

# SENATE BILL No. 345

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-50; IC 31-33-18; IC 34-30-2-1.5.

**Synopsis:** Child services oversight. Establishes the child services oversight committee (committee). Requires the committee to review case decisions of the department of child services (DCS) and the juvenile courts in certain cases with negative outcomes, make recommendations to the DCS and the legislative council, study topics assigned by the legislative council, and study any other issues relevant to the activities of the DCS and improving child safety. Authorizes the committee to meet at any time at the call of the chairperson. Provides that records reviewed by the committee are confidential and may not be disclosed. Requires a local office or the department to redact any identifying information from any record provided to the committee. Specifies other policies governing the committee.

**Effective:** Upon passage.

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January 13, 2020, read first time and referred to Committee on Family and Children Services.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 345

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 2-5-50 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 3 PASSAGE]:
- 4 **Chapter 50. Child Services Oversight Committee**
- 5 **Sec. 1. As used in this chapter, "committee" means the child**
- 6 **services oversight committee established by section 3 of this**
- 7 **chapter.**
- 8 **Sec. 2. As used in this chapter, "department" means the**
- 9 **department of child services established by IC 31-25-1-1.**
- 10 **Sec. 3. The child services oversight committee is established.**
- 11 **Sec. 4. The committee shall do the following:**
- 12 **(1) Review the case decisions of the department or a juvenile**
- 13 **court in which either of the following occur after a child is**
- 14 **allowed to remain in or returned to the child's home:**
- 15 **(A) A child suffers serious bodily injury from abuse or**
- 16 **neglect in the child's home.**
- 17 **(B) A child fatality occurs in the child's home.**



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

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

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

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

10          **Sec. 5. (a) The committee consists of sixteen (16) members**  
 11          **appointed as follows:**

12           **(1) Four (4) members of the senate, not more than two (2) of**  
 13           **whom may be affiliated with the same political party, to be**  
 14           **appointed by the president pro tempore of the senate.**

15           **(2) Four (4) members of the house of representatives, not**  
 16           **more than two (2) of whom may be affiliated with the same**  
 17           **political party, to be appointed by the speaker of the house of**  
 18           **representatives.**

19           **(3) Two (2) individuals who are not members of the general**  
 20           **assembly to be appointed by the president pro tempore of the**  
 21           **senate.**

22           **(4) Two (2) individuals who are not members of the general**  
 23           **assembly to be appointed by the speaker of the house of**  
 24           **representatives.**

25           **(5) The state child fatality review coordinator.**

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

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

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

31          **The members of the general assembly appointed under this**  
 32          **subsection must be members of either the senate committee on**  
 33          **family and children services or the house committee on family,**  
 34          **children, and human affairs. The individuals appointed under**  
 35          **subdivisions (3) and (4) must be experts in the area of family and**  
 36          **child services.**

37          **(b) Each year the chairperson of the legislative council shall**  
 38          **appoint a member of the committee to serve as chairperson.**

39          **(c) If a legislative member of the committee ceases being a**  
 40          **member of the chamber from which the member was appointed,**  
 41          **the member also ceases to be a member of the committee.**

42          **(d) A legislative member of the committee may be removed at**



1 any time by the appointing authority who appointed the legislative  
2 member.

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

6 Sec. 6. The committee may meet at any time at the call of the  
7 chairperson.

8 Sec. 7. Each member of the committee and any individual  
9 invited to attend a meeting of the committee shall sign a  
10 confidentiality statement prepared by the state child fatality review  
11 coordinator and made available to the committee through the  
12 legislative services agency.

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

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

16 (1) confidential records; or

17 (2) identifying information regarding the death of a child that  
18 is confidential under state or federal law;

19 must be held as an executive session.

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

22 (1) attends the meeting; and

23 (2) is not a member of the committee;

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

26 Sec. 9. Members of the committee and individuals who attend a  
27 meeting of the committee as invitees of the chairperson:

28 (1) may discuss among themselves confidential matters that  
29 are before the committee;

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

32 (3) except when acting:

33 (A) with malice;

34 (B) in bad faith; or

35 (C) with gross negligence;

36 are immune from any civil or criminal liability that might  
37 otherwise be imposed as a result of communicating among  
38 themselves about confidential matters that are before the  
39 committee.

40 Sec. 10. The committee is subject to the confidentiality  
41 provisions of IC 31-33-18 that apply to records held by the  
42 committee.



1           **Sec. 11. The committee shall annually report the results of its**  
 2 **study in an electronic format under IC 5-14-6 to the legislative**  
 3 **council before November 1.**

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

6           **(b) The committee may employ consultants to assist it with its**  
 7 **study.**

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

11           **Sec. 14. (a) Each member of the committee is entitled to receive**  
 12 **the same per diem, mileage, and travel allowances paid to**  
 13 **individuals who serve as legislative and lay members, respectively,**  
 14 **of interim study committees established by the legislative council.**

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

16           **(1) The maximum number of meetings that an interim study**  
 17 **committee may hold.**

18           **(2) The maximum amount of expenses that an interim study**  
 19 **committee may incur.**

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

25           **Sec. 16. The expenses of the committee must be paid from**  
 26 **amounts appropriated to the legislative council.**

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

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

40           **SECTION 2. IC 31-33-18-1, AS AMENDED BY P.L.119-2013,**  
 41 **SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 42 **UPON PASSAGE]: Sec. 1. (a) Except as provided in section 1.5 of this**



- 1 chapter, the following are confidential:
- 2 (1) Reports made under this article (or IC 31-6-11 before its
- 3 repeal).
- 4 (2) Any other information obtained, reports written, or
- 5 photographs taken concerning the reports in the possession of:
- 6 (A) the division of family resources;
- 7 (B) the local office;
- 8 (C) the department; or
- 9 (D) the department of child services ombudsman established
- 10 by IC 4-13-19-3.
- 11 (b) Except as provided in section 1.5 of this chapter, all records held
- 12 by:
- 13 (1) the division of family resources;
- 14 (2) a local office;
- 15 (3) the department;
- 16 (4) a local child fatality review team established under
- 17 IC 16-49-2;
- 18 (5) the statewide child fatality review committee established
- 19 under IC 16-49-4; or
- 20 (6) the department of child services ombudsman established by
- 21 IC 4-13-19-3;
- 22 regarding the death of a child determined to be a result of abuse,
- 23 abandonment, or neglect are confidential and may not be disclosed.
- 24 **(c) All records held by the child services oversight committee**
- 25 **established under IC 2-5-50 regarding the abuse, abandonment,**
- 26 **neglect, or death of a child are confidential and may not be**
- 27 **disclosed.**
- 28 SECTION 3. IC 31-33-18-1.7 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE UPON PASSAGE]: **Sec. 1.7. (a) This section applies to**
- 31 **records held by a local office or the department that are provided**
- 32 **to the child services oversight committee for review under**
- 33 **IC 2-5-50 of the decisions of the department or a juvenile court in**
- 34 **which either of the following occur after a child is allowed to**
- 35 **remain in or returned to the child's home:**
- 36 (1) A child suffers serious bodily injury from abuse or neglect
- 37 in the child's home.
- 38 (2) A child fatality occurs in the child's home.
- 39 (b) As used in this section, "identifying information" means
- 40 information that identifies an individual, including an individual's:
- 41 (1) name, address, date of birth, occupation, place of
- 42 employment, and telephone number;



- 1           **(2) employer identification number, mother's maiden name,**  
 2           **Social Security number, or any identification number issued**  
 3           **by a governmental entity;**  
 4           **(3) unique biometric data, including the individual's**  
 5           **fingerprint, voice print, or retina or iris image;**  
 6           **(4) unique electronic identification number, address, or**  
 7           **routing code;**  
 8           **(5) telecommunication identifying information; or**  
 9           **(6) telecommunication access device, including a card, a plate,**  
 10           **a code, an account number, a personal identification number,**  
 11           **an electronic serial number, a mobile identification number,**  
 12           **or another telecommunications service or device or means of**  
 13           **account access.**
- 14           **(c) A local office or the department shall redact any identifying**  
 15           **information from any record provided to the child services**  
 16           **oversight committee.**
- 17           SECTION 4. IC 34-30-2-1.5 IS ADDED TO THE INDIANA CODE  
 18           AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 19           UPON PASSAGE]: **Sec. 1.5. IC 2-5-50-9 (concerning the child**  
 20           **services oversight committee's review of certain confidential**  
 21           **matters).**
- 22           SECTION 5. **An emergency is declared for this act.**

