



February 16, 2021

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## SENATE BILL No. 301

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DIGEST OF SB 301 (Updated February 15, 2021 10:29 am - DI 136)

**Citations Affected:** IC 2-5; IC 16-49; IC 31-25; IC 31-33; IC 34-30; IC 34-46; IC 36-2.

**Synopsis:** Legislative committee for oversight of child services. Establishes the legislative committee for oversight of child services (the committee). Allows the committee to review data reported by the statewide child protection and review committee and services provided to children and families in any case reviewed by the statewide child protection and fatality review team. Requires the committee to advise state agencies on certain matters. Allows the committee to meet with a local child serious bodily injury and fatality review team and make recommendations to certain people about how to prevent child deaths and improve child safety. Delineates the records the committee can obtain and review and the confidentiality requirements for the records. Changes the name of the statewide child fatality review committee; the state child fatality review coordinator; and the local, county and regional child fatality review teams. Increases the number of statewide child protection and fatality review committee members from 15 to 19. Makes conforming changes.

**Effective:** Upon passage.

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## Houchin

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January 11, 2021, read first time and referred to Committee on Family and Children Services.  
February 15, 2021, amended, reported favorably — Do Pass.

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SB 301—LS 6713/DI 136





February 16, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 301

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 2-5-46 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:  
4 **Chapter 46. Legislative Committee for Oversight of Child**  
5 **Services**  
6 **Sec. 1. As used in this chapter, "committee" means the**  
7 **legislative committee for oversight of child services established by**  
8 **section 3 of this chapter.**  
9 **Sec. 2. As used in this chapter, "department" means the**  
10 **department of child services established by IC 31-25-1-1.**  
11 **Sec. 3. The legislative committee for oversight of child services**  
12 **is established to:**  
13 **(1) review the data reported by the statewide child protection**  
14 **and review committee; and**  
15 **(2) review services provided to children and families in any**  
16 **case reviewed by the statewide child protection and fatality**  
17 **review committee to:**

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- 1 (A) develop an understanding of the causes of child
- 2 fatalities;
- 3 (B) make recommendations for implementing changes
- 4 within state agencies that will prevent child deaths and
- 5 improve child safety; and
- 6 (C) make recommendations to the general assembly and
- 7 the governor on statutory, policy, and practice changes
- 8 that will prevent child deaths and improve child safety.

9 Sec. 4. (a) The committee consists of sixteen (16) members  
 10 appointed as follows:

- 11 (1) Four (4) members of the senate, not more than two (2) of
- 12 whom may be affiliated with the same political party, to be
- 13 appointed by the president pro tempore of the senate.
- 14 (2) Four (4) members of the house of representatives, not
- 15 more than two (2) of whom may be affiliated with the same
- 16 political party, to be appointed by the speaker of the house of
- 17 representatives.
- 18 (3) Two (2) individuals who are not members of the general
- 19 assembly to be appointed by the president pro tempore of the
- 20 senate.
- 21 (4) Two (2) individuals who are not members of the general
- 22 assembly to be appointed by the speaker of the house of
- 23 representatives.
- 24 (5) One (1) individual appointed by the governor.
- 25 (6) The state child fatality review coordinator.

26 The members of the general assembly appointed under this  
 27 subsection must be members of either the senate committee on  
 28 family and children services or the house committee on family,  
 29 children, and human affairs. The individuals appointed under  
 30 subdivisions (3), (4), and (5) must be experts in the area of family  
 31 and child services.

32 (b) Each year the chairperson of the legislative council shall  
 33 appoint a member of the committee to serve as chairperson.

34 (c) If a legislative member of the committee ceases being a  
 35 member of the chamber from which the member was appointed,  
 36 the member also ceases to be a member of the committee.

37 (d) A legislative member of the committee may be removed at  
 38 any time by the appointing authority who appointed the legislative  
 39 member.

40 (e) If a vacancy exists on the committee, the appointing  
 41 authority who appointed the former member whose position has  
 42 become vacant shall appoint an individual to fill the vacancy.



- 1           **Sec. 5. (a) The committee shall:**  
 2           (1) review the data reported by the statewide child protection  
 3           and fatality review committee; and  
 4           (2) review services provided to children and families in any  
 5           case reviewed by the statewide child protection and fatality  
 6           review committee.
- 7           **(b) The committee shall advise the department and other state**  
 8           **agencies on efforts to educate the public concerning:**  
 9           (1) the incidence and cause of child deaths;  
 10          (2) the prevention of child death; and  
 11          (3) the role of the public in preventing child death and steps  
 12          that members of the public can take to prevent child death  
 13          and improve child safety.
- 14          **(c) The committee may do the following:**  
 15          (1) Meet with a local child serious bodily injury and fatality  
 16          review team or the statewide child protection and fatality  
 17          review team to receive a report on any case reviewed under  
 18          IC 16-49.  
 19          (2) Recommend to the department and other state agencies  
 20          policy and process changes that would prevent child death  
 21          and improve child safety.  
 22          (3) Recommend to the legislative council any necessary  
 23          statutory changes that would prevent child death and improve  
 24          child safety.  
 25          (4) Study any other issue relevant to preventing child death  
 26          and improving child safety as determined by the chairperson  
 27          of the committee.
- 28          **(d) In conducting a review under subsection (a), the committee**  
 29          **may review all applicable records and information related to the**  
 30          **injury or death of a child, including the following:**  
 31          (1) Records held by the:  
 32                (A) local health department or state department of health;  
 33                and  
 34                (B) department.  
 35          (2) Medical records.  
 36          (3) Law enforcement records.  
 37          (4) Autopsy records.  
 38          (5) Records of the coroner.  
 39          (6) Mental health reports.
- 40          **(e) Subject to IC 34-30-15, if the committee requests records**  
 41          **from a hospital, physician, coroner, law enforcement officer, or**  
 42          **mental health professional regarding an injury or death that the**



1 committee is investigating, the hospital, physician, coroner, law  
 2 enforcement officer, or mental health professional shall provide the  
 3 requested records to the committee.

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

- 6 (1) a civil;
- 7 (2) an administrative;
- 8 (3) a disciplinary; or
- 9 (4) a criminal;

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

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

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

- 16 (1) subject to subpoena or discovery; or
- 17 (2) admissible as evidence;

18 in any judicial or administrative proceeding. Information that is  
 19 otherwise discoverable or admissible from original sources is not  
 20 immune from discovery or use in any proceeding merely because  
 21 the information was presented during proceedings before the  
 22 committee.

23 Sec. 6. The committee may meet at any time at the call of the  
 24 chairperson and must meet at least one (1) time during each  
 25 calendar quarter.

26 Sec. 7. Each member of the committee and any individual  
 27 invited to attend a meeting of the committee shall sign a  
 28 confidentiality statement prepared by the state child protection  
 29 and fatality review coordinator and made available to the  
 30 committee through the legislative services agency.

31 Sec. 8. (a) Except as provided in subsection (b), meetings of the  
 32 committee are open to the public.

33 (b) A meeting of the committee that involves:

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

37 must be held as an executive session.

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

- 40 (1) attends the meeting; and
- 41 (2) is not a member of the committee;

42 shall sign a confidentiality statement prepared by the state child



1 protection and fatality review coordinator.

2 **Sec. 9. Members of the committee and individuals who attend a**  
3 **meeting of the committee as invitees of the chairperson:**

4 (1) may discuss among themselves confidential matters that  
5 are before the committee;

6 (2) are bound by all applicable laws regarding the  
7 confidentiality of matters reviewed by the committee; and

8 (3) except when acting:

9 (A) with malice;

10 (B) in bad faith; or

11 (C) with gross negligence;

12 are immune from any civil or criminal liability that might  
13 otherwise be imposed as a result of communicating among  
14 themselves about confidential matters that are before the  
15 committee.

16 **Sec. 10. The committee is subject to the confidentiality**  
17 **provisions of IC 31-33-18 that apply to records held by the**  
18 **committee.**

19 **Sec. 11. (a) The committee shall annually report on its activities**  
20 **in an electronic format under IC 5-14-6 to the legislative council**  
21 **before November 1.**

22 (b) The report must include the committee's recommendations  
23 concerning any of the following:

24 (1) The implementation of cross-agency training that the  
25 committee finds will prevent child death and improve child  
26 safety.

27 (2) Ways to meet the technical assistance needs of the  
28 department and other agencies providing services to children.

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

30 (4) Proposed changes to statutes, administrative rules,  
31 policies, and procedures that the committee finds will prevent  
32 child death and improve child safety.

33 (c) The committee shall provide a copy of the report prepared  
34 under subsection (a) to the governor.

35 **Sec. 12. (a) The legislative services agency shall provide staff**  
36 **support to the committee.**

37 (b) The committee may employ consultants to assist it with its  
38 study.

39 **Sec. 13. Except as otherwise provided by this chapter, the**  
40 **committee is subject to the policies governing interim study**  
41 **committees established by the legislative council.**

42 **Sec. 14. (a) Each member of the committee is entitled to receive**



1 the same per diem, mileage, and travel allowances paid to  
 2 individuals who serve as legislative and lay members, respectively,  
 3 of interim study committees established by the legislative council.

4 (b) The committee is not subject to either of the following:

5 (1) The maximum number of meetings that an interim study  
 6 committee may hold.

7 (2) The maximum amount of expenses that an interim study  
 8 committee may incur.

9 Sec. 15. The legislative council may refer any issue related to  
 10 family and child services to the committee for study. If a matter is  
 11 referred to the committee under this section, the committee shall  
 12 study that matter and report in an electronic format under  
 13 IC 5-14-6 to the legislative council as requested by the council.

14 Sec. 16. The expenses of the committee must be paid from  
 15 amounts appropriated to the legislative council.

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

21 Sec. 18. The committee may receive and may review, at the  
 22 discretion of the chairperson, any written complaint regarding any  
 23 case the department has been involved in and any complaint  
 24 regarding child abuse and neglect submitted by any person having  
 25 knowledge of a circumstance described in section 5(a) of this  
 26 chapter.

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

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

38 SECTION 4. IC 16-49-1-6, AS ADDED BY P.L.119-2013,  
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 6. "Local child **serious bodily injury and**  
 41 fatality review team" refers to a county or regional child **serious bodily**  
 42 **injury and** fatality review team established by a child **serious bodily**





- 1 **injury and** fatality committee under IC 16-49-2.
- 2 SECTION 5. IC 16-49-1-8, AS ADDED BY P.L.119-2013,  
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 8. "Regional child **serious bodily injury and**  
 5 fatality review team" means a child **serious bodily injury and** fatality  
 6 review team established by a child **serious bodily injury and** fatality  
 7 committee under IC 16-49-2 for a region consisting of more than one  
 8 (1) county.
- 9 SECTION 6. IC 16-49-1-9, AS ADDED BY P.L.119-2013,  
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 9. "State child **protection and** fatality review  
 12 coordinator" refers to the state child **protection and** fatality review  
 13 coordinator employed by the state department under IC 16-49-5-1.
- 14 SECTION 7. IC 16-49-1-10, AS ADDED BY P.L.119-2013,  
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 UPON PASSAGE]: Sec. 10. "Statewide child **protection and** fatality  
 17 review committee" refers to the statewide child **protection and** fatality  
 18 review committee established by IC 16-49-4-1.
- 19 SECTION 8. IC 16-49-2-1, AS ADDED BY P.L.119-2013,  
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 1. A child **serious bodily injury and** fatality  
 22 committee is established in each county and consists of the following  
 23 members:
- 24 (1) The prosecuting attorney of the county or a representative of  
 25 the prosecuting attorney.
  - 26 (2) The county coroner or a deputy coroner of the county  
 27 representing the county coroner.
  - 28 (3) A representative from:
    - 29 (A) a county health department established under IC 16-20-2;
    - 30 (B) a health and hospital corporation established under  
 31 IC 16-22-8; or
    - 32 (C) a multiple county health department established under  
 33 IC 16-20-3;
 that is located in or serves the county.
  - 34 (4) A representative from the department of child services.
  - 35 (5) A representative of law enforcement from the county.
- 36 SECTION 9. IC 16-49-2-2, AS ADDED BY P.L.119-2013,  
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 2. (a) The child **serious bodily injury and**  
 39 fatality committee shall meet for the first meeting of the child **serious**  
 40 **bodily injury and** fatality committee at the call of the prosecuting  
 41 attorney of the county, or the prosecuting attorney's representative.  
 42



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

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

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

10 (1) Determine whether to establish a:

11 (A) county child **serious bodily injury and** fatality review  
12 team; or

13 (B) regional child **serious bodily injury and** fatality review  
14 team;

15 for the county.

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

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

25 SECTION 11. IC 16-49-2-4, AS ADDED BY P.L.119-2013,  
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 UPON PASSAGE]: Sec. 4. (a) A local child **serious bodily injury and**  
28 fatality review team consists of the following members:

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

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

34 (3) A representative from:

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

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

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

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

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



- 1 (5) A representative of law enforcement from the area served by  
 2 the local child **serious bodily injury and** fatality review team.
- 3 (6) A representative from a school district in the area served by  
 4 the local child **serious bodily injury and** fatality review team.
- 5 (b) In addition to the members under subsection (a), a local child  
 6 **serious bodily injury and** fatality review team shall:
- 7 (1) have as a member of the local child **serious bodily injury and**  
 8 fatality review team:
- 9 (A) a pediatrician or family practice physician;  
 10 (B) a representative from an emergency medical services  
 11 provider;  
 12 (C) a representative from a fire department or volunteer fire  
 13 department (as defined in IC 36-8-12-2); and  
 14 (D) a mental health provider; or
- 15 (2) enter into a written agreement with another local child **serious**  
 16 **bodily injury and** fatality review team for the provision of  
 17 services, guidance, and expertise of a person listed in subdivision  
 18 (1)(A) through (1)(D) who is a member of that local child **serious**  
 19 **bodily injury and** fatality review team.
- 20 (c) In addition to the members under subsection (a), a local child  
 21 **serious bodily injury and** fatality review team shall have:
- 22 (1) a member on the team who is a pathologist with forensic  
 23 experience who is licensed to practice medicine in Indiana and  
 24 who, if feasible, is certified by the American Board of Pathology  
 25 in forensic pathology; or
- 26 (2) an agreement with a pathologist described in subdivision (1)  
 27 for the provision of the pathologist's services and expertise, as  
 28 needed by the local child **serious bodily injury and** fatality  
 29 review team.
- 30 SECTION 12. IC 16-49-2-5, AS ADDED BY P.L.119-2013,  
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 5. A local child **serious bodily injury and**  
 33 fatality review team may have additional members from the following  
 34 categories:
- 35 (1) A representative of a hospital located in the area served by the  
 36 local child **serious bodily injury and** fatality review team.
- 37 (2) A representative from a juvenile or probate court in the area  
 38 served by the local child **serious bodily injury and** fatality  
 39 review team.
- 40 (3) Other representatives requested to serve as members by the:  
 41 (A) child **serious bodily injury and** fatality committee; or  
 42 (B) local child **serious bodily injury and** fatality review team.



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



1 committee would like from the state child **protection and** fatality  
 2 review coordinator in forming the local child **serious bodily**  
 3 **injury and** fatality review team.  
 4 SECTION 15. IC 16-49-3-1, AS ADDED BY P.L.119-2013,  
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 1. (a) The local child **serious bodily injury**  
 7 **and** fatality review team shall meet for the first meeting of the local  
 8 child **serious bodily injury and** fatality review team at the call of a  
 9 prosecuting attorney or prosecuting attorney's representative.  
 10 (b) The members of a local child **serious bodily injury and** fatality  
 11 review team shall elect a member to serve as the chairperson at the first  
 12 meeting.  
 13 (c) The members of the local child **serious bodily injury and**  
 14 fatality review team shall meet at the call of the chairperson for all  
 15 meetings after the first meeting.  
 16 SECTION 16. IC 16-49-3-2, AS ADDED BY P.L.119-2013,  
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 2. (a) After an individual becomes a member  
 19 of a local child **serious bodily injury and** fatality review team and  
 20 before the member participates in a review, ~~of a child fatality,~~  
 21 the member shall:  
 22 (1) sign a confidentiality statement prepared by the state child  
 23 **protection and** fatality review coordinator under IC 16-49-5-2;  
 24 (2) review the purpose and goal of the local child **serious bodily**  
 25 **injury and** fatality review team; and  
 26 (3) review the data collection form developed by the state child  
 27 **protection and** fatality review coordinator under IC 16-49-5-2.  
 28 (b) Any individuals who are invited by the chairperson to attend a  
 29 meeting of a local child **serious bodily injury and** fatality review team  
 30 shall sign a confidentiality statement prepared by the state child  
 31 **protection and** fatality review coordinator under IC 16-49-5-2.  
 32 (c) A local child **serious bodily injury and** fatality review team  
 33 may:  
 34 (1) appoint additional members to the local child **serious bodily**  
 35 **injury and** fatality review team as provided in IC 16-49-2-5; and  
 36 (2) if there is a vacancy on the local child **serious bodily injury**  
 37 **and** fatality review team, appoint an individual to fill the vacancy.  
 38 SECTION 17. IC 16-49-3-3, AS AMENDED BY P.L.29-2016,  
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 3. (a) A local child **serious bodily injury and**  
 41 fatality review team:  
 42 (1) shall review the death of a child whose death incident



1 occurred in the area served by the local child **serious bodily**  
 2 **injury and** fatality review team and may review the death of a  
 3 child whose death occurred in the area served by the local child  
 4 **serious bodily injury and** fatality review team if:

5 (A) the death of the child is:

6 (i) sudden;

7 (ii) unexpected;

8 (iii) unexplained; or

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

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

13 (i) undetermined; or

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

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

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

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

28 (1) Records held by the:

29 (A) local or state health department; and

30 (B) department of child services.

31 (2) Medical records.

32 (3) Law enforcement records.

33 (4) Autopsy reports.

34 (5) Records of the coroner.

35 (6) Mental health reports.

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

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



1 (1) subject to subpoena or discovery; or  
 2 (2) admissible as evidence;  
 3 in any judicial or administrative proceeding. Information that is  
 4 otherwise discoverable or admissible from original sources is not  
 5 immune from discovery or use in any proceeding merely because the  
 6 information was presented during proceedings before a local child  
 7 **serious bodily injury and** fatality review team.

8 SECTION 18. IC 16-49-3-4, AS ADDED BY P.L.119-2013,  
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 4. The local child **serious bodily injury and**  
 11 fatality review team shall review the death certificate of a child  
 12 received from a local health officer to determine if the local child  
 13 **serious bodily injury and** fatality review team is required to review  
 14 the death of the child as required under section 3 of this chapter.

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

25 (b) A person who provides records in accordance with subsection  
 26 (a) 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 SECTION 20. IC 16-49-3-6, AS ADDED BY P.L.119-2013,  
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 6. In reviewing the **serious bodily injury or**  
 35 death of a child under this chapter, the local child **serious bodily**  
 36 **injury and** fatality review team shall:

37 (1) identify the factors that surrounded or contributed to the  
 38 **serious bodily injury or** death of the child;  
 39 (2) determine whether similar **serious bodily injuries or** deaths  
 40 could be prevented in the future;  
 41 (3) if applicable, identify:  
 42 (A) agencies and entities that should be involved; and



- 1 (B) any other resources that should be used;  
 2 to adequately prevent future **serious bodily injuries and** deaths  
 3 of children; and  
 4 (4) if applicable, identify solutions to improve practice and policy  
 5 and enhance coordination.

6 SECTION 21. IC 16-49-3-7, AS AMENDED BY P.L.29-2016,  
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 7. (a) Before July 1 each year, a local child  
 9 **serious bodily injury and** fatality review team shall prepare and  
 10 submit to the state child **protection and** fatality review coordinator a  
 11 report that must include the following information:

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

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

19 (3) Solutions proposed for system inadequacies.

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

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

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

33 SECTION 22. IC 16-49-3-8, AS ADDED BY P.L.119-2013,  
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),  
 36 meetings of a local child **serious bodily injury and** fatality review  
 37 team are open to the public.

38 (b) Meetings of a local child **serious bodily injury and** fatality  
 39 review team that involve confidential records or identifying  
 40 information regarding the **serious bodily injury or** death of a child  
 41 that is confidential under state or federal law must be held as executive  
 42 sessions.





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

12 SECTION 23. IC 16-49-3-9, AS ADDED BY P.L.119-2013,  
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 UPON PASSAGE]: Sec. 9. Members of a local child **serious bodily**  
 15 **injury and fatality review team** and individuals who attend a meeting  
 16 of a local child **serious bodily injury and fatality review team** as  
 17 invitees of the chairperson:

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

32 SECTION 24. IC 16-49-3-10, AS ADDED BY P.L.119-2013,  
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 10. The chairperson of a local child **serious**  
 35 **bodily injury and fatality review team** or the chairperson's designee  
 36 shall do the following:

37 (1) Prepare the agenda for each meeting.  
 38 (2) Provide notices of meetings to all members of the local child  
 39 **serious bodily injury and fatality review team**.  
 40 (3) Maintain confidentiality forms signed in accordance with  
 41 sections 2(a)(1) and 8(c) of this chapter.  
 42 (4) Ensure all new members of the **local child serious bodily**



- 1           **injury and** fatality review team and invitees sign the  
 2           confidentiality forms as required under sections 2(a)(1) and 8(c)  
 3           of this chapter.  
 4           (5) Record all review data regarding the death of a child using the  
 5           data collection tools provided by the state child **protection and**  
 6           fatality review coordinator and enter the information into the  
 7           electronic data collection system.  
 8           (6) Attend training on the data collection tools.  
 9           (7) Serve as a liaison between the local child **serious bodily**  
 10          **injury and** fatality review team and the:  
 11                (A) statewide child **protection and** fatality review committee;  
 12                and  
 13                (B) state child **protection and** fatality review coordinator.  
 14          (8) Ensure compliance with section 8 of this chapter.  
 15          (9) Upon the conclusion of a review of **the serious bodily injury**  
 16          **sustained by a child or** a child fatality, destroy all records,  
 17          information, and documents obtained by the local child **serious**  
 18          **bodily injury and** fatality review team under section 5 of this  
 19          chapter.  
 20          SECTION 25. IC 16-49-3-11, AS ADDED BY P.L.119-2013,  
 21          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22          UPON PASSAGE]: Sec. 11. The department of child services shall  
 23          have access to all data submitted by a local child **serious bodily injury**  
 24          **and** fatality review team, including access to the electronic data  
 25          collection system, to assist the department of child services in  
 26          preparing the report required under IC 31-25-2-24.  
 27          SECTION 26. IC 16-49-3-12, AS ADDED BY P.L.119-2013,  
 28          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29          UPON PASSAGE]: Sec. 12. A local child **serious bodily injury and**  
 30          fatality review team is subject to the confidentiality provisions of  
 31          IC 31-33-18 applying to records held by the local child **serious bodily**  
 32          **injury and** fatality review team.  
 33          SECTION 27. IC 16-49-3-13, AS ADDED BY P.L.119-2013,  
 34          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35          UPON PASSAGE]: Sec. 13. The discussions, determinations,  
 36          conclusions, and recommendations of a local child **serious bodily**  
 37          **injury and** fatality review team, or its members, concerning a review  
 38          of **the serious bodily injury sustained by a child or** a child fatality at  
 39          a meeting of the local child **serious bodily injury and** fatality review  
 40          team:  
 41                (1) are privileged; and  
 42                (2) are not:



- 1 (A) subject to subpoena or discovery; or  
 2 (B) admissible as evidence;  
 3 in any judicial or administrative proceeding.
- 4 SECTION 28. IC 16-49-4-1, AS ADDED BY P.L.119-2013,  
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 1. The statewide child **protection and** fatality  
 7 review committee is established to:
- 8 (1) identify similarities, trends, and factual patterns concerning
  - 9 **child safety or** the deaths of children in Indiana;
  - 10 (2) create strategies and make recommendations for the
  - 11 prevention of injuries to and deaths of children;
  - 12 (3) provide expertise, consultation, guidance, and training to local
  - 13 child **serious bodily injury and** fatality review teams; and
  - 14 (4) advise and educate the legislature, governor, and public on the
  - 15 status of child **protection and** fatalities in Indiana.
- 16 SECTION 29. IC 16-49-4-2, AS ADDED BY P.L.119-2013,  
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 2. The statewide child **protection and** fatality  
 19 review committee consists of the following members appointed by the  
 20 governor:
- 21 (1) A coroner or deputy coroner.
  - 22 (2) A representative from the state department who:
  - 23 (A) is a licensed physician; and
  - 24 (B) specializes in injury prevention.
  - 25 (3) A representative of a:
  - 26 (A) local health department established under IC 16-20-2; or
  - 27 (B) multiple county health department established under
  - 28 IC 16-20-3.
  - 29 (4) A pediatrician.
  - 30 (5) A representative of law enforcement who has experience in
  - 31 investigating child deaths.
  - 32 (6) A representative from an emergency medical services
  - 33 provider.
  - 34 (7) The director or a representative of the department of child
  - 35 services.
  - 36 (8) A representative of a prosecuting attorney who has experience
  - 37 in prosecuting child abuse.
  - 38 (9) A pathologist who is:
  - 39 (A) certified by the American Board of Pathology in forensic
  - 40 pathology; and
  - 41 (B) licensed to practice medicine in Indiana.
  - 42 (10) A mental health provider.



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

17 SECTION 30. IC 16-49-4-3, AS ADDED BY P.L.119-2013,  
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 3. All members of the statewide child  
 20 **protection and** fatality review committee and any individuals invited  
 21 to attend a meeting of the statewide child **protection and** fatality  
 22 review committee shall sign a confidentiality statement prepared by the  
 23 state child **protection and** fatality review coordinator.

24 SECTION 31. IC 16-49-4-4, AS ADDED BY P.L.119-2013,  
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 4. **(a)** The statewide child **protection and**  
 27 fatality review committee shall do the following:

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



- 1 members of local child **serious bodily injury and** fatality  
 2 review teams; and  
 3 (D) providing, upon request of a local child **serious bodily**  
 4 **injury and** fatality review team, expertise in creating local  
 5 prevention strategies.
- 6 (4) Upon request by a local child **serious bodily injury and**  
 7 fatality review team or the department of child services  
 8 ombudsman established by IC 4-13-19-3, assist in or conduct a  
 9 review of the **serious bodily injury or** death of a child as  
 10 provided under section 5 of this chapter.
- 11 (5) Create strategies and make recommendations for the safety of  
 12 children and prevention of serious injuries or deaths of children.
- 13 **(b) The statewide child protection and fatality review committee**  
 14 **may do the following:**
- 15 **(1) Receive and review any case the department of child**  
 16 **services has been involved in.**
- 17 **(2) Receive and review any complaints regarding child abuse**  
 18 **and neglect that are brought to a local child serious bodily**  
 19 **injury and fatality review committee by a person or agency.**
- 20 **(3) Receive and review, at the discretion of the chairperson,**  
 21 **any complaint submitted in writing by any person having**  
 22 **knowledge that a child has suffered serious bodily injury from**  
 23 **abuse or neglect in the child's home or a child fatality has**  
 24 **occurred in the child's home after the child was allowed to**  
 25 **remain in or returned to the child's home.**
- 26 SECTION 32. IC 16-49-4-5, AS ADDED BY P.L.119-2013,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 5. (a) Upon request by a local child **serious**  
 29 **bodily injury and** fatality review team or the department of child  
 30 services ombudsman established by IC 4-13-19-3, the statewide child  
 31 **protection and** fatality review committee shall assist a local child  
 32 **serious bodily injury and** fatality review team or conduct a review of  
 33 the death of a child that occurred in Indiana if:
- 34 (1) the death of the child is:  
 35 (A) sudden;  
 36 (B) unexpected;  
 37 (C) unexplained; or  
 38 (D) assessed by the department of child services for alleged  
 39 abuse or neglect that resulted in the death of the child; or
- 40 (2) the coroner in the area in which the child's death occurred  
 41 determines that the cause of the death of the child is:  
 42 (A) undetermined; or



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



1 SECTION 33. IC 16-49-4-6, AS ADDED BY P.L.119-2013,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 6. In reviewing **child safety or** the death of  
 4 a child under this chapter, the statewide child **protection and** fatality  
 5 review committee shall:

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

17 SECTION 34. IC 16-49-4-7, AS ADDED BY P.L.119-2013,  
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 7. (a) The chairperson of the statewide child  
 20 **protection and** fatality review committee shall be selected by the  
 21 governor.

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

24 SECTION 35. IC 16-49-4-8, AS ADDED BY P.L.119-2013,  
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 8. The chairperson of the statewide child  
 27 **protection and** fatality review committee shall do the following:

- 28 (1) Work with the state child **protection and** fatality review  
 29 coordinator to prepare the agenda for each meeting of the  
 30 statewide child **protection and** fatality review committee.  
 31 (2) Work with the state child **protection and** fatality review  
 32 coordinator to:  
 33 (A) prepare the annual report of the statewide child **protection**  
 34 **and** fatality review committee described in section 11 of this  
 35 chapter; and  
 36 (B) ensure compliance with section 9 of this chapter.  
 37 (3) Upon the conclusion of a review **by the statewide child**  
 38 **protection and fatality review committee, of a child fatality,**  
 39 destroy all records, information, and documents obtained by the  
 40 statewide child **protection and** fatality review committee under  
 41 section 5 of this chapter.

42 SECTION 36. IC 16-49-4-9, AS ADDED BY P.L.119-2013,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b),  
3 meetings of the statewide child **protection and** fatality review  
4 committee are open to the public.

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

7 (1) confidential records; or

8 (2) identifying information regarding the **serious bodily injury**  
9 **or** death of a child that is confidential under state or federal law;

10 shall be held as an executive session.

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

13 (1) attends the meeting; and

14 (2) is not a member of the statewide child **protection and** fatality  
15 review committee;

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

18 SECTION 37. IC 16-49-4-10, AS ADDED BY P.L.119-2013,  
19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 10. Members of the statewide child  
21 **protection and** fatality review committee and individuals who attend  
22 a meeting of the statewide child **protection and** fatality review  
23 committee as invitees of the chairperson:

24 (1) may discuss among themselves confidential matters that are  
25 before the statewide child **protection and** fatality review  
26 committee;

27 (2) are bound by all applicable laws regarding the confidentiality  
28 of matters reviewed by the statewide child **protection and** fatality  
29 review committee; and

30 (3) except when acting:

31 (A) with malice;

32 (B) in bad faith; or

33 (C) with gross negligence;

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

38 SECTION 38. IC 16-49-4-11, AS ADDED BY P.L.119-2013,  
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: Sec. 11. (a) The statewide child **protection and**  
41 fatality review committee shall submit to the legislative council,  
42 governor, department of child services, state department, **legislative**





1 **committee for oversight of child services**, and commission on  
 2 improving the status of children in Indiana on or before December 31  
 3 of each year a report that includes the following information:

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

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

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

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

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

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

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

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

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

26 SECTION 39. IC 16-49-4-12, AS ADDED BY P.L.119-2013,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 12. (a) A report released under ~~this~~ section 11  
 29 of this chapter may not contain identifying information relating to the  
 30 **child or** fatalities reviewed by the statewide child **protection and**  
 31 fatality review committee or any local child **serious bodily injury and**  
 32 fatality review team.

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

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

42 (1) are privileged; and



1 (2) are not:

2 (A) subject to subpoena or discovery; or

3 (B) admissible as evidence;

4 in any judicial or administrative proceeding.

5 SECTION 41. IC 16-49-4-14, AS ADDED BY P.L.119-2013,  
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 14. A member of the statewide child  
8 **protection and** fatality review committee is not entitled to receive  
9 compensation or per diem but is entitled to receive mileage on the days  
10 on which the member is engaged in the business of the statewide child  
11 **protection and** fatality review committee.

12 SECTION 42. IC 16-49-4-15, AS ADDED BY P.L.119-2013,  
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 15. The statewide child **protection and**  
15 fatality review committee is subject to the confidentiality provisions of  
16 IC 31-33-18 applying to records held by the statewide child **protection**  
17 **and** fatality review committee.

18 SECTION 43. IC 16-49-5-1, AS ADDED BY P.L.119-2013,  
19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 1. The state department shall employ a state  
21 child **protection and** fatality review coordinator to do the following:

22 (1) Assist the statewide child **protection and** fatality review  
23 committee chairperson in establishing agendas for meetings of the  
24 statewide child **protection and** fatality review committee.

25 (2) Coordinate information and materials for the meetings of the  
26 statewide child **protection and** fatality review committee.

27 (3) Compile raw data for presentation to the statewide child  
28 **protection and** fatality review committee.

29 (4) Contact the appropriate individuals if any issues with the  
30 electronic data collection system occur.

31 (5) Record information concerning child **safety and child** fatality  
32 reviews conducted by the statewide child **protection and** fatality  
33 review committee in the electronic data collection system.

34 (6) Record and compile recommendations by the statewide child  
35 **protection and** fatality review committee for the **promotion of**  
36 **child safety and** prevention of child fatalities and investigate  
37 available prevention resources.

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

41 (8) Facilitate distribution of the annual report described in  
42 IC 16-49-4-11.



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

41 SECTION 44. IC 16-49-5-2, AS ADDED BY P.L.119-2013,  
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 2. (a) The state child **protection and** fatality  
2 review coordinator shall develop a data collection form that includes:

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

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

11 (B) A list of:

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

14 to adequately **promote child safety and** prevent future child  
15 deaths in the area.

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

20 SECTION 45. IC 16-49-5-3, AS ADDED BY P.L.119-2013,  
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: Sec. 3. The following must be paid from funds  
23 appropriated to the state department:

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

26 (2) Expenses for any training for:

27 (A) the state child **protection and** fatality review coordinator;

28 (B) members of the statewide child **protection and** fatality  
29 review committee; and

30 (C) members of local child **serious bodily injury and** fatality  
31 review teams.

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

34 SECTION 46. IC 16-49-6-7, AS ADDED BY P.L.31-2019,  
35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 7. The state department shall employ a  
37 statewide fetal-infant mortality review coordinator to assist local  
38 fetal-infant mortality review teams and do the following:

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

40 (2) Act as a liaison between the statewide child **protection and**  
41 fatality review committee and local fetal-infant mortality review  
42 teams.



- 1 (3) Create and provide forms, including a data collection form for  
 2 the data described in section 8(d) of this chapter.  
 3 (4) Develop protocols for meetings of and case reviews conducted  
 4 by local fetal-infant mortality review teams.  
 5 (5) Provide data collection tools that include collecting and  
 6 storing the following information:  
 7 (A) Identifying and nonidentifying information.  
 8 (B) Information concerning the circumstances surrounding a  
 9 fetal death or an infant death.  
 10 (C) Information concerning factors that contributed to a fetal  
 11 death or an infant death.  
 12 (D) Information concerning findings and recommendations  
 13 concerning a fetal death or infant death by the review team.  
 14 (6) Provide information on the prevention of fetal deaths and  
 15 infant deaths.  
 16 (7) Obtain certificates of death and certificates of stillbirths for  
 17 the review teams.  
 18 (8) Coordinate local or statewide training concerning a fetal death  
 19 or infant death review under this chapter.  
 20 SECTION 47. IC 31-25-2-20.4, AS AMENDED BY P.L.119-2013,  
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 20.4. (a) The department shall establish at  
 23 least three (3) citizen review panels in accordance with the  
 24 requirements of the federal Child Abuse Prevention and Treatment Act  
 25 under 42 U.S.C. 5106a.  
 26 (b) A citizen review panel consists of volunteer members who  
 27 broadly represent the community in which the panel is established,  
 28 including members who have expertise in the prevention and treatment  
 29 of child abuse and neglect.  
 30 (c) The department shall appoint the citizen review panels in the  
 31 following manner:  
 32 (1) One (1) panel must be a community child protection team  
 33 established in a county under IC 31-33-3-1, selected by the  
 34 director of the department with the consent of the team.  
 35 (2) One (1) panel must be either:  
 36 (A) the statewide child **protection and** fatality review  
 37 committee established under IC 16-49-4; or  
 38 (B) a local child **serious bodily injury and** fatality review  
 39 team established under IC 16-49-2;  
 40 selected by the director of the department with the consent of the  
 41 committee or team.  
 42 (3) One (1) panel must be a foster care advisory panel consisting



1 of at least five (5) and not more than eleven (11) members,  
 2 selected to the extent feasible from the membership of any foster  
 3 care advisory group previously established or recognized by the  
 4 department. If the panel consists of seven (7) or fewer members,  
 5 the panel must include at least one (1) foster parent licensed by  
 6 the department and one (1) foster parent licensed by the  
 7 department through a child placing agency licensed under  
 8 IC 31-27-6. If the panel consists of more than seven (7) members,  
 9 the panel must include two (2) foster parents licensed by the  
 10 department and two (2) foster parents licensed by the department  
 11 through a child placing agency licensed under IC 31-27-6.  
 12 Additional members of the panel must include one (1) or more  
 13 individuals who are employed by a child placing agency licensed  
 14 under IC 31-27-6 and who provide services to foster families and  
 15 children placed by the department in out-of-home placements,  
 16 and may include other representatives of child welfare service  
 17 providers or persons who provide training to current or  
 18 prospective foster parents. All members of this panel must be  
 19 individuals who are not employees of the department.

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

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

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

- 41 (1) the policies and procedures of child welfare agencies;  
 42 (2) if appropriate, specific child protective services cases; and



- 1 (3) other criteria the citizen review panel considers important to  
 2 ensure the protection of children.
- 3 (e) Each citizen review panel shall:
- 4 (1) meet at least one (1) time every three (3) months; and  
 5 (2) prepare and make available to the department and the public  
 6 an annual report that contains a summary of the activities of the  
 7 citizen review panel.
- 8 (f) The department shall, not more than six (6) months after the date  
 9 the department receives a report from a citizen review panel under  
 10 subsection (e), submit to the citizen review panel a written response  
 11 indicating whether and how the department will incorporate the  
 12 recommendations of the citizen review panel. The department shall at  
 13 the same time provide appropriate child welfare agencies with copies  
 14 of the department's written response.
- 15 (g) A child welfare agency shall make all reports and other materials  
 16 in the child welfare agency's possession available to a citizen review  
 17 panel established under this section, including any reports and  
 18 materials that the child welfare agency has received from other  
 19 agencies.
- 20 (h) A member of a citizen review panel may not disclose to a person  
 21 or government official any identifying information that is provided to  
 22 the citizen review panel about:
- 23 (1) a specific child protective services case or child welfare  
 24 agency case;  
 25 (2) a child or member of the child's family who is the subject of  
 26 a child protective services assessment; or  
 27 (3) any other individuals identified in confidential reports,  
 28 documents, or other materials.
- 29 (i) If a member of a citizen review panel violates subsection (h), the  
 30 department may remove the member from the citizen review panel.
- 31 (j) A child welfare agency shall cooperate and work with each  
 32 citizen review panel established under this section.
- 33 SECTION 48. IC 31-33-18-1, AS AMENDED BY P.L.119-2013,  
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 1. (a) Except as provided in section 1.5 of this  
 36 chapter, the following are confidential:
- 37 (1) Reports made under this article (or IC 31-6-11 before its  
 38 repeal).
- 39 (2) Any other information obtained, reports written, or  
 40 photographs taken concerning the reports in the possession of:
- 41 (A) the division of family resources;  
 42 (B) the local office;



- 1 (C) the department; or  
 2 (D) the department of child services ombudsman established  
 3 by IC 4-13-19-3.  
 4 (b) Except as provided in section 1.5 of this chapter, all records held  
 5 by:  
 6 (1) the division of family resources;  
 7 (2) a local office;  
 8 (3) the department;  
 9 (4) a local child **serious bodily injury and** fatality review team  
 10 established under IC 16-49-2;  
 11 (5) the statewide child **protection and** fatality review committee  
 12 established under IC 16-49-4; or  
 13 (6) the department of child services ombudsman established by  
 14 IC 4-13-19-3;  
 15 regarding the death of a child determined to be a result of abuse,  
 16 abandonment, or neglect are confidential and may not be disclosed.  
 17 (c) **All records held by the legislative committee for the**  
 18 **oversight of child services established under IC 2-5-46 regarding**  
 19 **the abuse, abandonment, neglect, or death of a child are**  
 20 **confidential and may not be disclosed.**  
 21 SECTION 49. IC 31-33-18-1.7 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE UPON PASSAGE]: **Sec. 1.7. (a) This section applies to**  
 24 **records held by a local office or the department that are provided**  
 25 **to the legislative committee for the oversight of child services for**  
 26 **review.**  
 27 (b) **As used in this section, "identifying information" means**  
 28 **information that identifies an individual, including an individual's:**  
 29 (1) **name, address, date of birth, occupation, place of**  
 30 **employment, and telephone number;**  
 31 (2) **employer identification number, mother's maiden name,**  
 32 **Social Security number, or any identification number issued**  
 33 **by a governmental entity;**  
 34 (3) **unique biometric data, including the individual's**  
 35 **fingerprint, voice print, or retina or iris image;**  
 36 (4) **unique electronic identification number, address, or**  
 37 **routing code;**  
 38 (5) **telecommunication identifying information; or**  
 39 (6) **telecommunication access device, including a card, a plate,**  
 40 **a code, an account number, a personal identification number,**  
 41 **an electronic serial number, a mobile identification number,**  
 42 **or another telecommunications service or device or means of**





1           **account access.**

2           **(c) A local office or the department shall redact any identifying**  
 3 **information from any record provided to the legislative committee**  
 4 **for the oversight of child services.**

5           SECTION 50. IC 31-33-18-2, AS AMENDED BY P.L.112-2020,  
 6 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 2. The reports and other material described in  
 8 section 1(a) of this chapter and the unredacted reports and other  
 9 material described in section 1(b) of this chapter shall be made  
 10 available only to the following:

11           (1) Persons authorized by this article.

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

15           (3) Any of the following who are investigating a report of a child  
 16 who may be a victim of child abuse or neglect:

17           (A) A police officer or other law enforcement agency.

18           (B) A prosecuting attorney.

19           (C) A coroner, in the case of the death of a child.

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

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

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

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

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

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

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



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



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



- 1 agency or a foster family home licensed by the child placing  
2 agency.
- 3 (C) The allegations in the report occurred in the foster family  
4 home or in the course of employment or volunteering at the  
5 child placing agency or foster family home.
- 6 (25) The National Center for Missing and Exploited Children.  
7 (26) A local domestic violence fatality review team established  
8 under IC 12-18-8, as determined by the department to be relevant  
9 to the death or near fatality that the local domestic violence  
10 fatality review team is reviewing.
- 11 (27) The statewide domestic violence fatality review committee  
12 established under IC 12-18-9-3, as determined by the department  
13 to be relevant to the death or near fatality that the statewide  
14 domestic violence fatality review committee is reviewing.
- 15 (28) The statewide maternal mortality review committee  
16 established under IC 16-50-1-3, as determined by the department  
17 to be relevant to the case of maternal morbidity or maternal  
18 mortality that the statewide maternal mortality review committee  
19 is reviewing.
- 20 (29) A local fetal-infant mortality review team established under  
21 IC 16-49-6, as determined by the department to be relevant to the  
22 case of fetal or infant fatality that the local fetal-infant mortality  
23 review team is reviewing.
- 24 (30) A suicide and overdose fatality review team established  
25 under IC 16-49.5-2, as determined by the department to be  
26 relevant to the case of a suicide or overdose fatality that the  
27 suicide and overdose fatality review team is reviewing.
- 28 SECTION 51. IC 31-33-22-2, AS AMENDED BY P.L.131-2009,  
29 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 2. (a) An individual who knowingly requests,  
31 obtains, or seeks to obtain child abuse or neglect information under  
32 false pretenses commits a Class B misdemeanor.
- 33 (b) A person who knowingly or intentionally:  
34 (1) falsifies child abuse or neglect information or records; or  
35 (2) obstructs or interferes with a child abuse assessment,  
36 including an assessment conducted by a local child **serious**  
37 **bodily injury and** fatality review team or the statewide child  
38 **protection and** fatality review committee;  
39 commits obstruction of a child abuse assessment, a Class A  
40 misdemeanor.
- 41 SECTION 52. IC 34-30-2-1.5 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. IC 2-5-46-9 (concerning**  
 2 **the legislative committee for the oversight of child services).**

3 SECTION 53. IC 34-30-2-84.2, AS AMENDED BY P.L.31-2019,  
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 84.2. (a) IC 16-49-3-5 (Concerning hospitals,  
 6 physicians, coroners, law enforcement officers, and mental health  
 7 providers who provide certain records to local child **serious bodily**  
 8 **injury and** fatality review teams).

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

12 SECTION 54. IC 34-30-2-84.3, AS AMENDED BY P.L.31-2019,  
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 UPON PASSAGE]: Sec. 84.3. (a) IC 16-49-3-9 (Concerning a member  
 15 of a local child **serious bodily injury and** fatality review team or an  
 16 individual who attends a meeting of a local child **serious bodily injury**  
 17 **and** fatality review team as an invitee of the chairperson).

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

22 SECTION 55. IC 34-30-2-84.4, AS AMENDED BY P.L.48-2018,  
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 UPON PASSAGE]: Sec. 84.4. (a) IC 16-49-4-5 (Concerning hospitals,  
 25 physicians, coroners, law enforcement officers, and mental health  
 26 providers who provide certain records to the statewide child **protection**  
 27 **and** fatality review committee).

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

32 SECTION 56. IC 34-46-2-11.4, AS ADDED BY P.L.119-2013,  
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 11.4. IC 16-49-3-13 (Concerning discussions,  
 35 determinations, conclusions, and recommendations of a local child  
 36 **serious bodily injury and** fatality review team).

37 SECTION 57. IC 34-46-2-11.5, AS ADDED BY P.L.119-2013,  
 38 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 UPON PASSAGE]: Sec. 11.5. IC 16-49-4-13 (Concerning discussions,  
 40 determinations, conclusions, and recommendations of the statewide  
 41 child **protection and** fatality review committee).

42 SECTION 58. IC 36-2-14-6.3, AS AMENDED BY P.L.109-2015,



1 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 6.3. (a) A coroner shall immediately notify:

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

5 (2) either:

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

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

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

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

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

30 SECTION 59. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007,  
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 6.7. (a) This section applies to a child who:

33 (1) died suddenly and unexpectedly;

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

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

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

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

42 (d) The county coroner shall contact the parent or guardian of a



1 child described in subsection (a) and notify the parent or guardian that  
 2 an autopsy will be conducted at county expense.

3 (e) The child death pathologist shall:

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

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

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

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

17 (1) request; or

18 (2) completion of the autopsy report;

19 whichever is later, at no cost.

20 (g) A coroner shall notify:

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

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

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

27 SECTION 60. IC 36-2-14-18, AS AMENDED BY P.L.31-2019,  
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1),  
 30 when a coroner investigates a death, the office of the coroner is  
 31 required to make available for public inspection and copying the  
 32 following:

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

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

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

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



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





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

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

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

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

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

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

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

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



- 1 under this subsection:  
 2 (1) may not include:  
 3 (A) a photograph;  
 4 (B) a video recording; or  
 5 (C) an audio recording;  
 6 of the autopsy; and  
 7 (2) is confidential and may not be disclosed to another individual  
 8 or agency, unless otherwise authorized or required by law.  
 9 However, if immediately making available an autopsy report under this  
 10 subsection will interfere with the coroner's investigation or other legal  
 11 proceedings related to the decedent's death, the coroner may delay  
 12 making available the requested autopsy related information until the  
 13 investigation or other legal proceedings are concluded.  
 14 (i) Except as provided in subsection (j), the information required to  
 15 be available under subsection (a) must be completed not later than  
 16 fourteen (14) days after the completion of:  
 17 (1) the autopsy report; or  
 18 (2) if applicable, any other report, including a toxicology report,  
 19 requested by the coroner as part of the coroner's investigation;  
 20 whichever is completed last.  
 21 (j) The prosecuting attorney may petition a circuit or superior court  
 22 for an order prohibiting the coroner from publicly disclosing the  
 23 information required in subsection (a). The prosecuting attorney shall  
 24 serve a copy of the petition on the coroner.  
 25 (k) Upon receipt of a copy of the petition described in subsection (j),  
 26 the coroner shall keep the information confidential until the court rules  
 27 on the petition.  
 28 (l) The court shall grant a petition filed under subsection (j) if the  
 29 prosecuting attorney proves by a preponderance of the evidence that  
 30 public access or dissemination of the information specified in  
 31 subsection (a) would create a significant risk of harm to the criminal  
 32 investigation of the death. The court shall state in the order the reasons  
 33 for granting or denying the petition. An order issued under this  
 34 subsection must use the least restrictive means and duration possible  
 35 when restricting access to the information. Information to which access  
 36 is restricted under this subsection is confidential.  
 37 (m) Any person may petition the court to modify or terminate an  
 38 order issued under subsection (l). The petition for modification or  
 39 termination must allege facts demonstrating that:  
 40 (1) the public interest will be served by allowing access; and  
 41 (2) access to the information specified in subsection (a) would not  
 42 create a significant risk to the criminal investigation of the death.



1 The person petitioning the court for modification or termination shall  
2 serve a copy of the petition on the prosecuting attorney and the coroner.  
3 (n) Upon receipt of a petition for modification or termination filed  
4 under subsection (m), the court may:  
5 (1) summarily grant, modify, or dismiss the petition; or  
6 (2) set the matter for hearing.  
7 If the court sets the matter for hearing, upon the motion of any party or  
8 upon the court's own motion, the court may close the hearing to the  
9 public.  
10 (o) If the person filing the petition for modification or termination  
11 proves by a preponderance of the evidence that:  
12 (1) the public interest will be served by allowing access; and  
13 (2) access to the information specified in subsection (a) would not  
14 create a significant risk to the criminal investigation of the death;  
15 the court shall modify or terminate its order restricting access to the  
16 information. In ruling on a request under this subsection, the court shall  
17 state the court's reasons for granting or denying the request.  
18 **SECTION 61. An emergency is declared for this act.**



## 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:

Page 1, line 4, after "46." insert "**Legislative Committee for Oversight of**".

Page 1, line 4, delete "Oversight Committee".

Page 1, line 5, delete "child" and insert "**legislative committee for oversight of child services**".

Page 1, line 6, delete "services oversight committee".

Page 1, line 10, delete "child services oversight committee" and insert "**legislative committee for oversight of child services**".

Page 1, line 10, delete "established." and insert "**established to:**".

Page 1, delete lines 11 through 17, begin a new line block indented and insert:

**"(1) review the data reported by the statewide child protection and review committee; and**

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

**(A) develop an understanding of the causes of child fatalities;**

**(B) make recommendations for implementing changes within state agencies that will prevent child deaths and improve child safety; and**

**(C) make recommendations to the general assembly and the governor on statutory, policy, and practice changes that will prevent child deaths and improve child safety."**

Page 2, delete lines 1 through 9.

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

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

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

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

Page 2, delete lines 26 through 30.

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

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

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

**(1) review the data reported by the statewide child protection**



and fatality review committee; and

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

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

(1) the incidence and cause of child deaths;

(2) the prevention of child death; and

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

(c) The committee may do the following:

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

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

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

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

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

(1) Records held by the:

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

(B) department.

(2) Medical records.

(3) Law enforcement records.

(4) Autopsy records.

(5) Records of the coroner.

(6) Mental health reports.

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



requested records to the committee.

(f) A person who provides records in accordance with subsection (e) 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 a disclosure.

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

(h) Records, information, documents, and reports acquired or produced by the 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 committee."

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

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

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

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

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

Page 4, line 2, delete "study".

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

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

- (1) The implementation of cross-agency training that the committee finds will prevent child death and improve child safety.**
- (2) Ways to meet the technical assistance needs of the department and other agencies providing services to children.**
- (3) Ways to fill any service gaps identified by the committee.**
- (4) Proposed changes to statutes, administrative rules, policies, and procedures that the committee finds will prevent child death and improve child safety.**

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



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

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

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

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

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

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

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

SECTION 3. IC 16-49-1-6, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "Local child **serious bodily injury and fatality review team**" refers to a county or regional child **serious bodily injury and fatality review team** established by a child **serious bodily injury and fatality committee** under IC 16-49-2.

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

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



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

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

- (1) The prosecuting attorney of the county or a representative of the prosecuting attorney.
- (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.

SECTION 8. IC 16-49-2-2, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The child **serious bodily injury and** fatality committee shall meet for the first meeting of the child **serious bodily injury and** fatality committee at the call of the prosecuting attorney of the county, or the prosecuting attorney's representative.

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

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

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

- (1) Determine whether to establish a:
  - (A) county child **serious bodily injury and** fatality review team; or
  - (B) regional child **serious bodily injury and** fatality review





team;  
for the county.

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

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

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

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

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

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

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

(1) have as a member of the local child **serious bodily injury and** 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 **serious bodily injury and** 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 **serious bodily injury and** fatality review team.
- (c) In addition to the members under subsection (a), a local child **serious bodily injury and** 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 (1) for the provision of the pathologist's services and expertise, as needed by the local child **serious bodily injury and** fatality review team.

SECTION 11. IC 16-49-2-5, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A local child **serious bodily injury and** 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 **serious bodily injury and** fatality review team.
- (2) A representative from a juvenile or probate court in the area served by the local child **serious bodily injury and** fatality review team.
- (3) Other representatives requested to serve as members by the:
  - (A) child **serious bodily injury and** fatality committee; or
  - (B) local child **serious bodily injury and** fatality review team.
- (4) A representative from the department of natural resources who lives or works in the area served by the local child **serious bodily injury and** 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 **serious bodily injury and** 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 **serious bodily injury and** fatality review team.
  - (B) A guardian ad litem who provides guardian ad litem services in the area served by the local child **serious bodily**



**injury and** fatality review team.

SECTION 12. IC 16-49-2-6, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the local child **serious bodily injury and** fatality review team is a regional child **serious bodily injury and** 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 **serious bodily injury and** fatality review team if each of the members represents a different county served by the local child **serious bodily injury and** fatality review team.

SECTION 13. IC 16-49-2-7, AS AMENDED BY P.L.2-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Not later than ninety (90) days after the first meeting of the child **serious bodily injury and** fatality committee, the prosecuting attorney of the county or prosecuting attorney's representative shall submit a report to the state child **protection and** fatality review coordinator that includes the following information:

- (1) Whether the child **serious bodily injury and** fatality committee established a:
  - (A) county child **serious bodily injury and** fatality review team; or
  - (B) regional child **serious bodily injury and** fatality review team.
- (2) The names and contact numbers of all of the members of the local child **serious bodily injury and** fatality review team.
- (3) Whether the child **serious bodily injury and** fatality committee will or has entered into a written agreement described under section 3(3) of this chapter.
- (4) Any assistance the child **serious bodily injury and** fatality committee would like from the state child **protection and** fatality review coordinator in forming the local child **serious bodily injury and** fatality review team.

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

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

(c) The members of the local child **serious bodily injury and**



fatality review team shall meet at the call of the chairperson for all meetings after the first meeting.

SECTION 15. IC 16-49-3-2, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) After an individual becomes a member of a local child **serious bodily injury and** 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 **protection and** fatality review coordinator under IC 16-49-5-2;
- (2) review the purpose and goal of the local child **serious bodily injury and** fatality review team; and
- (3) review the data collection form developed by the state child **protection and** 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 **serious bodily injury and** fatality review team shall sign a confidentiality statement prepared by the state child **protection and** fatality review coordinator under IC 16-49-5-2.

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

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

SECTION 16. IC 16-49-3-3, AS AMENDED BY P.L.29-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A local child **serious bodily injury and** fatality review team:

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

(A) the death of the child is:

- (i) sudden;
- (ii) unexpected;
- (iii) unexplained; or
- (iv) assessed by the department of child services for alleged abuse or neglect that resulted in the death of the child; or

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

- (i) undetermined; or



(ii) the result of a homicide, suicide, or accident; ~~and~~  
 (2) may, at its discretion, review the near fatality of a child whose incident or injury occurred in the area served by the local child **serious bodily injury and** fatality review team; ~~and~~  
 (3) may, at its discretion, review the **serious bodily injury (as defined in IC 35-31.5-2-292) sustained by a child whose incident or serious bodily injury occurred in the area served by the local child serious bodily injury and fatality review team.**

(b) In conducting a child **serious bodily injury or** fatality review under subsection (a), the local child **serious bodily injury and** fatality review team may review all applicable records and information related to the **serious bodily injury**, death, or near fatality 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 **serious bodily injury and** 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 **serious bodily injury and** 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 **serious bodily injury and** fatality review team.

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



the death of the child as required under section 3 of this chapter.

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

(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
- (4) a criminal;

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

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

- (1) identify the factors that surrounded or contributed to the **serious bodily injury or** death of the child;
- (2) determine whether similar **serious bodily injuries or** 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 **serious bodily injuries and** deaths of children; and
- (4) if applicable, identify solutions to improve practice and policy and enhance coordination.

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

- (1) A summary of the data collected regarding the reviews conducted by the local child **serious bodily injury and** fatality



review team in the previous calendar year.

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

(3) Solutions proposed for system inadequacies.

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

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

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

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

(b) Meetings of a local child **serious bodily injury and** fatality review team that involve confidential records or identifying information regarding the **serious bodily injury or** 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 **serious bodily injury and** fatality review team; and

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

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

SECTION 22. IC 16-49-3-9, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 9. Members of a local child **serious bodily injury and** fatality review team and individuals who attend a meeting of a local child **serious bodily injury and** fatality review team as invitees of the chairperson:

- (1) may discuss among themselves confidential matters that are before the local child **serious bodily injury and** fatality review team;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local child **serious bodily injury and** 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 **serious bodily injury and** fatality review team.

SECTION 23. IC 16-49-3-10, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The chairperson of a local child **serious bodily injury and** 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 **serious bodily injury and** fatality review team.
- (3) Maintain confidentiality forms signed in accordance with sections 2(a)(1) and 8(c) of this chapter.
- (4) Ensure all new members of the **local child serious bodily injury and** fatality review team and invitees sign the confidentiality forms as required under sections 2(a)(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 **protection and** 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 **serious bodily injury and** fatality review team and the:
  - (A) statewide child **protection and** fatality review committee; and
  - (B) state child **protection and** fatality review coordinator.





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

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

SECTION 24. IC 16-49-3-11, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The department of child services shall have access to all data submitted by a local child **serious bodily injury and** 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.

SECTION 25. IC 16-49-3-12, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A local child **serious bodily injury and** fatality review team is subject to the confidentiality provisions of IC 31-33-18 applying to records held by the local child **serious bodily injury and** fatality review team.

SECTION 26. IC 16-49-3-13, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The discussions, determinations, conclusions, and recommendations of a local child **serious bodily injury and** fatality review team, or its members, concerning a review of **the serious bodily injury sustained by a child or** a child fatality at a meeting of the local child **serious bodily injury and** 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.

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

(1) identify similarities, trends, and factual patterns concerning **child safety or** 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 **serious bodily injury and** fatality review teams; and



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

SECTION 28. IC 16-49-4-2, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The statewide child **protection and** 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 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 **protection and** fatality review coordinator.
- (15) At the discretion of the department of child services ombudsman, a representative of the office of the department of child services ombudsman established by IC 4-13-19-3.
- (16) A representative of the state court appointed special advocate office.**
- (17) A juvenile court judge appointed by the chief justice.**
- (18) A member of the senate on the senate committee on family and children services appointed by the president pro tempore of the senate.**



**(19) A member of the house of representatives on the house committee on family, children and human affairs appointed by the speaker of the house.**

SECTION 29. IC 16-49-4-3, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. All members of the statewide child **protection and** fatality review committee and any individuals invited to attend a meeting of the statewide child **protection and** fatality review committee shall sign a confidentiality statement prepared by the state child **protection and** fatality review coordinator.

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

- (1) Compile and analyze data recorded by local child **serious bodily injury and** fatality review teams in reviewing **child safety and** child fatalities.
  - (2) Review child **protection and** mortality records and examine all other records relevant to **child safety and** child fatalities in Indiana.
  - (3) Assist efforts by local child **serious bodily injury and** fatality review teams by:
    - (A) overseeing the creation of standardized forms and protocols necessary for the review of **child safety and** child deaths;
    - (B) providing expertise by answering questions related to a child's **injury or** death that a local child **serious bodily injury and** fatality review team is reviewing;
    - (C) establishing and sponsoring training programs for members of local child **serious bodily injury and** fatality review teams; and
    - (D) providing, upon request of a local child **serious bodily injury and** fatality review team, expertise in creating local prevention strategies.
  - (4) Upon request by a local child **serious bodily injury and** fatality review team or the department of child services ombudsman established by IC 4-13-19-3, assist in or conduct a review of the **serious bodily injury or** 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.
- (b) The statewide child protection and fatality review committee**



may do the following:

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

SECTION 31. IC 16-49-4-5, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Upon request by a local child **serious bodily injury and** fatality review team or the department of child services ombudsman established by IC 4-13-19-3, the statewide child **protection and** fatality review committee shall assist a local child **serious bodily injury and** 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 **serious bodily injury and** fatality review under subsection (a), the statewide child **protection and** 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.

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(c) Subject to IC 34-30-15, if the statewide child **protection and fatality review committee** requests records from a hospital, physician, coroner, law enforcement officer, or mental health professional regarding a **serious bodily injury or death** that the statewide child **protection and 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 **protection and 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;
- (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 **protection and 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 **protection and 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 **protection and fatality review committee**.

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

- (1) identify the factors that surrounded or contributed to the **serious bodily injury or death of the child**;
- (2) determine whether similar **serious bodily injuries or 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 **promote child safety and prevent future deaths of**



children; and

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

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

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

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

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

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

(A) prepare the annual report of the statewide child **protection and** 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 **by the statewide child protection and fatality review committee**, ~~of a child fatality~~, destroy all records, information, and documents obtained by the statewide child **protection and** fatality review committee under section 5 of this chapter.

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

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

(1) confidential records; or

(2) identifying information regarding the **serious bodily injury or** 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 **protection and** fatality review committee;  
shall sign a confidentiality statement prepared by the state child **protection and** fatality review coordinator.

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

- (1) may discuss among themselves confidential matters that are before the statewide child **protection and** fatality review committee;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child **protection and** 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 **protection and** fatality review committee.

SECTION 37. IC 16-49-4-11, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The statewide child **protection and** fatality review committee shall submit to the legislative council, governor, department of child services, state department, **legislative committee for oversight of child services**, and commission on improving the status of children in Indiana 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 statewide child **protection and** fatality review committee in the previous calendar year, **including:**
  - (A) **incidences and causes of child deaths in Indiana;**
  - (B) **incidences of a child death or serious bodily injury from abuse or neglect after the child is allowed to remain in the home or is returned to the home; and**
  - (C) **an analysis of the involvement of any public or private agency with a decedent child and the child's family before or after the death of the child.**



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

(3) Recommended actions or resources to **promote child safety and** 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 **protection and** 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.

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

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

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

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

SECTION 41. IC 16-49-4-15, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





UPON PASSAGE]: Sec. 15. The statewide child **protection and fatality review committee** is subject to the confidentiality provisions of IC 31-33-18 applying to records held by the statewide child **protection and fatality review committee**.

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

- (1) Assist the statewide child **protection and fatality review committee** chairperson in establishing agendas for meetings of the statewide child **protection and fatality review committee**.
- (2) Coordinate information and materials for the meetings of the statewide child **protection and fatality review committee**.
- (3) Compile raw data for presentation to the statewide child **protection and fatality review committee**.
- (4) Contact the appropriate individuals if any issues with the electronic data collection system occur.
- (5) Record information concerning child **safety and child fatality reviews** conducted by the statewide child **protection and fatality review committee** in the electronic data collection system.
- (6) Record and compile recommendations by the statewide child **protection and fatality review committee** for the **promotion of child safety and prevention of child fatalities** and investigate available prevention resources.
- (7) Work with the chairperson of the statewide child **protection and 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 **safety and child fatalities** and child **safety and child fatality reviews**.
- (10) Assist local child **serious bodily injury and fatality review teams** by:
  - (A) assisting with the establishment of local child **serious bodily injury and fatality review teams**;
  - (B) acting as a liaison between the statewide child **protection and fatality review committee** and local child **serious bodily injury and fatality review teams**;
  - (C) creating and providing forms, including the data collection form described in section 2 of this chapter, for local child **serious bodily injury and fatality review teams** and the



statewide child **protection and** fatality review committee;  
 (D) developing protocols for meetings of **and serious bodily injury and** fatality reviews conducted by local child **serious bodily injury and** 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 **child safety or** the death of a child; and
- (iv) information concerning findings and recommendations regarding **child safety or** the death of a child by the local child **serious bodily injury and** fatality review team;

(F) providing training on data collection and technical assistance for the electronic data collection system;

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

(H) obtaining death certificates for local child **serious bodily injury and** fatality review teams if necessary.

(11) Coordinate local or statewide training related to child **serious bodily injury and** fatality review.

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

(13) Attend meetings of the commission on improving the status of children in Indiana, established by IC 2-5-36-3, as requested by the chairperson of the commission.

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

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

(A) Whether similar future **serious bodily injuries or** 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 **promote child safety and** prevent future child deaths in the area.

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

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

- (1) The salary of the state child **protection and** fatality review coordinator.
- (2) Expenses for any training for:
  - (A) the state child **protection and** fatality review coordinator;
  - (B) members of the statewide child **protection and** fatality review committee; and
  - (C) members of local child **serious bodily injury and** fatality review teams.
- (3) Other expenses related to the duties of the state child **protection and** fatality review coordinator.

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

- (1) Establish local fetal-infant mortality review teams statewide.
- (2) Act as a liaison between the statewide child **protection and** fatality review committee and local fetal-infant mortality review teams.
- (3) Create and provide forms, including a data collection form for the data described in section 8(d) of this chapter.
- (4) Develop protocols for meetings of and case reviews conducted by local fetal-infant mortality review teams.
- (5) Provide data collection tools that include collecting and storing the following information:
  - (A) Identifying and nonidentifying information.
  - (B) Information concerning the circumstances surrounding a fetal death or an infant death.
  - (C) Information concerning factors that contributed to a fetal death or an infant death.
  - (D) Information concerning findings and recommendations concerning a fetal death or infant death by the review team.



(6) Provide information on the prevention of fetal deaths and infant deaths.

(7) Obtain certificates of death and certificates of stillbirths for the review teams.

(8) Coordinate local or statewide training concerning a fetal death or infant death review under this chapter.

SECTION 46. IC 31-25-2-20.4, AS AMENDED BY P.L.119-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 **protection and** fatality review committee established under IC 16-49-4; or

(B) a local child **serious bodily injury and** fatality review team established under 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 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 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."

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

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

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

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

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

Page 5, delete lines 33 through 38.

Page 6, line 15, delete "child services" and insert "**legislative committee for the oversight of child services**".

Page 6, line 16, delete "oversight committee".

Page 6, between lines 16 and 17, begin a new paragraph and insert:  
 "SECTION 27. IC 31-33-18-2, AS AMENDED BY P.L.112-2020, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) Any of the following who are investigating a report of a child



who may be a victim of child abuse or neglect:

- (A) A police officer or other law enforcement agency.
  - (B) A prosecuting attorney.
  - (C) A coroner, in the case of the death of a child.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or 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) The community child protection team appointed under 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.

(13) 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.

(14) 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).

(15) A local child **serious bodily injury and** fatality review team established under IC 16-49-2.

(16) The statewide child **protection and** fatality review committee established by IC 16-49-4.

(17) The department.

(18) 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.

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

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

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

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

(23) A person who operates a child caring institution, group home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

(i) an employee of;

(ii) a volunteer providing services at; or

(iii) a child placed at;

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

(24) A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:

(i) a child placed in a foster home licensed by the child placing agency;

(ii) a person licensed by the child placing agency to operate a foster family home;

(iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or

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

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

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

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

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

(28) The statewide maternal mortality review committee



established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.

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

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

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

(b) A person who knowingly or intentionally:

- (1) falsifies child abuse or neglect information or records; or
- (2) obstructs or interferes with a child abuse assessment, including an assessment conducted by a local child **serious bodily injury and** fatality review team or the statewide child **protection and** fatality review committee;

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

Page 6, line 19, delete "child" and insert "**legislative committee for the oversight of child services**".

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

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

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

SECTION 48. IC 34-30-2-84.3, AS AMENDED BY P.L.31-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 84.3. (a) IC 16-49-3-9 (Concerning a member of a local child **serious bodily injury and** fatality review team or an



individual who attends a meeting of a local child **serious bodily injury and** fatality review team as an invitee of the chairperson).

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

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

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

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

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

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

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

(2) either:

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

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

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

(b) If a child less than eighteen (18) years of age dies in an apparently suspicious, unexpected, or unexplained manner, the coroner



shall consult with a child death pathologist to determine whether an autopsy is necessary. If the coroner and the child death pathologist disagree over the need for an autopsy, the county prosecuting attorney shall determine whether an autopsy is necessary. If the autopsy is considered necessary, a child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy within twenty-four (24) hours after the prosecuting attorney notifies the pathologist or pathology resident of the determination. If the autopsy is not considered necessary, the autopsy shall not be conducted.

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

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

- (1) died suddenly and unexpectedly;
- (2) was less than three (3) years of age at the time of death; and
- (3) was in apparent good health before dying.

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

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

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

(e) The child death pathologist shall:

- (1) ensure that a tangible summary of the autopsy results is provided;
- (2) provide informational material concerning sudden infant death syndrome; and
- (3) unless the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guardian has the right to receive the preliminary autopsy results; to the parents or guardian of the child within one (1) week after the autopsy.

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



the:

- (1) request; or
  - (2) completion of the autopsy report;
- whichever is later, at no cost.

(g) A coroner shall notify:

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

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

SECTION 54. IC 36-2-14-18, AS AMENDED BY P.L.31-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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

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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 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 **protection and** fatality review committee established by IC 16-49-4; or
- (3) a county child **serious bodily injury and** fatality review team or regional child **serious bodily injury and** fatality review team established under IC 16-49-2 for the 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 16-49-1-2) 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 disclosed to another individual or agency, unless otherwise authorized or required by law.

(f) 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 the local fetal-infant mortality review team established under IC 16-49-6 for purposes of the local fetal-infant mortality review team conducting a review or an investigation of the circumstances surrounding a fetal death or an infant death (as defined in IC 16-49-6). An autopsy report made available under this subsection is confidential and shall not be disclosed to another individual or agency, unless otherwise authorized or required by law.

(g) 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 the statewide maternity mortality review committee established under IC 16-50-1.

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

(1) may not include:

- (A) a photograph;
- (B) a video recording; or
- (C) an audio recording;

of the autopsy; and

(2) is confidential and may not be disclosed to another individual or agency, unless otherwise authorized or required by law.

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

(i) Except as provided in subsection (j), 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.

(j) 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.

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

(l) The court shall grant a petition filed under subsection (j) 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.

(m) Any person may petition the court to modify or terminate an order issued under subsection (l). 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.

(n) Upon receipt of a petition for modification or termination filed under subsection (m), 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.

(o) If the person filing the petition for modification or termination proves by a preponderance of the evidence 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 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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 301 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 9, Nays 0.

