



Reprinted
April 13, 2021

ENGROSSED SENATE BILL No. 301

DIGEST OF SB 301 (Updated April 12, 2021 8:14 pm - DI 119)

Citations Affected: IC 2-5; IC 16-49; IC 31-25; noncode.

Synopsis: Child services oversight. Establishes the interim study committee on child services (committee). Provides that the committee: (1) shall review the annual reports submitted by local child fatality review teams and by the statewide child fatality review committee and shall report to the legislative council regarding the committee's review of the reports; and (2) may make recommendations regarding changes in policy or statutes to improve child safety; in addition to reporting to the legislative council regarding any other issue assigned to the committee by the legislative council. Provides that a local child fatality committee may meet at the call of members of the local child fatality
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Effective: Upon passage.

**Houchin, Ford Jon, Grooms, Koch,
Donato, Ford J.D., Qaddoura,
Randolph Lonnie M, Glick, Rogers,
Leising**

(HOUSE SPONSORS — DEVON, VERMILION, LAUER)

January 11, 2021, read first time and referred to Committee on Family and Children Services.

February 15, 2021, amended, reported favorably — Do Pass.

February 22, 2021, read second time, amended, ordered engrossed.

February 23, 2021, engrossed. Read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Family, Children and Human Affairs.

April 1, 2021, amended, reported — Do Pass.

April 12, 2021, read second time, amended, ordered engrossed.

ES 301—LS 6713/DI 136



Digest Continued

committee other than the county prosecutor for purposes of the first meeting of the local child fatality committee. Requires the summary information included in the department's annual report regarding child fatalities to indicate, with regard to a child fatality that was the result of abuse or neglect, whether the child was a ward of the department at the time of the event that led to the child's death. Requires the department to provide the annual report to the committee. Urges the legislative council to assign the following topics to the committee, or to another appropriate study committee, for study during the 2021 legislative interim: (1) Amending the Indiana Code to provide for a structured, limited, confidential process by which members of the general assembly may, in the regular course of legislative duties, individually request and view reports and other materials regarding cases of child abuse or neglect and child fatalities resulting from abuse or neglect, while protecting personally identifying information and confidentiality. (2) The child fatality review process, including recommendations from the department and the state department of health with regard to improving reporting and data collection. Requires a local child fatality review committee that has not held its first meeting as of the effective date of the bill to hold its first meeting not later than December 31, 2021.

ES 301—LS 6713/DI 136



Reprinted
April 13, 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.

ENGROSSED SENATE BILL No. 301

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 2-5-1.3-4, AS AMENDED BY P.L.231-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 4. The following interim study committees are
4 established:
5 (1) Agriculture and Natural Resources.
6 (2) Commerce and Economic Development.
7 (3) Corrections and Criminal Code.
8 (4) Courts and the Judiciary.
9 (5) Education.
10 (6) Elections.
11 (7) Employment and Labor.
12 (8) Energy, Utilities, and Telecommunications.
13 (9) Environmental Affairs.
14 (10) Financial Institutions and Insurance.
15 (11) Government.
16 (12) Public Safety and Military Affairs.
17 (13) Pension Management Oversight.

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1 (14) Public Health, Behavioral Health, and Human Services.

2 (15) Public Policy.

3 (16) Roads and Transportation.

4 (17) Fiscal Policy.

5 **(18) Child Services.**

6 SECTION 2. IC 2-5-1.3-5, AS ADDED BY P.L.53-2014, SECTION
7 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
8 PASSAGE]: Sec. 5. **Except as provided in section 5.1 of this**
9 **chapter**, a study committee has the following members:

10 (1) Four (4) members of the senate, appointed by the president
11 pro tempore, who preferably are members of the standing
12 committee of the senate that has subject matter jurisdiction most
13 closely relating to the subject matter for the study committee, as
14 determined by the president pro tempore.

15 (2) Three (3) members, appointed by the minority leader of the
16 senate, who preferably are members of the standing committee of
17 the senate that has subject matter jurisdiction most closely
18 relating to the subject matter for the study committee, as
19 determined by the president pro tempore.

20 (3) Four (4) members, appointed by the speaker, who preferably
21 are members of the standing committee of the house of
22 representatives that has subject matter jurisdiction most closely
23 relating to the subject matter for the study committee, as
24 determined by the speaker.

25 (4) Three (3) members, appointed by the minority leader of the
26 house of representatives, who preferably are members of the
27 standing committee of the house of representatives that has
28 subject matter jurisdiction most closely relating to the subject
29 matter for the study committee, as determined by the speaker.

30 (5) The members (if any) appointed under section 6 of this
31 chapter.

32 SECTION 3. IC 2-5-1.3-5.1 IS ADDED TO THE INDIANA CODE
33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: **Sec. 5.1. (a) The interim study committee on**
35 **child services consists of sixteen (16) members appointed as**
36 **follows:**

37 (1) **Three (3) members of the senate appointed by the**
38 **president pro tempore of the senate.**

39 (2) **Two (2) members of the senate appointed by the minority**
40 **leader of the senate.**

41 (3) **Three (3) members of the house of representatives**
42 **appointed by the speaker of the house of representatives.**



- 1 **(4) Two (2) members of the house of representatives**
 2 **appointed by the minority leader of the house of**
 3 **representatives.**
 4 **(5) Two (2) individuals who are not members of the general**
 5 **assembly, appointed by the president pro tempore of the**
 6 **senate.**
 7 **(6) Two (2) individuals who are not members of the general**
 8 **assembly, appointed by the speaker of the house of**
 9 **representatives.**
 10 **(7) A juvenile court judge appointed by the chief justice.**
 11 **(8) One (1) individual appointed by the governor.**

12 **The members of the general assembly appointed under this**
 13 **subsection must be members of either the senate committee on**
 14 **family and children services or the house committee on family,**
 15 **children, and human affairs. The individuals appointed under**
 16 **subdivisions (5) and (6) must be experts in the area of family and**
 17 **child services.**

18 **(b) If a legislative member of the interim study committee on**
 19 **child services ceases to be a member of the chamber from which**
 20 **the member was appointed, the member also ceases to be a**
 21 **member of the committee.**

22 SECTION 4. IC 2-5-1.3-13, AS AMENDED BY P.L.138-2020,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 13. (a) A study committee shall study the
 25 issues assigned by the legislative council that are within the subject
 26 matter for the study committee, as described in section 4 of this
 27 chapter.

28 (b) In addition to the issues assigned under subsection (a), the
 29 interim study committee on roads and transportation shall advise the
 30 bureau of motor vehicles regarding the suitability of a special group (as
 31 defined in IC 9-13-2-170) to receive a special group recognition license
 32 plate for the special group (as defined in IC 9-13-2-170) for the first
 33 time under IC 9-18.5-12-4 and the suitability of a special group (as
 34 defined in IC 9-13-2-170) to continue participating in the special group
 35 recognition license plate program under IC 9-18.5-12-5.

36 (c) In addition to the issues assigned under subsection (a), the
 37 interim study committee on corrections and criminal code shall review
 38 current trends with respect to criminal behavior, sentencing,
 39 incarceration, and treatment and may:

- 40 (1) identify particular needs of the criminal justice system that can
 41 be addressed by legislation; and
 42 (2) prepare legislation to address the particular needs found by the



1 committee.

2 (d) In each even-numbered year, in addition to the issues assigned
3 under subsection (a), the interim study committee on courts and the
4 judiciary shall review, consider, and make recommendations
5 concerning all requests for new courts, new judicial officers, and
6 changes in jurisdiction of existing courts. A request under this
7 subsection must include at least the following information to receive
8 full consideration by the committee:

9 (1) The level of community support for the change, including
10 support from the local fiscal body.

11 (2) The results of a survey that shall be conducted by the county
12 requesting the change, sampling members of the bar, members of
13 the judiciary, and local officials to determine needs and concerns
14 of existing courts.

15 (3) Whether the county is already using a judge or magistrate
16 from an overserved area of the judicial district.

17 (4) The relative severity of need based on the most recent
18 weighted caseload measurement system report published by the
19 office of judicial administration.

20 (5) Whether the county is using any problem solving court as
21 described in IC 33-23-16-11, and, if so, the list of problem solving
22 courts established in the county, and any evaluation of the impact
23 of the problem solving courts on the overall judicial caseload.

24 (6) A description of the:

25 (A) county's population growth in the ten (10) years before the
26 date of the request; and

27 (B) projected population growth in the county for the ten (10)
28 years after the date of the request, to the extent available;
29 and any documentation to support the information provided under
30 this subdivision.

31 (7) A description of the county's use of pre-incarceration
32 diversion services and post-incarceration reentry services in an
33 effort to decrease recidivism.

34 (8) If the request is a request for a new court or new courts, an
35 acknowledgment from the county fiscal body (as defined in
36 IC 36-1-2-6) with the funding sources and estimated costs the
37 county intends to pay toward the county's part of the operating
38 costs associated with the new court or new courts.

39 The office of judicial administration shall post the list of required
40 information provided under this subsection on its Internet web site.

41 (e) In each even-numbered year, in addition to the issues assigned
42 under subsection (a), the interim study committee on courts and the



1 judiciary shall review the most recent weighted caseload measurement
 2 system report published by the office of judicial administration and do
 3 the following:

- 4 (1) Identify each county in which the number of courts or judicial
 5 officers exceeds the number used by the county in that report
 6 year.
 7 (2) Determine the number of previous report years in which the
 8 number of courts or judicial officers in a county identified in
 9 subdivision (1) exceeded the number used by the county in that
 10 particular report year.
 11 (3) Make a recommendation on whether the number of courts or
 12 judicial officers in the county should be decreased.

13 The office of judicial administration shall post a list of the number of
 14 courts or judicial officers used in each county for each report year, and
 15 the number of years in which the number of courts or judicial officers
 16 in the county has exceeded the number used by the county, on its
 17 Internet web site.

18 **(f) In addition to studying the issues assigned under subsection**
 19 **(a), the interim study committee on child services shall:**

- 20 **(1) review the annual reports submitted by:**
 21 **(A) each local child fatality review team under**
 22 **IC 16-49-3-7;**
 23 **(B) the statewide child fatality review committee under**
 24 **IC 16-49-4-11; and**
 25 **(C) the department of child services under IC 31-25-2-24;**
 26 **during the immediately preceding twelve (12) month period,**
 27 **and may make recommendations regarding changes in**
 28 **policies or statutes to improve child safety; and**
 29 **(2) report to the legislative council before November 1 of each**
 30 **interim, in an electronic format under IC 5-14-6, the results**
 31 **of:**
 32 **(A) the committee's review under subdivision (1); and**
 33 **(B) the committee's study of any issue assigned to the**
 34 **committee under subsection (a).**

35 SECTION 5. IC 16-49-2-2, AS ADDED BY P.L.119-2013,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 2. (a) The child fatality committee shall meet
 38 for the first meeting of the child fatality committee at the call of:

- 39 **(1) the prosecuting attorney of the county, or the prosecuting**
 40 **attorney's representative;**
 41 **(2) the county coroner or deputy coroner, if the first meeting**
 42 **of the child fatality committee is not called by the member**



1 **described in subdivision (1);**
 2 **(3) the member of the child fatality committee representing a**
 3 **department or corporation under section 1(3) of this chapter,**
 4 **if the first meeting of the child fatality committee is not called**
 5 **by a member described in subdivision (1) or (2); or**
 6 **(4) the member of the child fatality committee representing**
 7 **the department of child services under section 1(4) of this**
 8 **chapter, if the first meeting of the child fatality committee is**
 9 **not called by a member described in subdivisions (1) through**
 10 **(3).**

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

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

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

21 (1) A summary of the data collected regarding the reviews
 22 conducted by the local child fatality review team in the previous
 23 calendar year.

24 (2) Actions recommended by the local child fatality review team
 25 to prevent injuries to children and child deaths in the area served
 26 by the local child fatality review team.

27 (3) Solutions proposed for system inadequacies.

28 **(b) Not later than July 31 of each year, the state child fatality**
 29 **review coordinator shall provide to the executive director of the**
 30 **legislative services agency, for distribution to the interim study**
 31 **committee on child services, a copy of the annual report submitted**
 32 **for that year by a local child fatality review team under subsection**
 33 **(a). Reports provided under this subsection must be in an**
 34 **electronic format under IC 5-14-6.**

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

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

40 ~~(d)~~ (e) A local child fatality review team may prepare and release a
 41 joint report for the report required by subsection (a) with another child
 42 fatality review team if the local child fatality review team reviewed



1 fewer than two (2) child fatalities in the previous calendar year.

2 SECTION 7. IC 31-25-2-24, AS AMENDED BY P.L.98-2019,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 24. (a) Before December 31 of each year, the
5 department shall annually prepare a report concerning all child
6 fatalities in Indiana that are the result of child abuse or neglect in the
7 preceding calendar year. The report must include the following
8 information:

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

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

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

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

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

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

22 (b) As part of the summary of information described in subsection
23 (a)(1), the report must include whether ~~the death occurred in either any~~
24 of the following ~~settings~~: **apply**:

25 (1) **The child's death occurred** while the child was placed in
26 foster care.

27 (2) **The child's death occurred** after the child, who was once
28 placed in foster care, was returned to a natural parent.

29 (3) **The child was a ward of the department at the time of the**
30 **event that led to the child's death.**

31 (c) **Not later than January 31 of each year, the department shall**
32 **provide to the executive director of the legislative services agency,**
33 **for distribution to the interim study committee on child services,**
34 **a copy of the most recent annual report prepared by the**
35 **department under this section. The report provided to the**
36 **executive director of the legislative services agency under this**
37 **subsection must be in an electronic format under IC 5-14-6.**

38 SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **The general**
39 **assembly urges the legislative council to assign to the interim study**
40 **committee on child services established by IC 2-5-1.3-4, as**
41 **amended by this act, or to another appropriate study committee,**
42 **during the 2021 legislative interim the topic of amending the**



1 **Indiana Code to provide for a structured, limited, confidential**
2 **process by which members of the general assembly may, in the**
3 **regular course of legislative duties, individually request and view**
4 **reports and other materials described in IC 31-33-18-1, while**
5 **protecting personally identifying information and confidentiality.**

6 **(b) This SECTION expires January 1, 2022.**

7 **SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The general**
8 **assembly urges the legislative council to assign to the interim study**
9 **committee on child services established by IC 2-5-1.3-4, as**
10 **amended by this act, or to another appropriate study committee,**
11 **during the 2021 legislative interim the topic of the child fatality**
12 **review process.**

13 **(b) If the legislative council assigns the topic under subsection**
14 **(a) to a study committee, the department of child services and the**
15 **state department of health shall make recommendations to the**
16 **study committee with regard to improving reporting and data**
17 **collection.**

18 **(c) This SECTION expires January 1, 2022.**

19 **SECTION 10. [EFFECTIVE UPON PASSAGE] (a)**
20 **Notwithstanding IC 16-49-2-2(a), before its amendment by this act,**
21 **a child fatality committee established under IC 16-49-2-1 that has**
22 **not met for the first meeting of the child fatality committee under**
23 **IC 16-49-2-2(a), before its amendment by this act, shall meet for**
24 **the first meeting of the child fatality committee not later than**
25 **December 31, 2021.**

26 **(b) This SECTION expires July 1, 2022.**

27 **SECTION 11. 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



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.

SENATE MOTION

Madam President: I move that Senate Bill 301 be amended to read as follows:

Page 1, line 4, delete "Legislative Committee for Oversight of".

Page 1, line 5, after "Services" insert "**Oversight Committee**".

Page 1, line 7, delete "legislative committee for oversight of child services" and insert "**child services oversight committee**".

Page 1, line 11, delete "legislative committee for oversight of child services" and insert "**child services oversight committee**".

Page 1, line 12, delete "established to:" and insert "**established.**".

Page 1, delete lines 13 through 17, begin a new paragraph and insert:

"Sec. 4. The committee shall do the following:

(1) Review the case decisions of the department in which either of the following occur after a child is allowed to remain in or returned to the child's home:

(A) A child suffers serious bodily injury from abuse or neglect in the child's home.

(B) A child fatality occurs in the child's home.

(2) Recommend to the department policy and process changes that would improve child safety.

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

(4) Study any topic assigned to the committee by the legislative council.

(5) Study any other issues relevant to the department's activities and improving child safety as determined by the chairperson of the committee."

Page 2, delete lines 1 through 8.

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Page 2, line 9, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, between lines 23 and 24, begin a new line block indented and insert:

"(5) The state child fatality review coordinator."

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

"(6) A member of the statewide child fatality review committee who is a representative of law enforcement with experience in investigating child deaths.

(7) A juvenile court judge appointed by the chief justice.

(8) One (1) individual appointed by the governor."

Page 2, line 30, delete "(3), (4), and (5)" and insert "**(3) and (4)**".

Delete page 3.

Page 4, delete lines 1 through 22.

Page 4, delete line 24 and insert "**chairperson.**".

Page 4, delete line 25.

Page 4, line 28, delete "protection".

Page 4, line 29, delete "and".

Page 5, line 1, delete "protection and".

Page 5, line 19, delete "(a)".

Page 5, line 19, delete "on its activities" and insert "**the results of its study**".

Page 5, delete lines 22 through 34.

Page 6, delete lines 16 through 26, begin a new paragraph and insert:

"Sec. 17. Before December 31 of each calendar year, the department shall submit to the chairperson and legislative services agency a report identifying the number of times that the circumstances described in section 4(1) of this chapter occurred during the calendar year. The report submitted under this section must be in an electronic format under IC 5-14-6. The chairperson of the committee shall use the information received under this section to develop the committee's work program for the ensuing calendar year.

Sec. 18. The committee may receive and may review, at the discretion of the chairperson, a complaint submitted in writing by any person having knowledge of a circumstance described in section 4(1) of this chapter."

Page 6, delete lines 27 through 42.

Delete pages 7 through 28.

Page 29, delete lines 1 through 32.

Page 30, line 9, delete "serious bodily injury and".



Page 30, line 11, delete "protection and".

Page 30, line 17, delete "legislative committee for the" and insert "**child services oversight committee**".

Page 30, line 18, delete "oversight of child services".

Page 30, line 25, delete "legislative committee for the oversight of child services" and insert "**child services oversight committee**".

Page 30, line 26, delete "review." and insert "**review under IC 2-5-46 of the decisions of the department in which either of the following occur after a child is allowed to remain in or returned to the child's home:**

(1) A child suffers serious bodily injury from abuse or neglect in the child's home.

(2) A child fatality occurs in the child's home."

Page 31, line 3, delete "legislative committee" and insert "**child services oversight committee**".

Page 31, delete lines 4 through 42.

Delete pages 32 through 33.

Page 34, delete lines 1 through 40.

Page 35, line 2, delete "legislative committee for the oversight of child services" and insert "**child services oversight committee's review of certain confidential matters**".

Page 35, delete lines 3 through 42.

Delete pages 36 through 40.

Page 41, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 301 as printed February 16, 2021.)

HOUCHIN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "Child Services Oversight Committee" and insert "**Interim Study Committee on Child Services**".

Page 1, line 5, delete "child".

Page 1, line 6, delete "services oversight committee" and insert "**interim study committee on child services**".



Page 1, line 10, delete "child services oversight committee" and insert **"interim study committee on child services"**.

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

Page 1, delete lines 12 through 17, begin a new line block indented and insert:

"(1) Review the reports submitted by each local child fatality review team under IC 16-49-3-7 and by the statewide child fatality review committee under IC 16-49-4-11."

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"(b) The committee may receive and review, at the discretion of the chairperson, a complaint or concern regarding the department submitted in writing by a member of the committee.

(c) The committee may, for purposes of the committee's duties under subsection (a)(1) and subsection (b), access records of the department upon request made by the committee to the department. If the department receives a request for records from the committee under this subsection, the department:

(1) shall, subsection to subdivision (2), provide the requested records to the committee; and

(2) may redact any personally identifying information from a record provided to the committee under subdivision (1).

Records provided by the department to the committee under this subsection are confidential and are exempt from disclosure under IC 5-14-3-4."

Page 3, delete lines 28 through 29.

Page 3, line 30, delete "(2)" and insert **"(1)"**.

Page 3, line 32, delete "(3)" and insert **"(2)"**.

Page 4, delete lines 36 through 39, begin a new paragraph and insert:

"SECTION 2. 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 fatality committee shall meet for the first meeting of the child fatality committee at the call of:

(1) the prosecuting attorney of the county, or the prosecuting attorney's representative;

(2) the county coroner or deputy coroner, if the first meeting of the child fatality committee is not called by the member described in subdivision (1);

(3) the member of the child fatality committee representing a department or corporation under section 1(3) of this chapter, if the first meeting of the child fatality committee is not called by a member described in subdivision (1) or (2); or



(4) the member of the child fatality committee representing the department of child services under section 1(4) of this chapter, if the first meeting of the child fatality committee is not called by a member described in subdivisions (1) through (3).

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

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

SECTION 3. 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 fatality review team:

(1) shall review the death of a child whose death incident occurred in the area served by the local child fatality review team and may review the death of a child whose death occurred in the area served by the local child 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 or~~

(C) the child was the subject of an investigation, assessment, or intervention by the department of child services at any time during the child's life; 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 fatality review team.

(b) In conducting a child fatality review under subsection (a), the local child fatality review team may review all applicable records and information related to the death 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 fatality review team in the exercise of its duties under this chapter are confidential and exempt from disclosure.

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

(1) subject to subpoena or discovery; or

(2) admissible as evidence;

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

SECTION 4. 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 death of a child under this chapter, the local child fatality review team shall:

(1) identify the factors that surrounded or contributed to the death of the child, **including by reviewing any investigation, assessment, or intervention performed by the department of child services with regard to the child at any time during the child's life;**

(2) determine whether similar deaths could be prevented in the future;

(3) if applicable, identify:

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

(B) any other resources that should be used;

to adequately prevent future deaths of children; and

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

SECTION 5. 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 fatality review team shall prepare and submit to the state child 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 fatality review team in the previous calendar year.

(2) Actions recommended by the local child fatality review team



to prevent injuries to children and child deaths in the area served by the local child fatality review team.

(3) Solutions proposed for system inadequacies.

(b) Not later than July 31 of each year, the state child fatality review coordinator shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the report submitted for that year by a local child fatality review team under subsection (a). Reports provided under this subsection must be in an electronic format under IC 5-14-6.

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

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

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

SECTION 6. IC 31-25-2-24, AS AMENDED BY P.L.98-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) **Subject to subsection (c)**, before December 31 of each year, the department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:

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

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

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

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

(5) The number of children who:

(A) died during the preceding calendar year as the result of child abuse or neglect; and

(B) were the subject of an investigation, assessment, or intervention by the department at any time during the child's life.

(6) The number of children who died while a ward of the



department.

~~(5)~~ (7) A description of the manner in which the information was assembled.

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

(b) As part of the summary of information described in subsection (a)(1), the report must include whether the death occurred in either of the following settings:

- (1) While the child was placed in foster care.
- (2) After the child, who was once placed in foster care, was returned to a natural parent.

(c) If information needed by the department to finalize the report required under subsection (a) before December 31 is unavailable, the department may:

- (1) not later than December 31, post a preliminary report under subsection (a) that includes information that is available to the department; and**
- (2) timely post a final report under subsection (a) after the unavailable information becomes available to the department."**

Page 5, line 24, delete "child services oversight committee" and insert "**interim study committee on child services**".

Page 5, line 30, delete "This section applies to".

Page 5, delete lines 31 through 38.

Page 5, line 39, delete "(b)".

Page 5, run in lines 30 through 39.

Page 6, line 14, delete "(c)" and insert "**(b)**".

Page 6, line 15, delete "child services".

Page 6, line 16, delete "oversight committee." and insert "**interim study committee on child services under IC 2-5-46**".

Page 6, line 19, delete "the child" and insert "**review by the interim study committee on child services**".

Page 6, line 20, delete "services oversight committee's review".

Page 6, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 16-49-2-2(a), before its amendment by this act, a child fatality committee established under IC 16-49-2-1 that has not met for the first meeting of the child fatality committee under IC 16-49-2-2(a), before its amendment by this act, shall meet for the first meeting of the child fatality committee not later than December 31, 2021.

(b) This SECTION expires July 1, 2022."



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 301 as reprinted February 23, 2021.)

DEVON

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 301 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. IC 2-5-1.3-4, AS AMENDED BY P.L.231-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary.
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.
- (18) Child Services.**

SECTION 2. IC 2-5-1.3-5, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **Except as provided in section 5.1 of this chapter**, a study committee has the following members:

- (1) Four (4) members of the senate, appointed by the president

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pro tempore, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.

(2) Three (3) members, appointed by the minority leader of the senate, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.

(3) Four (4) members, appointed by the speaker, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.

(4) Three (3) members, appointed by the minority leader of the house of representatives, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.

(5) The members (if any) appointed under section 6 of this chapter.

SECTION 3. IC 2-5-1.3-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The interim study committee on child services consists of sixteen (16) members appointed as follows:**

(1) Three (3) members of the senate appointed by the president pro tempore of the senate.

(2) Two (2) members of the senate appointed by the minority leader of the senate.

(3) Three (3) members of the house of representatives appointed by the speaker of the house of representatives.

(4) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.

(5) Two (2) individuals who are not members of the general assembly, appointed by the president pro tempore of the senate.

(6) Two (2) individuals who are not members of the general assembly, appointed by the speaker of the house of representatives.

(7) A juvenile court judge appointed by the chief justice.



(8) One (1) individual appointed by the governor.

The members of the general assembly appointed under this subsection must be members of either the senate committee on family and children services or the house committee on family, children, and human affairs. The individuals appointed under subdivisions (5) and (6) must be experts in the area of family and child services.

(b) If a legislative member of the interim study committee on child services ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

SECTION 4. IC 2-5-1.3-13, AS AMENDED BY P.L.138-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

- (1) identify particular needs of the criminal justice system that can be addressed by legislation; and
- (2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.



- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.
- (6) A description of the:
 - (A) county's population growth in the ten (10) years before the date of the request; and
 - (B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available;
 and any documentation to support the information provided under this subdivision.
- (7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.
- (8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

- (1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.
- (2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.



- (3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

(f) In addition to studying the issues assigned under subsection (a), the interim study committee on child services shall:

(1) review the annual reports submitted by:

(A) each local child fatality review team under IC 16-49-3-7;

(B) the statewide child fatality review committee under IC 16-49-4-11; and

(C) the department of child services under IC 31-25-2-24; during the immediately preceding twelve (12) month period, and may make recommendations regarding changes in policies or statutes to improve child safety; and

(2) report to the legislative council before November 1 of each interim, in an electronic format under IC 5-14-6, the results of:

(A) the committee's review under subdivision (1); and

(B) the committee's study of any issue assigned to the committee under subsection (a)."

Delete pages 2 through 4.

Page 5, delete lines 1 through 4.

Page 5, delete lines 27 through 42.

Delete page 6.

Page 7, delete lines 1 through 7.

Page 7, line 24, after "of the" insert "**annual**".

Page 7, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 6. IC 31-25-2-24, AS AMENDED BY P.L.98-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Before December 31 of each year, the department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:

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

(2) Demographic information regarding victims, perpetrators, and



households involved in child fatalities resulting from abuse or neglect.

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

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

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

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

(b) As part of the summary of information described in subsection (a)(1), the report must include whether ~~the death occurred in either any~~ of the following ~~settings~~: **apply:**

(1) **The child's death occurred** while the child was placed in foster care.

(2) **The child's death occurred** after the child, who was once placed in foster care, was returned to a natural parent.

(3) **The child was a ward of the department at the time of the event that led to the child's death.**

(c) Not later than January 31 of each year, the department shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the most recent annual report prepared by the department under this section. The report provided to the executive director of the legislative services agency under this subsection must be in an electronic format under IC 5-14-6."

Delete pages 8 through 9.

Page 10, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of amending the Indiana Code to provide for a structured, limited, confidential process by which members of the general assembly may, in the regular course of legislative duties, individually request and view reports and other materials described in IC 31-33-18-1, while protecting personally identifying information and confidentiality.

(b) This SECTION expires January 1, 2022.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on child services established by IC 2-5-1.3-4, as



amended by this act, or to another appropriate study committee, during the 2021 legislative interim the topic of the child fatality review process.

(b) If the legislative council assigns the topic under subsection (a) to a study committee, the department of child services and the state department of health shall make recommendations to the study committee with regard to improving reporting and data collection.

(c) **This SECTION expires January 1, 2022."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 301 as printed April 1, 2021.)

DEVON

