

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 287 be amended to read as follows:

- 1 Page 115, line 16, strike "section" and insert "**sections**".
- 2 Page 115, line 16, after "1.5" insert "**and 1.8**".
- 3 Page 118, between lines 33 and 34, begin a new paragraph and
- 4 insert:
- 5 "SECTION 155. IC 31-33-18-1.8 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 7 **[EFFECTIVE UPON PASSAGE]: Sec. 1.8. A prosecuting attorney**
- 8 **is entitled to an unredacted copy of any department record**
- 9 **concerning a child who:**
- 10 **(1) resides;**
- 11 **(2) has resided; or**
- 12 **(3) has been involved in an incident that the department has**
- 13 **investigated;**
- 14 **in the prosecuting attorney's county.**
- 15 SECTION 156. IC 31-33-18-2, AS AMENDED BY
- 16 P.L.182-2009(ss), SECTION 380, IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The reports and
- 18 other material described in section 1(a) of this chapter and the
- 19 unredacted reports and other material described in section 1(b) of this
- 20 chapter shall be made available only to the following:
- 21 (1) Persons authorized by this article.
- 22 (2) A legally mandated public or private child protective agency
- 23 investigating a report of child abuse or neglect or treating a child
- 24 or family that is the subject of a report or record.

- 1 (3) A police or other law enforcement agency ~~prosecuting~~  
2 ~~attorney~~; or coroner in the case of the death of a child who is  
3 investigating a report of a child who may be a victim of child  
4 abuse or neglect.
- 5 (4) A physician who has before the physician a child whom the  
6 physician reasonably suspects may be a victim of child abuse or  
7 neglect.
- 8 (5) An individual legally authorized to place a child in protective  
9 custody if:  
10 (A) the individual has before the individual a child whom the  
11 individual reasonably suspects may be a victim of abuse or  
12 neglect; and  
13 (B) the individual requires the information in the report or  
14 record to determine whether to place the child in protective  
15 custody.
- 16 (6) An agency having the legal responsibility or authorization to  
17 care for, treat, or supervise a child who is the subject of a report  
18 or record or a parent, guardian, custodian, or other person who is  
19 responsible for the child's welfare.
- 20 (7) An individual named in the report or record who is alleged to  
21 be abused or neglected or, if the individual named in the report is  
22 a child or is otherwise incompetent, the individual's guardian ad  
23 litem or the individual's court appointed special advocate, or both.
- 24 (8) Each parent, guardian, custodian, or other person responsible  
25 for the welfare of a child named in a report or record and an  
26 attorney of the person described under this subdivision, with  
27 protection for the identity of reporters and other appropriate  
28 individuals.
- 29 (9) A court, for redaction of the record in accordance with section  
30 1.5 of this chapter, or upon the court's finding that access to the  
31 records may be necessary for determination of an issue before the  
32 court. However, except for disclosure of a redacted record in  
33 accordance with section 1.5 of this chapter, access is limited to in  
34 camera inspection unless the court determines that public  
35 disclosure of the information contained in the records is necessary  
36 for the resolution of an issue then pending before the court.
- 37 (10) A grand jury upon the grand jury's determination that access  
38 to the records is necessary in the conduct of the grand jury's  
39 official business.
- 40 (11) An appropriate state or local official responsible for child  
41 protection services or legislation carrying out the official's official  
42 functions.
- 43 (12) A foster care review board established by a juvenile court  
44 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the  
45 court's determination that access to the records is necessary to  
46 enable the foster care review board to carry out the board's

- 1 purpose under IC 31-34-21.
- 2 (13) The community child protection team appointed under
- 3 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
- 4 enable the team to carry out the team's purpose under IC 31-33-3.
- 5 (14) A person about whom a report has been made, with
- 6 protection for the identity of:
- 7 (A) any person reporting known or suspected child abuse or
- 8 neglect; and
- 9 (B) any other person if the person or agency making the
- 10 information available finds that disclosure of the information
- 11 would be likely to endanger the life or safety of the person.
- 12 (15) An employee of the department, a caseworker, or a juvenile
- 13 probation officer conducting a criminal history check under
- 14 IC 31-26-5, IC 31-34, or IC 31-37 to determine the
- 15 appropriateness of an out-of-home placement for a:
- 16 (A) child at imminent risk of placement;
- 17 (B) child in need of services; or
- 18 (C) delinquent child.
- 19 The results of a criminal history check conducted under this
- 20 subdivision must be disclosed to a court determining the
- 21 placement of a child described in clauses (A) through (C).
- 22 (16) A local child fatality review team established under
- 23 IC 31-33-24-6.
- 24 (17) The statewide child fatality review committee established by
- 25 IC 31-33-25-6.
- 26 (18) The department.
- 27 (19) The division of family resources, if the investigation report:
- 28 (A) is classified as substantiated; and
- 29 (B) concerns:
- 30 (i) an applicant for a license to operate;
- 31 (ii) a person licensed to operate;
- 32 (iii) an employee of; or
- 33 (iv) a volunteer providing services at;
- 34 a child care center licensed under IC 12-17.2-4 or a child care
- 35 home licensed under IC 12-17.2-5.
- 36 (20) A citizen review panel established under IC 31-25-2-20.4.

- 1 (21) The department of child services ombudsman established by
- 2 IC 4-13-19-3."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to ESB 287 as printed February 24, 2012.)

---

Representative DeLaney