (3) Solutions proposed for system inadequacies.

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

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

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

36 SECTION 21. IC 16-49-3-8, AS ADDED BY P.L.119-2013,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),
 39 meetings of a local child **serious bodily injury and** fatality review
 40 team are open to the public.

41 (b) Meetings of a local child **serious bodily injury and** fatality
 42 review team that involve confidential records or identifying

1 information regarding the **serious bodily injury or** death of a child
 2 that is confidential under state or federal law must be held as executive
 3 sessions.

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

6 (1) attends a meeting of the local child **serious bodily injury and**
 7 fatality review team; and

8 (2) is not a member of the local child **serious bodily injury and**
 9 fatality review team;

10 shall sign a confidentiality statement prepared by the state child
 11 **protection and** fatality review coordinator under IC 16-49-5-2. The
 12 chairperson of the local child **serious bodily injury and** fatality review
 13 team shall keep all confidentiality statements signed under this
 14 subsection.

15 SECTION 22. IC 16-49-3-9, AS ADDED BY P.L.119-2013,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 9. Members of a local child **serious bodily**
 18 **injury and** fatality review team and individuals who attend a meeting
 19 of a local child **serious bodily injury and** fatality review team as
 20 invitees of the chairperson:

21 (1) may discuss among themselves confidential matters that are
 22 before the local child **serious bodily injury and** fatality review
 23 team;

24 (2) are bound by all applicable laws regarding the confidentiality
 25 of matters reviewed by the local child **serious bodily injury and**
 26 fatality review team; and

27 (3) except when acting:

28 (A) with malice;

29 (B) in bad faith; or

30 (C) with negligence;

31 are immune from any civil or criminal liability that might
 32 otherwise be imposed as a result of sharing among themselves
 33 confidential matters that are before the local child **serious bodily**
 34 **injury and** fatality review team.

35 SECTION 23. IC 16-49-3-10, AS ADDED BY P.L.119-2013,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 10. The chairperson of a local child **serious**
 38 **bodily injury and** fatality review team or the chairperson's designee
 39 shall do the following:

40 (1) Prepare the agenda for each meeting.

41 (2) Provide notices of meetings to all members of the local child
 42 **serious bodily injury and** fatality review team.

- 1 (3) Maintain confidentiality forms signed in accordance with
2 sections 2(a)(1) and 8(c) of this chapter.
- 3 (4) Ensure all new members of the **local child serious bodily**
4 **injury and** fatality review team and invitees sign the
5 confidentiality forms as required under sections 2(a)(1) and 8(c)
6 of this chapter.
- 7 (5) Record all review data regarding the death of a child using the
8 data collection tools provided by the state child **protection and**
9 fatality review coordinator and enter the information into the
10 electronic data collection system.
- 11 (6) Attend training on the data collection tools.
- 12 (7) Serve as a liaison between the local child **serious bodily**
13 **injury and** fatality review team and the:
- 14 (A) statewide child **protection and** fatality review committee;
15 and
- 16 (B) state child **protection and** fatality review coordinator.
- 17 (8) Ensure compliance with section 8 of this chapter.
- 18 (9) Upon the conclusion of a review of **the serious bodily injury**
19 **sustained by a child or** a child fatality, destroy all records,
20 information, and documents obtained by the local child **serious**
21 **bodily injury and** fatality review team under section 5 of this
22 chapter.
- 23 SECTION 24. IC 16-49-3-11, AS ADDED BY P.L.119-2013,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 11. The department of child services shall
26 have access to all data submitted by a local child **serious bodily injury**
27 **and** fatality review team, including access to the electronic data
28 collection system, to assist the department of child services in
29 preparing the report required under IC 31-25-2-24.
- 30 SECTION 25. IC 16-49-3-12, AS ADDED BY P.L.119-2013,
31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 12. A local child **serious bodily injury and**
33 fatality review team is subject to the confidentiality provisions of
34 IC 31-33-18 applying to records held by the local child **serious bodily**
35 **injury and** fatality review team.
- 36 SECTION 26. IC 16-49-3-13, AS ADDED BY P.L.119-2013,
37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 13. The discussions, determinations,
39 conclusions, and recommendations of a local child **serious bodily**
40 **injury and** fatality review team, or its members, concerning a review
41 of **the serious bodily injury sustained by a child or** a child fatality at
42 a meeting of the local child **serious bodily injury and** fatality review

1 team:

2 (1) are privileged; and

3 (2) are not:

4 (A) subject to subpoena or discovery; or

5 (B) admissible as evidence;

6 in any judicial or administrative proceeding.

7 SECTION 27. IC 16-49-4-1, AS ADDED BY P.L.119-2013,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 1. The statewide child **protection and** fatality
10 review committee is established to:

11 (1) identify similarities, trends, and factual patterns concerning
12 **child safety or** the deaths of children in Indiana;

13 (2) create strategies and make recommendations for the
14 prevention of injuries to and deaths of children;

15 (3) provide expertise, consultation, guidance, and training to local
16 child **serious bodily injury and** fatality review teams; and

17 (4) advise and educate the legislature, governor, and public on the
18 status of child **protection and** fatalities in Indiana.

19 SECTION 28. IC 16-49-4-2, AS ADDED BY P.L.119-2013,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 2. The statewide child **protection and** fatality
22 review committee consists of the following members appointed by the
23 governor:

24 (1) A coroner or deputy coroner.

25 (2) A representative from the state department who:

26 (A) is a licensed physician; and

27 (B) specializes in injury prevention.

28 (3) A representative of a:

29 (A) local health department established under IC 16-20-2; or

30 (B) multiple county health department established under
31 IC 16-20-3.

32 (4) A pediatrician.

33 (5) A representative of law enforcement who has experience in
34 investigating child deaths.

35 (6) A representative from an emergency medical services
36 provider.

37 (7) The director or a representative of the department of child
38 services.

39 (8) A representative of a prosecuting attorney who has experience
40 in prosecuting child abuse.

41 (9) A pathologist who is:

42 (A) certified by the American Board of Pathology in forensic

- 1 pathology; and
- 2 (B) licensed to practice medicine in Indiana.
- 3 (10) A mental health provider.
- 4 (11) A representative of a child abuse prevention program.
- 5 (12) A representative of the department of education.
- 6 (13) An epidemiologist.
- 7 (14) The state child **protection and** fatality review coordinator.
- 8 (15) At the discretion of the department of child services
- 9 ombudsman, a representative of the office of the department of
- 10 child services ombudsman established by IC 4-13-19-3.
- 11 **(16) A representative of the state court appointed special**
- 12 **advocate office.**
- 13 **(17) A juvenile court judge appointed by the chief justice.**
- 14 **(18) A member of the senate on the senate committee on**
- 15 **family and children services appointed by the president pro**
- 16 **tempore of the senate.**
- 17 **(19) A member of the house of representatives on the house**
- 18 **committee on family, children and human affairs appointed**
- 19 **by the speaker of the house.**

20 SECTION 29. IC 16-49-4-3, AS ADDED BY P.L.119-2013,

21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 UPON PASSAGE]: Sec. 3. All members of the statewide child

23 **protection and** fatality review committee and any individuals invited

24 to attend a meeting of the statewide child **protection and** fatality

25 review committee shall sign a confidentiality statement prepared by the

26 state child **protection and** fatality review coordinator.

27 SECTION 30. IC 16-49-4-4, AS ADDED BY P.L.119-2013,

28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

29 UPON PASSAGE]: Sec. 4. (a) The statewide child **protection and**

30 fatality review committee shall do the following:

- 31 (1) Compile and analyze data recorded by local child **serious**
- 32 **bodily injury and** fatality review teams in reviewing **child safety**
- 33 **and** child fatalities.
- 34 (2) Review child **protection and** mortality records and examine
- 35 all other records relevant to **child safety and** child fatalities in
- 36 Indiana.
- 37 (3) Assist efforts by local child **serious bodily injury and** fatality
- 38 review teams by:
- 39 (A) overseeing the creation of standardized forms and
- 40 protocols necessary for the review of **child safety and** child
- 41 deaths;
- 42 (B) providing expertise by answering questions related to a

- 1 child's **injury or** death that a local child **serious bodily injury**
 2 **and** fatality review team is reviewing;
- 3 (C) establishing and sponsoring training programs for
 4 members of local child **serious bodily injury and** fatality
 5 review teams; and
- 6 (D) providing, upon request of a local child **serious bodily**
 7 **injury and** fatality review team, expertise in creating local
 8 prevention strategies.
- 9 (4) Upon request by a local child **serious bodily injury and**
 10 fatality review team or the department of child services
 11 ombudsman established by IC 4-13-19-3, assist in or conduct a
 12 review of the **serious bodily injury or** death of a child as
 13 provided under section 5 of this chapter.

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

16 **(b) The statewide child protection and fatality review committee**
 17 **may do the following:**

- 18 **(1) Receive and review any case the department of child**
 19 **services has been involved in.**
- 20 **(2) Receive and review any complaints regarding child abuse**
 21 **and neglect that are brought to a local child serious bodily**
 22 **injury and fatality review committee by a person or agency.**
- 23 **(3) Receive and review, at the discretion of the chairperson,**
 24 **any complaint submitted in writing by any person having**
 25 **knowledge that a child has suffered serious bodily injury from**
 26 **abuse or neglect in the child's home or a child fatality has**
 27 **occurred in the child's home after the child was allowed to**
 28 **remain in or returned to the child's home.**

29 SECTION 31. IC 16-49-4-5, AS ADDED BY P.L.119-2013,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 5. (a) Upon request by a local child **serious**
 32 **bodily injury and** fatality review team or the department of child
 33 services ombudsman established by IC 4-13-19-3, the statewide child
 34 **protection and** fatality review committee shall assist a local child
 35 **serious bodily injury and** fatality review team or conduct a review of
 36 the death of a child that occurred in Indiana if:

- 37 (1) the death of the child is:
 38 (A) sudden;
 39 (B) unexpected;
 40 (C) unexplained; or
 41 (D) assessed by the department of child services for alleged
 42 abuse or neglect that resulted in the death of the child; or

- 1 (2) the coroner in the area in which the child's death occurred
 2 determines that the cause of the death of the child is:
- 3 (A) undetermined; or
 - 4 (B) the result of a homicide, suicide, or accident.
- 5 (b) In conducting a child **serious bodily injury and** fatality review
 6 under subsection (a), the statewide child **protection and** fatality review
 7 committee may review all applicable records and information related
 8 to the death of the child, including the following:
- 9 (1) Records held by the:
 - 10 (A) local or state health department; and
 - 11 (B) department of child services.
 - 12 (2) Medical records.
 - 13 (3) Law enforcement records.
 - 14 (4) Autopsy reports.
 - 15 (5) Records of the coroner.
 - 16 (6) Mental health reports.
- 17 (c) Subject to IC 34-30-15, if the statewide child **protection and**
 18 fatality review committee requests records from a hospital, physician,
 19 coroner, law enforcement officer, or mental health professional
 20 regarding a **serious bodily injury or** death that the statewide child
 21 **protection and** fatality review committee is investigating, the hospital,
 22 physician, coroner, law enforcement officer, or mental health
 23 professional shall provide the requested records to the statewide child
 24 **protection and** fatality review committee.
- 25 (d) A person who provides records in accordance with subsection
 26 (c) in good faith is not subject to liability in:
- 27 (1) a civil;
 - 28 (2) an administrative;
 - 29 (3) a disciplinary; or
 - 30 (4) a criminal;
- 31 action that might otherwise be imposed as a result of such disclosure.
- 32 (e) Except as otherwise provided in this article, information and
 33 records acquired by the statewide child **protection and** fatality review
 34 committee in the exercise of its duties under this chapter are
 35 confidential and exempt from disclosure.
- 36 (f) Records, information, documents, and reports acquired or
 37 produced by the statewide child **protection and** fatality review
 38 committee are not:
- 39 (1) subject to subpoena or discovery; or
 - 40 (2) admissible as evidence;
- 41 in any judicial or administrative proceeding. Information that is
 42 otherwise discoverable or admissible from original sources is not

1 immune from discovery or use in any proceeding merely because the
 2 information was presented during proceedings before the statewide
 3 child **protection and** fatality review committee.

4 SECTION 32. IC 16-49-4-6, AS ADDED BY P.L.119-2013,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 6. In reviewing **child safety or** the death of
 7 a child under this chapter, the statewide child **protection and** fatality
 8 review committee shall:

9 (1) identify the factors that surrounded or contributed to the
 10 **serious bodily injury or** death of the child;

11 (2) determine whether similar **serious bodily injuries or** deaths
 12 could be prevented in the future;

13 (3) if applicable, identify:

14 (A) agencies and entities that should be involved; and

15 (B) any other resources that should be used;

16 to adequately **promote child safety and** prevent future deaths of
 17 children; and

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

20 SECTION 33. IC 16-49-4-7, AS ADDED BY P.L.119-2013,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 7. (a) The chairperson of the statewide child
 23 **protection and** fatality review committee shall be selected by the
 24 governor.

25 (b) The statewide child **protection and** fatality review committee
 26 shall meet at the call of the chairperson.

27 SECTION 34. IC 16-49-4-8, AS ADDED BY P.L.119-2013,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 8. The chairperson of the statewide child
 30 **protection and** fatality review committee shall do the following:

31 (1) Work with the state child **protection and** fatality review
 32 coordinator to prepare the agenda for each meeting of the
 33 statewide child **protection and** fatality review committee.

34 (2) Work with the state child **protection and** fatality review
 35 coordinator to:

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

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

40 (3) Upon the conclusion of a review **by the statewide child**
 41 **protection and fatality review committee, of a child fatality,**
 42 destroy all records, information, and documents obtained by the

1 statewide child **protection and** fatality review committee under
2 section 5 of this chapter.

3 SECTION 35. IC 16-49-4-9, AS ADDED BY P.L.119-2013,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b),
6 meetings of the statewide child **protection and** fatality review
7 committee are open to the public.

8 (b) A meeting of the statewide child **protection and** fatality review
9 committee that involves:

- 10 (1) confidential records; or
11 (2) identifying information regarding the **serious bodily injury**
12 **or** death of a child that is confidential under state or federal law;
13 shall be held as an executive session.

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

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

19 shall sign a confidentiality statement prepared by the state child
20 **protection and** fatality review coordinator.

21 SECTION 36. IC 16-49-4-10, AS ADDED BY P.L.119-2013,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 10. Members of the statewide child
24 **protection and** fatality review committee and individuals who attend
25 a meeting of the statewide child **protection and** fatality review
26 committee as invitees of the chairperson:

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

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

41 SECTION 37. IC 16-49-4-11, AS ADDED BY P.L.119-2013,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 11. (a) The statewide child **protection and**
 2 fatality review committee shall submit to the legislative council,
 3 governor, department of child services, state department, **legislative**
 4 **committee for oversight of child services**, and commission on
 5 improving the status of children in Indiana on or before December 31
 6 of each year a report that includes the following information:

7 (1) A summary of the data collected and reviewed by the
 8 statewide child **protection and** fatality review committee in the
 9 previous calendar year, **including:**

10 (A) **incidences and causes of child deaths in Indiana;**

11 (B) **incidences of a child death or serious bodily injury**
 12 **from abuse or neglect after the child is allowed to remain**
 13 **in the home or is returned to the home; and**

14 (C) **an analysis of the involvement of any public or private**
 15 **agency with a decedent child and the child's family before**
 16 **or after the death of the child.**

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

20 (3) Recommended actions or resources to **promote child safety**
 21 **and** prevent future child fatalities in Indiana.

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

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

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

29 SECTION 38. IC 16-49-4-12, AS ADDED BY P.L.119-2013,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 12. (a) A report released under ~~this~~ section 11
 32 of this chapter may not contain identifying information relating to the
 33 **child or** fatalities reviewed by the statewide child **protection and**
 34 fatality review committee or any local child **serious bodily injury and**
 35 fatality review team.

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

38 SECTION 39. IC 16-49-4-13, AS ADDED BY P.L.119-2013,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 13. The discussions, determinations,
 41 conclusions, and recommendations of the statewide child **protection**
 42 **and** fatality review committee or its members, concerning a review of

1 **child safety or** a child fatality, at a meeting of the statewide child
 2 **protection and** fatality review committee:

- 3 (1) are privileged; and
 4 (2) are not:
 5 (A) subject to subpoena or discovery; or
 6 (B) admissible as evidence;
 7 in any judicial or administrative proceeding.

8 SECTION 40. IC 16-49-4-14, AS ADDED BY P.L.119-2013,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 14. A member of the statewide child
 11 **protection and** fatality review committee is not entitled to receive
 12 compensation or per diem but is entitled to receive mileage on the days
 13 on which the member is engaged in the business of the statewide child
 14 **protection and** fatality review committee.

15 SECTION 41. IC 16-49-4-15, AS ADDED BY P.L.119-2013,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 15. The statewide child **protection and**
 18 fatality review committee is subject to the confidentiality provisions of
 19 IC 31-33-18 applying to records held by the statewide child **protection**
 20 **and** fatality review committee.

21 SECTION 42. IC 16-49-5-1, AS ADDED BY P.L.119-2013,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 1. The state department shall employ a state
 24 child **protection and** fatality review coordinator to do the following:

- 25 (1) Assist the statewide child **protection and** fatality review
 26 committee chairperson in establishing agendas for meetings of the
 27 statewide child **protection and** fatality review committee.
 28 (2) Coordinate information and materials for the meetings of the
 29 statewide child **protection and** fatality review committee.
 30 (3) Compile raw data for presentation to the statewide child
 31 **protection and** fatality review committee.
 32 (4) Contact the appropriate individuals if any issues with the
 33 electronic data collection system occur.
 34 (5) Record information concerning child **safety and child** fatality
 35 reviews conducted by the statewide child **protection and** fatality
 36 review committee in the electronic data collection system.
 37 (6) Record and compile recommendations by the statewide child
 38 **protection and** fatality review committee for the **promotion of**
 39 **child safety and** prevention of child fatalities and investigate
 40 available prevention resources.
 41 (7) Work with the chairperson of the statewide child **protection**
 42 **and** fatality review committee to prepare the annual report

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

1 the chairperson of the commission.

2 SECTION 43. IC 16-49-5-2, AS ADDED BY P.L.119-2013,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) The state child **protection and** fatality
5 review coordinator shall develop a data collection form that includes:

- 6 (1) identifying and nonidentifying information;
7 (2) information regarding the circumstances surrounding **child**
8 **safety or a death of a child;**
9 (3) factors contributing to **child safety or a death of a child;** and
10 (4) findings and recommendations that include the following
11 information:

12 (A) Whether similar future **serious bodily injuries or** deaths
13 could be prevented.

14 (B) A list of:

- 15 (i) agencies and entities that should be involved; and
16 (ii) any other resources that should be used;

17 to adequately **promote child safety and** prevent future child
18 deaths in the area.

19 (b) The state child **protection and** fatality review coordinator shall
20 develop a confidentiality form for use by the statewide child **protection**
21 **and** fatality review committee and local child **serious bodily injury**
22 **and** fatality review teams.

23 SECTION 44. IC 16-49-5-3, AS ADDED BY P.L.119-2013,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 3. The following must be paid from funds
26 appropriated to the state department:

27 (1) The salary of the state child **protection and** fatality review
28 coordinator.

29 (2) Expenses for any training for:

- 30 (A) the state child **protection and** fatality review coordinator;
31 (B) members of the statewide child **protection and** fatality
32 review committee; and
33 (C) members of local child **serious bodily injury and** fatality
34 review teams.

35 (3) Other expenses related to the duties of the state child
36 **protection and** fatality review coordinator.

37 SECTION 45. IC 16-49-6-7, AS ADDED BY P.L.31-2019,
38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 7. The state department shall employ a
40 statewide fetal-infant mortality review coordinator to assist local
41 fetal-infant mortality review teams and do the following:

42 (1) Establish local fetal-infant mortality review teams statewide.

- 1 (2) Act as a liaison between the statewide child **protection and**
 2 fatality review committee and local fetal-infant mortality review
 3 teams.
- 4 (3) Create and provide forms, including a data collection form for
 5 the data described in section 8(d) of this chapter.
- 6 (4) Develop protocols for meetings of and case reviews conducted
 7 by local fetal-infant mortality review teams.
- 8 (5) Provide data collection tools that include collecting and
 9 storing the following information:
- 10 (A) Identifying and nonidentifying information.
- 11 (B) Information concerning the circumstances surrounding a
 12 fetal death or an infant death.
- 13 (C) Information concerning factors that contributed to a fetal
 14 death or an infant death.
- 15 (D) Information concerning findings and recommendations
 16 concerning a fetal death or infant death by the review team.
- 17 (6) Provide information on the prevention of fetal deaths and
 18 infant deaths.
- 19 (7) Obtain certificates of death and certificates of stillbirths for
 20 the review teams.
- 21 (8) Coordinate local or statewide training concerning a fetal death
 22 or infant death review under this chapter.
- 23 SECTION 46. IC 31-25-2-20.4, AS AMENDED BY P.L.119-2013,
 24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 20.4. (a) The department shall establish at
 26 least three (3) citizen review panels in accordance with the
 27 requirements of the federal Child Abuse Prevention and Treatment Act
 28 under 42 U.S.C. 5106a.
- 29 (b) A citizen review panel consists of volunteer members who
 30 broadly represent the community in which the panel is established,
 31 including members who have expertise in the prevention and treatment
 32 of child abuse and neglect.
- 33 (c) The department shall appoint the citizen review panels in the
 34 following manner:
- 35 (1) One (1) panel must be a community child protection team
 36 established in a county under IC 31-33-3-1, selected by the
 37 director of the department with the consent of the team.
- 38 (2) One (1) panel must be either:
- 39 (A) the statewide child **protection and** fatality review
 40 committee established under IC 16-49-4; or
- 41 (B) a local child **serious bodily injury and** fatality review
 42 team established under IC 16-49-2;

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

1 responsibilities by examining:

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

6 (e) Each citizen review panel shall:

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

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

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

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

- 26 (1) a specific child protective services case or child welfare
 27 agency case;
 28 (2) a child or member of the child's family who is the subject of
 29 a child protective services assessment; or
 30 (3) any other individuals identified in confidential reports,
 31 documents, or other materials.

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

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

36 Page 5, line 16, after "child" insert "**serious bodily injury and**".

37 Page 5, line 18, after "child" insert "**protection and**".

38 Page 5, line 24, delete "child services oversight committee" and
 39 insert "**legislative committee for the oversight of child services**".

40 Page 5, line 32, delete "child services oversight committee" and
 41 insert "**legislative committee for the oversight of child services**".

42 Page 5, line 32, delete "review under" and insert "**review**".

- 1 Page 5, delete lines 33 through 38.
- 2 Page 6, line 15, delete "child services" and insert "**legislative**
- 3 **committee for the oversight of child services.**".
- 4 Page 6, line 16, delete "oversight committee."
- 5 Page 6, between lines 16 and 17, begin a new paragraph and insert:
- 6 "SECTION 27. IC 31-33-18-2, AS AMENDED BY P.L.112-2020,
- 7 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 2. The reports and other material described in
- 9 section 1(a) of this chapter and the unredacted reports and other
- 10 material described in section 1(b) of this chapter shall be made
- 11 available only to the following:
- 12 (1) Persons authorized by this article.
- 13 (2) A legally mandated public or private child protective agency
- 14 investigating a report of child abuse or neglect or treating a child
- 15 or family that is the subject of a report or record.
- 16 (3) Any of the following who are investigating a report of a child
- 17 who may be a victim of child abuse or neglect:
- 18 (A) A police officer or other law enforcement agency.
- 19 (B) A prosecuting attorney.
- 20 (C) A coroner, in the case of the death of a child.
- 21 (4) A physician who has before the physician a child whom the
- 22 physician reasonably suspects may be a victim of child abuse or
- 23 neglect.
- 24 (5) An individual legally authorized to place a child in protective
- 25 custody if:
- 26 (A) the individual has before the individual a child whom the
- 27 individual reasonably suspects may be a victim of abuse or
- 28 neglect; and
- 29 (B) the individual requires the information in the report or
- 30 record to determine whether to place the child in protective
- 31 custody.
- 32 (6) An agency having the legal responsibility or authorization to
- 33 care for, treat, or supervise a child who is the subject of a report
- 34 or record or a parent, guardian, custodian, or other person who is
- 35 responsible for the child's welfare.
- 36 (7) An individual named in the report or record who is alleged to
- 37 be abused or neglected or, if the individual named in the report is
- 38 a child or is otherwise incompetent, the individual's guardian ad
- 39 litem or the individual's court appointed special advocate, or both.
- 40 (8) Each parent, guardian, custodian, or other person responsible
- 41 for the welfare of a child named in a report or record and an
- 42 attorney of the person described under this subdivision, with

- 1 protection for the identity of reporters and other appropriate
2 individuals.
- 3 (9) A court, for redaction of the record in accordance with section
4 1.5 of this chapter, or upon the court's finding that access to the
5 records may be necessary for determination of an issue before the
6 court. However, except for disclosure of a redacted record in
7 accordance with section 1.5 of this chapter, access is limited to in
8 camera inspection unless the court determines that public
9 disclosure of the information contained in the records is necessary
10 for the resolution of an issue then pending before the court.
- 11 (10) A grand jury upon the grand jury's determination that access
12 to the records is necessary in the conduct of the grand jury's
13 official business.
- 14 (11) An appropriate state or local official responsible for child
15 protection services or legislation carrying out the official's official
16 functions.
- 17 (12) The community child protection team appointed under
18 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
19 enable the team to carry out the team's purpose under IC 31-33-3.
- 20 (13) A person about whom a report has been made, with
21 protection for the identity of:
- 22 (A) any person reporting known or suspected child abuse or
23 neglect; and
- 24 (B) any other person if the person or agency making the
25 information available finds that disclosure of the information
26 would be likely to endanger the life or safety of the person.
- 27 (14) An employee of the department, a caseworker, or a juvenile
28 probation officer conducting a criminal history check under
29 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
30 appropriateness of an out-of-home placement for a:
- 31 (A) child at imminent risk of placement;
- 32 (B) child in need of services; or
- 33 (C) delinquent child.
- 34 The results of a criminal history check conducted under this
35 subdivision must be disclosed to a court determining the
36 placement of a child described in clauses (A) through (C).
- 37 (15) A local child **serious bodily injury and** fatality review team
38 established under IC 16-49-2.
- 39 (16) The statewide child **protection and** fatality review
40 committee established by IC 16-49-4.
- 41 (17) The department.
- 42 (18) The division of family resources, if the investigation report:

- 1 (A) is classified as substantiated; and
 2 (B) concerns:
 3 (i) an applicant for a license to operate;
 4 (ii) a person licensed to operate;
 5 (iii) an employee of; or
 6 (iv) a volunteer providing services at;
 7 a child care center licensed under IC 12-17.2-4 or a child care
 8 home licensed under IC 12-17.2-5.
 9 (19) A citizen review panel established under IC 31-25-2-20.4.
 10 (20) The department of child services ombudsman established by
 11 IC 4-13-19-3.
 12 (21) The state superintendent of public instruction with protection
 13 for the identity of:
 14 (A) any person reporting known or suspected child abuse or
 15 neglect; and
 16 (B) any other person if the person or agency making the
 17 information available finds that disclosure of the information
 18 would be likely to endanger the life or safety of the person.
 19 (22) The state child **protection and** fatality review coordinator
 20 employed by the state department of health under IC 16-49-5-1.
 21 (23) A person who operates a child caring institution, group
 22 home, or secure private facility if all the following apply:
 23 (A) The child caring institution, group home, or secure private
 24 facility is licensed under IC 31-27.
 25 (B) The report or other materials concern:
 26 (i) an employee of;
 27 (ii) a volunteer providing services at; or
 28 (iii) a child placed at;
 29 the child caring institution, group home, or secure private
 30 facility.
 31 (C) The allegation in the report occurred at the child caring
 32 institution, group home, or secure private facility.
 33 (24) A person who operates a child placing agency if all the
 34 following apply:
 35 (A) The child placing agency is licensed under IC 31-27.
 36 (B) The report or other materials concern:
 37 (i) a child placed in a foster home licensed by the child
 38 placing agency;
 39 (ii) a person licensed by the child placing agency to operate
 40 a foster family home;
 41 (iii) an employee of the child placing agency or a foster
 42 family home licensed by the child placing agency; or

1 (iv) a volunteer providing services at the child placing
2 agency or a foster family home licensed by the child placing
3 agency.

4 (C) The allegations in the report occurred in the foster family
5 home or in the course of employment or volunteering at the
6 child placing agency or foster family home.

7 (25) The National Center for Missing and Exploited Children.

8 (26) A local domestic violence fatality review team established
9 under IC 12-18-8, as determined by the department to be relevant
10 to the death or near fatality that the local domestic violence
11 fatality review team is reviewing.

12 (27) The statewide domestic violence fatality review committee
13 established under IC 12-18-9-3, as determined by the department
14 to be relevant to the death or near fatality that the statewide
15 domestic violence fatality review committee is reviewing.

16 (28) The statewide maternal mortality review committee
17 established under IC 16-50-1-3, as determined by the department
18 to be relevant to the case of maternal morbidity or maternal
19 mortality that the statewide maternal mortality review committee
20 is reviewing.

21 (29) A local fetal-infant mortality review team established under
22 IC 16-49-6, as determined by the department to be relevant to the
23 case of fetal or infant fatality that the local fetal-infant mortality
24 review team is reviewing.

25 (30) A suicide and overdose fatality review team established
26 under IC 16-49.5-2, as determined by the department to be
27 relevant to the case of a suicide or overdose fatality that the
28 suicide and overdose fatality review team is reviewing.

29 SECTION 47. IC 31-33-22-2, AS AMENDED BY P.L.131-2009,
30 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 2. (a) An individual who knowingly requests,
32 obtains, or seeks to obtain child abuse or neglect information under
33 false pretenses commits a Class B misdemeanor.

34 (b) A person who knowingly or intentionally:

35 (1) falsifies child abuse or neglect information or records; or

36 (2) obstructs or interferes with a child abuse assessment,
37 including an assessment conducted by a local child **serious**
38 **bodily injury and** fatality review team or the statewide child
39 **protection and** fatality review committee;

40 commits obstruction of a child abuse assessment, a Class A
41 misdemeanor."

42 Page 6, line 19, delete "child" and insert "**legislative committee for**

1 **the oversight of child services)."**

2 Page 6, delete lines 20 through 21, begin a new paragraph and
3 insert:

4 "SECTION 28. IC 34-30-2-84.2, AS AMENDED BY P.L.31-2019,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 84.2. (a) IC 16-49-3-5 (Concerning hospitals,
7 physicians, coroners, law enforcement officers, and mental health
8 providers who provide certain records to local child **serious bodily**
9 **injury and** fatality review teams).

10 (b) IC 16-49-6-6 (Concerning health care providers, health care
11 facilities, individuals, and entities that provide certain records to the
12 local fetal-infant mortality review team).

13 SECTION 48. IC 34-30-2-84.3, AS AMENDED BY P.L.31-2019,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 84.3. (a) IC 16-49-3-9 (Concerning a member
16 of a local child **serious bodily injury and** fatality review team or an
17 individual who attends a meeting of a local child **serious bodily injury**
18 **and** fatality review team as an invitee of the chairperson).

19 (b) IC 16-49-6-10 (Concerning a member of the local fetal-infant
20 mortality review team or an individual who attends a meeting of the
21 local fetal-infant mortality review team as an invitee of the
22 chairperson).

23 SECTION 49. IC 34-30-2-84.4, AS AMENDED BY P.L.48-2018,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 84.4. (a) IC 16-49-4-5 (Concerning hospitals,
26 physicians, coroners, law enforcement officers, and mental health
27 providers who provide certain records to the statewide child **protection**
28 **and** fatality review committee).

29 (b) IC 16-49-4-10 (Concerning a member of the statewide child
30 **protection and** fatality review committee or an individual who attends
31 a meeting of the statewide child **protection and** fatality review
32 committee as an invitee of the chairperson).

33 SECTION 50. IC 34-46-2-11.4, AS ADDED BY P.L.119-2013,
34 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 11.4. IC 16-49-3-13 (Concerning discussions,
36 determinations, conclusions, and recommendations of a local child
37 **serious bodily injury and** fatality review team).

38 SECTION 51. IC 34-46-2-11.5, AS ADDED BY P.L.119-2013,
39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 11.5. IC 16-49-4-13 (Concerning discussions,
41 determinations, conclusions, and recommendations of the statewide
42 child **protection and** fatality review committee).

1 SECTION 52. IC 36-2-14-6.3, AS AMENDED BY P.L.109-2015,
2 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 6.3. (a) A coroner shall immediately notify:

4 (1) the local office of the department of child services by using
5 the statewide hotline for the department; and

6 (2) either:

7 (A) the local child **serious bodily injury and** fatality review
8 team; or

9 (B) if the county does not have a local child **serious bodily**
10 **injury and** fatality review team, the statewide child
11 **protection and** fatality review committee;

12 of each death of a person who is less than eighteen (18) years of age,
13 or appears to be less than eighteen (18) years of age and who has died
14 in an apparently suspicious, unexpected, or unexplained manner.

15 (b) If a child less than eighteen (18) years of age dies in an
16 apparently suspicious, unexpected, or unexplained manner, the coroner
17 shall consult with a child death pathologist to determine whether an
18 autopsy is necessary. If the coroner and the child death pathologist
19 disagree over the need for an autopsy, the county prosecuting attorney
20 shall determine whether an autopsy is necessary. If the autopsy is
21 considered necessary, a child death pathologist or a pathology resident
22 acting under the direct supervision of a child death pathologist shall
23 conduct the autopsy within twenty-four (24) hours after the prosecuting
24 attorney notifies the pathologist or pathology resident of the
25 determination. If the autopsy is not considered necessary, the autopsy
26 shall not be conducted.

27 (c) If a child death pathologist and coroner agree under subsection
28 (b) that an autopsy is necessary, the child death pathologist or a
29 pathology resident acting under the direct supervision of a child death
30 pathologist shall conduct the autopsy of the child.

31 SECTION 53. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007,
32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 6.7. (a) This section applies to a child who:

34 (1) died suddenly and unexpectedly;

35 (2) was less than three (3) years of age at the time of death; and

36 (3) was in apparent good health before dying.

37 (b) A child death pathologist or a pathology resident acting under
38 the direct supervision of a child death pathologist shall conduct an
39 autopsy of a child described in subsection (a).

40 (c) A county coroner may not certify the cause of death of a child
41 described in subsection (a) until an autopsy is performed at county
42 expense.

1 (d) The county coroner shall contact the parent or guardian of a
 2 child described in subsection (a) and notify the parent or guardian that
 3 an autopsy will be conducted at county expense.

4 (e) The child death pathologist shall:

5 (1) ensure that a tangible summary of the autopsy results is
 6 provided;

7 (2) provide informational material concerning sudden infant death
 8 syndrome; and

9 (3) unless the release of autopsy results would jeopardize a law
 10 enforcement investigation, provide notice that a parent or
 11 guardian has the right to receive the preliminary autopsy results;
 12 to the parents or guardian of the child within one (1) week after the
 13 autopsy.

14 (f) If a parent or guardian of a child described in subsection (a)
 15 requests the autopsy report of the child, the coroner shall provide the
 16 autopsy report to the parent or guardian within thirty (30) days after
 17 the:

18 (1) request; or

19 (2) completion of the autopsy report;

20 whichever is later, at no cost.

21 (g) A coroner shall notify:

22 (1) a local child **serious bodily injury and** fatality review team;
 23 or

24 (2) if the county does not have a local child **serious bodily injury**
 25 **and** fatality review team, the statewide child **protection and**
 26 fatality review committee;

27 of the death of a child described in subsection (a).

28 SECTION 54. IC 36-2-14-18, AS AMENDED BY P.L.31-2019,
 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1),
 31 when a coroner investigates a death, the office of the coroner is
 32 required to make available for public inspection and copying the
 33 following:

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

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

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

41 (4) The name of any public official or governmental employee
 42 present at the scene of the death and the name of the person

- 1 certifying or pronouncing the death.
- 2 (5) Information regarding an autopsy (requested or performed)
- 3 limited to the date, the person who performed the autopsy, where
- 4 the autopsy was performed, and a conclusion as to:
- 5 (A) the probable cause of death;
- 6 (B) the probable manner of death; and
- 7 (C) the probable mechanism of death.
- 8 (6) The location to which the body was removed, the person
- 9 determining the location to which the body was removed, and the
- 10 authority under which the decision to remove the body was made.
- 11 (7) The records required to be filed by a coroner under section 6
- 12 of this chapter and the verdict and the written report required
- 13 under section 10 of this chapter.
- 14 (b) A county coroner or a coroner's deputy who receives an
- 15 investigatory record from a law enforcement agency shall treat the
- 16 investigatory record with the same confidentiality as the law
- 17 enforcement agency would treat the investigatory record.
- 18 (c) Notwithstanding any other provision of this section, a coroner
- 19 shall make available a full copy of an autopsy report, other than a
- 20 photograph, a video recording, or an audio recording of the autopsy,
- 21 upon the written request of a parent of the decedent, an adult child of
- 22 the decedent, a next of kin of the decedent, or an insurance company
- 23 investigating a claim arising from the death of the individual upon
- 24 whom the autopsy was performed. A parent of the decedent, an adult
- 25 child of the decedent, a next of kin of the decedent, and an insurance
- 26 company are prohibited from publicly disclosing any information
- 27 contained in the report beyond that information that may otherwise be
- 28 disclosed by a coroner under this section. This prohibition does not
- 29 apply to information disclosed in communications in conjunction with
- 30 the investigation, settlement, or payment of the claim.
- 31 (d) Notwithstanding any other provision of this section, a coroner
- 32 shall make available a full copy of an autopsy report, other than a
- 33 photograph, a video recording, or an audio recording of the autopsy,
- 34 upon the written request of:
- 35 (1) the director of the division of disability and rehabilitative
- 36 services established by IC 12-9-1-1;
- 37 (2) the director of the division of mental health and addiction
- 38 established by IC 12-21-1-1; or
- 39 (3) the director of the division of aging established by
- 40 IC 12-9.1-1-1;
- 41 in connection with a division's review of the circumstances surrounding
- 42 the death of an individual who received services from a division or

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

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

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

9 (2) the statewide child **protection and** fatality review committee
10 established by IC 16-49-4; or

11 (3) a county child **serious bodily injury and** fatality review team
12 or regional child **serious bodily injury and** fatality review team
13 established under IC 16-49-2 for the area where the death
14 occurred;

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

23 (f) Notwithstanding any other provision of this section, a coroner
24 shall make available, upon written request, a full copy of an autopsy
25 report, including a photograph, a video recording, or an audio recording
26 of the autopsy, to the local fetal-infant mortality review team
27 established under IC 16-49-6 for purposes of the local fetal-infant
28 mortality review team conducting a review or an investigation of the
29 circumstances surrounding a fetal death or an infant death (as defined
30 in IC 16-49-6). An autopsy report made available under this subsection
31 is confidential and shall not be disclosed to another individual or
32 agency, unless otherwise authorized or required by law.

33 (g) Notwithstanding any other provision of this section, a coroner
34 shall make available, upon written request, a full copy of an autopsy
35 report, including a photograph, a video recording, or an audio recording
36 of the autopsy, to the statewide maternity mortality review committee
37 established under IC 16-50-1.

38 (h) Notwithstanding any other provision of this section, and except
39 as otherwise provided in this subsection, a coroner may make available,
40 upon written request, a full copy of an autopsy report to the peer review
41 committee (as defined in IC 34-6-2-99) of a hospital at which the
42 decedent was treated immediately before death for purposes of the

1 hospital's peer review activities. An autopsy report made available
2 under this subsection:

- 3 (1) may not include:
4 (A) a photograph;
5 (B) a video recording; or
6 (C) an audio recording;
7 of the autopsy; and
8 (2) is confidential and may not be disclosed to another individual
9 or agency, unless otherwise authorized or required by law.

10 However, if immediately making available an autopsy report under this
11 subsection will interfere with the coroner's investigation or other legal
12 proceedings related to the decedent's death, the coroner may delay
13 making available the requested autopsy related information until the
14 investigation or other legal proceedings are concluded.

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

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

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

26 (k) Upon receipt of a copy of the petition described in subsection (j),
27 the coroner shall keep the information confidential until the court rules
28 on the petition.

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

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

- 41 (1) the public interest will be served by allowing access; and
42 (2) access to the information specified in subsection (a) would not

- 1 create a significant risk to the criminal investigation of the death.
 2 The person petitioning the court for modification or termination shall
 3 serve a copy of the petition on the prosecuting attorney and the coroner.
 4 (n) Upon receipt of a petition for modification or termination filed
 5 under subsection (m), the court may:
 6 (1) summarily grant, modify, or dismiss the petition; or
 7 (2) set the matter for hearing.
 8 If the court sets the matter for hearing, upon the motion of any party or
 9 upon the court's own motion, the court may close the hearing to the
 10 public.
 11 (o) If the person filing the petition for modification or termination
 12 proves by a preponderance of the evidence that:
 13 (1) the public interest will be served by allowing access; and
 14 (2) access to the information specified in subsection (a) would not
 15 create a significant risk to the criminal investigation of the death;
 16 the court shall modify or terminate its order restricting access to the
 17 information. In ruling on a request under this subsection, the court shall
 18 state the court's reasons for granting or denying the request."
 19 Renumber all SECTIONS consecutively.
 (Reference is to SB 301 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Grooms, Chairperson