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**PRELIMINARY DRAFT**  
**No. 3438**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2013 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 16-18-2; IC 16-19; IC 31-9-2; IC 31-25-2-20.4; IC 31-33; IC 34-30-2; IC 36-2-14.

**Synopsis:** Child fatality reviews. Requires the state department of health to oversee and provide training to local child fatality review teams and the statewide child fatality review committee. (Under current law, the local child fatality review teams and statewide child fatality review committee are overseen and provided training by the department of child services.) Requires the legislative body of a county to: (1) establish a county child fatality review team; or (2) join with one or more other counties that have not established a county child fatality review team to form a regional child fatality review team. (Under current law, the department of child services establishes regions and local fatality review teams for each region.) Changes the manner in which the chairpersons and members are selected for a child fatality review team. Amends the definition of "mental health provider" for purposes of the child fatality review team provisions. Requires the statewide child fatality review committee to review every child's death that meets certain criteria. (Current law requires the committee to review a child death that meets certain criteria upon request of a local child fatality review team and allows the committee to review a child's death that meets certain criteria upon request by the child services (Continued on next page)

**Effective:** July 1, 2013.



Digest continued

ombudsman.) Provides certain records regarding child abuse, abandonment, and neglect be made available to the state department of health. Repeals and relocates certain language regarding child fatality review teams and the statewide child fatality review team. Makes conforming changes.



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

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

1 SECTION 1. IC 16-18-2-54.3, AS ADDED BY P.L.1-2010,  
2 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 54.3. **(a) "Child", for purposes of IC 16-19-16,**  
4 **has the meaning set forth in IC 16-19-16-1.**

5 **(b) "Child", for purposes of IC 16-19-17, has the meaning set**  
6 **forth in IC 16-19-17-1.**

7 **(c) "Child", for purposes of IC 16-35-8, has the meaning set forth in**  
8 **IC 16-35-8-1.**

9 SECTION 2. IC 16-18-2-86.3 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2013]: Sec. 86.3. **"County child fatality**  
12 **review team" for purposes of IC 16-19-16, has the meaning set**  
13 **forth in IC 16-19-16-2.**

14 SECTION 3. IC 16-18-2-110 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 110. **(a) "Emergency**  
16 **medical services", for purposes of IC 16-19-16, has the meaning set**  
17 **forth in IC 16-19-16-3.**

18 **(b) "Emergency medical services", for purposes of IC 16-19-17,**  
19 **has the meaning set forth in IC 16-19-17- 2.**

20 **(c) "Emergency medical services", for purposes of IC 16-31, means**  
21 **the provision of emergency ambulance services or other services,**  
22 **including extrication and rescue services, utilized in serving an**  
23 **individual's need for immediate medical care in order to prevent loss**  
24 **of life or aggravation of physiological or psychological illness or injury.**

25 SECTION 4. IC 16-18-2-210.5 IS ADDED TO THE INDIANA  
26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2013]: Sec. 210.5. **(a) "Local child fatality**  
28 **review team", for purposes of IC 16-19-16, has the meaning set**  
29 **forth in IC 16-19-16-4.**

30 **(b) "Local child fatality review team", for purposes of**  
31 **IC 16-19-17, has the meaning set forth in IC 16-19-17-3.**



1 SECTION 5. IC 16-18-2-225.8 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 225.8. (a) "Mental  
 3 health provider", for purposes of IC 16-19-16, has the meaning set  
 4 forth in IC 16-19-16-5.

5 (b) "Mental health provider", for purposes of IC 16-19-17, has  
 6 the meaning set forth in IC 16-19-17-4.

7 (c) "Mental health provider", for purposes of IC 16-36-1.5, has the  
 8 meaning set forth in IC 16-36-1.5-2.

9 SECTION 6. IC 16-18-2-313.7 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2013]: Sec. 313.7. "Regional child fatality  
 12 review team", for purposes of IC 16-19-16, has the meaning set  
 13 forth in IC 16-19-16-6.

14 SECTION 7. IC 16-18-2-340.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2013]: Sec. 340.5. (a) "Statewide child  
 17 fatality review committee", for purposes of IC 16-19-16, has the  
 18 meaning set forth in IC 16-19-16-7.

19 (b) "Statewide child fatality review committee", for purposes of  
 20 IC 16-19-17, has the meaning set forth in IC 16-19-17-5.

21 SECTION 8. IC 16-19-16 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2013]:

24 **Chapter 16. Child Fatality Review Teams**

25 **Sec. 1.** As used in this chapter, "child" means an individual less  
 26 than eighteen (18) years of age.

27 **Sec. 2.** As used in this chapter, "county child fatality review  
 28 team" means a fatality review team established under this chapter  
 29 for a county.

30 **Sec. 3.** As used in this chapter, "emergency medical services"  
 31 means the provision of emergency ambulance services or other  
 32 services, including extrication and rescue services, utilized in  
 33 serving an individual's need for immediate medical care in order  
 34 to prevent loss of life or aggravation of physiological or  
 35 psychological illness or injury.

36 **Sec. 4.** As used in this chapter, "local child fatality review team"  
 37 refers to a county or regional child fatality review team established  
 38 under this chapter.

39 **Sec. 5.** As used in this chapter, "mental health provider" means  
 40 any of the following:

- 41 (1) A registered nurse or licensed practical nurse licensed  
 42 under IC 25-23.
- 43 (2) A clinical social worker licensed under IC 25-23.6-5.
- 44 (3) A marriage and family therapist licensed under  
 45 IC 25-23.6-8.
- 46 (4) A psychologist licensed under IC 25-33.



- 1           **(5) A school psychologist licensed by the Indiana state board**  
 2           **of education.**
- 3           **Sec. 6. As used in this chapter, "regional child fatality review**  
 4           **team" means a fatality review team established under this chapter**  
 5           **for a region consisting of more than one (1) county.**
- 6           **Sec. 7. As used in this chapter, "statewide child fatality review**  
 7           **committee" refers to the statewide child fatality review committee**  
 8           **established by IC 16-19-17-6.**
- 9           **Sec. 8. (a) The legislative body of a county shall do one (1) of the**  
 10          **following:**
- 11           **(1) Establish a county child fatality review team.**  
 12           **(2) Join with one (1) or more other counties that have not**  
 13           **established a county child fatality review team to form a**  
 14           **regional child fatality review team.**
- 15          **(b) A local child fatality review team shall review the death of**  
 16          **a child that:**
- 17           **(1) occurred in the:**
- 18           **(A) county if the local child fatality review team is a county**  
 19           **child review team; or**  
 20           **(B) region if the local child fatality review team is a**  
 21           **regional child review team; and**
- 22           **(2) is one (1) or more of the following:**
- 23           **(A) Sudden.**  
 24           **(B) Unexpected.**  
 25           **(C) Unexplained.**  
 26           **(D) Assessed by the department of child services for**  
 27           **alleged abuse or neglect that resulted in the fatality.**  
 28           **(E) Determined by a coroner in the area served by the local**  
 29           **child fatality review team to be the result of a homicide,**  
 30           **suicide, or accident.**
- 31          **(c) In conducting a child fatality review under subsection (b),**  
 32          **the local child fatality review team shall review every record**  
 33          **concerning the deceased child that is held by:**
- 34           **(1) the department of child services; or**  
 35           **(2) the local child fatality review team.**
- 36          **(d) Subject to IC 34-30-15, if the local child fatality review team**  
 37          **requests records from a hospital, physician, coroner, law**  
 38          **enforcement officer, or mental health professional regarding a**  
 39          **death that the local child fatality review team is investigating, the**  
 40          **hospital, physician, coroner, law enforcement officer, or mental**  
 41          **health professional shall provide the requested records to the local**  
 42          **child fatality review team.**
- 43          **Sec. 9. A child fatality review consists of a child fatality review**  
 44          **team reviewing and discussing the individual circumstances**  
 45          **leading to or involved with the fatality.**
- 46          **Sec. 10. A local child fatality review team consists of the**



1 following members:

2 (1) A coroner or deputy coroner from the area served by the  
3 local child fatality review team.

4 (2) A representative from:

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

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

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

11 from the area served by the local child fatality review team.

12 (3) A pediatrician or family practice physician residing or  
13 practicing medicine in the area served by the local child  
14 fatality review team.

15 (4) A representative of law enforcement from the area served  
16 by the local child fatality review team.

17 (5) A representative from an emergency medical services  
18 provider doing business in the area served by the local child  
19 fatality review team.

20 (6) A regional manager of the department of child services  
21 from the area served by the local child fatality review team or  
22 the regional manager's designee.

23 (7) A representative of the prosecuting attorney from the area  
24 served by the local child fatality review team.

25 (8) A pathologist with forensic experience who is licensed to  
26 practice medicine in Indiana and who, if feasible, is certified  
27 by the American Board of Pathology in forensic pathology.

28 (9) A representative from a fire department or volunteer fire  
29 department (as defined in IC 36-8-12-2) from the area served  
30 by the local child fatality review team.

31 (10) A department of child services attorney from the area  
32 served by the local child fatality review team.

33 (11) A mental health provider providing services in the area  
34 served by the local child fatality review team.

35 (12) A representative from a school district in the area served  
36 by the local child fatality review team.

37 (13) The prosecuting attorney from the county where the child  
38 fatality occurred, as a nonvoting member.

39 Sec. 11. A local child fatality review team may have additional  
40 members from the following categories:

41 (1) A representative of a hospital located in the area served by  
42 the local child fatality review team.

43 (2) A representative from a juvenile or probate court in the  
44 area served by the local child fatality review team.

45 (3) Other representatives requested to serve by the members  
46 of the local child fatality review team.



- 1           **(4) A representative from the department of natural resources**  
 2           **who lives or works in the area served by the local child**  
 3           **fatality review team.**
- 4           **(5) A representative from Prevent Child Abuse Indiana (an**  
 5           **organization for the prevention of child abuse) who lives or**  
 6           **works in the area served by the local child fatality review**  
 7           **team.**
- 8           **(6) One (1) of the following:**
- 9               **(A) A court appointed special advocate who provides court**  
 10               **appointed special advocate services in the area served by**  
 11               **the local child fatality review team.**
- 12               **(B) A guardian ad litem who provides guardian ad litem**  
 13               **services in the area served by the local child fatality review**  
 14               **team.**
- 15           **Sec. 12. (a) If a county child fatality review team has been**  
 16           **established for a county, the legislative body of the county that**  
 17           **voted to establish the county fatality review team shall:**
- 18               **(1) adopt an ordinance for the appointment and**  
 19               **reappointment of members to the county child fatality review**  
 20               **team; and**
- 21               **(2) appoint members to the county child fatality review team**  
 22               **in accordance with the ordinance adopted.**
- 23           **(b) If a regional fatality review team has been established for a**  
 24           **region, the county legislative bodies that voted to establish the**  
 25           **regional fatality review team shall:**
- 26               **(1) adopt an ordinance for the appointment and**  
 27               **reappointment of members to the regional child fatality**  
 28               **review team; and**
- 29               **(2) appoint members to the regional child fatality review team**  
 30               **in accordance with the ordinance adopted.**
- 31           **Sec. 13. (a) The members of a local child fatality review team**  
 32           **shall, at the first meeting, elect a member to serve as the**  
 33           **chairperson of the local child fatality review team.**
- 34           **(b) The local child fatality review team shall meet at the call of**  
 35           **the chairperson.**
- 36           **(c) The local child fatality review team chairperson shall**  
 37           **determine the agenda for each meeting.**
- 38           **Sec. 14. (a) Except as provided in subsection (b), meetings of a**  
 39           **local child fatality review team are open to the public.**
- 40           **(b) Meetings of a local child fatality review team that involve**  
 41           **confidential records or identifying information regarding the death**  
 42           **of a child that is confidential under state or federal law shall be**  
 43           **held as executive sessions.**
- 44           **(c) If an executive session is held under subsection (b), each**  
 45           **individual who:**
- 46               **(1) attends a meeting of the local child fatality review team;**



1           **and**

2           **(2) is not a member of the local child fatality review team;**  
 3           **shall sign a confidentiality statement prepared by the state**  
 4           **department. The local child fatality review team shall keep all**  
 5           **confidentiality statements signed under this subsection.**

6           **Sec. 15. Members of a local child fatality review team and**  
 7           **individuals who attend a meeting of a local child fatality review**  
 8           **team as invitees of the chairperson:**

9           **(1) may discuss among themselves confidential matters that**  
 10           **are before the local child fatality review team;**

11           **(2) are bound by all applicable laws regarding the**  
 12           **confidentiality of matters reviewed by the local child fatality**  
 13           **review team; and**

14           **(3) except when acting:**

15           **(A) with malice;**

16           **(B) in bad faith; or**

17           **(C) with negligence;**

18           **are immune from any civil or criminal liability that might**  
 19           **otherwise be imposed as a result of sharing among themselves**  
 20           **confidential matters that are before the local child fatality**  
 21           **review team.**

22           **Sec. 16. The state department shall provide training to local**  
 23           **child fatality review teams.**

24           **Sec. 17. (a) The state department shall collect and document**  
 25           **information surrounding the deaths of children reviewed by local**  
 26           **child fatality review teams. The state department shall develop a**  
 27           **data collection form that includes:**

28           **(1) identifying and nonidentifying information;**

29           **(2) information regarding the circumstances surrounding a**  
 30           **death;**

31           **(3) factors contributing to a death; and**

32           **(4) findings and recommendations that include the following**  
 33           **information:**

34           **(A) Whether similar future deaths could be prevented.**

35           **(B) A list of:**

36           **(i) agencies and entities that should be involved; and**

37           **(ii) any other resources that should be used;**

38           **to adequately prevent future child deaths in the area.**

39           **(C) A county or regional strategy that should be**  
 40           **implemented to prevent future child deaths.**

41           **(b) The data collection form developed under this section must**  
 42           **be provided to the following:**

43           **(1) The appropriate community child protection team.**

44           **(2) The chairperson of the statewide child fatality review**  
 45           **committee.**

46           **(3) The chairperson of a local child fatality review team.**





1 (c) Each local child fatality review team shall, using the form  
2 established under this section, report to the state department the  
3 findings for each fatality that the local child fatality review team  
4 reviews.

5 (d) The state department shall annually prepare a report  
6 concerning all child fatalities in Indiana that are the result of child  
7 abuse or neglect. The report must include the following  
8 information:

9 (1) A summary of the information gathered under subsection  
10 (a) for all child fatalities resulting from abuse or neglect.

11 (2) Demographic information regarding victims, perpetrators,  
12 and households involved in child fatalities resulting from  
13 abuse or 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 state department shall post the report prepared under this  
21 subsection to the state department's Internet web site.

22 **Sec. 18.** A local child fatality review team is subject to the  
23 confidentiality provisions of IC 31-33-18 applying to records held  
24 by the local child fatality review team.

25 SECTION 9. IC 16-19-17 IS ADDED TO THE INDIANA CODE  
26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2013]:

28 **Chapter 17. Statewide Child Fatality Review Committee**

29 **Sec. 1.** As used in this chapter, "child" means an individual less  
30 than eighteen (18) years of age.

31 **Sec. 2.** As used in this chapter, "emergency medical services"  
32 means the provision of emergency ambulance services or other  
33 services, including extrication and rescue services, utilized in  
34 serving an individual's need for immediate medical care in order  
35 to prevent loss of life or aggravation of physiological or  
36 psychological illness or injury.

37 **Sec. 3.** As used in this chapter, "local child fatality review team"  
38 has the meaning set forth in IC 16-19-16-4.

39 **Sec. 4.** As used in this chapter, "mental health provider" means  
40 any of the following:

41 (1) A registered nurse or licensed practical nurse licensed  
42 under IC 25-23.

43 (2) A clinical social worker licensed under IC 25-23.6-5.

44 (3) A marriage and family therapist licensed under  
45 IC 25-23.6-8.

46 (4) A psychologist licensed under IC 25-33.



- 1           **(5) A school psychologist licensed by the Indiana state board**  
 2           **of education.**
- 3           **Sec. 5. As used in this chapter, "statewide child fatality review**  
 4           **committee" refers to the statewide child fatality review committee**  
 5           **established by section 6 of this chapter.**
- 6           **Sec. 6. The statewide child fatality review committee is**  
 7           **established to review every child's death that:**
- 8               **(1) occurs in Indiana; and**  
 9               **(2) is one (1) or more of the following:**
- 10               **(A) Sudden.**  
 11               **(B) Unexpected.**  
 12               **(C) Unexplained.**  
 13               **(D) Assessed by the department of child services for**  
 14               **alleged abuse or neglect that resulted in the fatality.**  
 15               **(E) Determined by a coroner to be the result of a homicide,**  
 16               **suicide, or accident.**
- 17           **Sec. 7. (a) A child fatality review conducted by the statewide**  
 18           **child fatality review committee under this chapter must consist of:**
- 19               **(1) determining whether similar future deaths could be**  
 20               **prevented; and**  
 21               **(2) identifying:**
- 22                   **(A) agencies and entities that should be involved; and**  
 23                   **(B) any other resources that should be used;**  
 24               **to adequately prevent future deaths of children.**
- 25               **(b) In conducting the child fatality review under subsection (a),**  
 26               **the statewide child fatality review committee shall review every**  
 27               **record concerning the deceased child that is held by:**
- 28                   **(1) the department of child services; or**  
 29                   **(2) a local child fatality review team.**
- 30               **(c) Subject to IC 34-30-15, if the statewide child fatality review**  
 31               **committee requests records from a hospital, physician, coroner,**  
 32               **law enforcement officer, or mental health professional regarding**  
 33               **a death that the statewide child fatality review committee is**  
 34               **investigating, the hospital, physician, coroner, law enforcement**  
 35               **officer, or mental health professional shall provide the requested**  
 36               **records to the statewide child fatality review committee.**
- 37           **Sec. 8. The statewide child fatality review committee consists of**  
 38           **the following members appointed by the governor:**
- 39               **(1) a coroner or deputy coroner;**  
 40               **(2) a representative from:**
- 41                   **(A) the state department;**  
 42                   **(B) a local health department established under**  
 43                   **IC 16-20-2; or**  
 44                   **(C) a multiple county health department established under**  
 45                   **IC 16-20-3;**  
 46               **(3) a pediatrician;**



- 1 (4) a representative of law enforcement;  
 2 (5) a representative from an emergency medical services  
 3 provider;  
 4 (6) the director or a representative of the department of child  
 5 services;  
 6 (7) a representative of a prosecuting attorney;  
 7 (8) a pathologist who is:  
 8 (A) certified by the American Board of Pathology in  
 9 forensic pathology; and  
 10 (B) licensed to practice medicine in Indiana;  
 11 (9) a mental health provider;  
 12 (10) a representative of a child abuse prevention program;  
 13 (11) a representative of the department of education; and  
 14 (12) at the discretion of the department of child services  
 15 ombudsman, a representative of the office of department of  
 16 child services ombudsman established by IC 4-13-19-3.

17 **Sec. 9. (a) The chairperson of the statewide child fatality review**  
 18 **committee shall be selected by the governor.**

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

21 **(c) The statewide child fatality review committee chairperson**  
 22 **shall determine the agenda for each meeting.**

23 **Sec. 10. (a) Except as provided in subsection (b), meetings of the**  
 24 **statewide child fatality review committee are open to the public.**

25 **(b) Except as provided in subsection (d), a meeting of the**  
 26 **statewide child fatality review committee that involves:**

27 **(1) confidential records; or**

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

30 **shall be held as an executive session.**

31 **(c) If a meeting is held as an executive session under subsection**  
 32 **(b), each individual who:**

33 **(1) attends the meeting; and**

34 **(2) is not a member of the statewide child fatality review**  
 35 **committee;**

36 **shall sign a confidentiality statement prepared by the state**  
 37 **department. The statewide child fatality review committee shall**  
 38 **keep all confidentiality statements signed under this subsection.**

39 **(d) A majority of the members of the statewide child fatality**  
 40 **review committee may vote to disclose any report or part of a**  
 41 **report regarding a fatality review to the public if disclosure of the**  
 42 **information is in the general public interest as determined by the**  
 43 **statewide child fatality review committee.**

44 **Sec. 11. Members of the statewide child fatality review**  
 45 **committee and individuals who attend a meeting of the statewide**  
 46 **child fatality review committee as invitees of the chairperson:**



- 1 (1) may discuss among themselves confidential matters that  
 2 are before the statewide child fatality review committee;  
 3 (2) are bound by all applicable laws regarding the  
 4 confidentiality of matters reviewed by the statewide child  
 5 fatality review committee; and  
 6 (3) except when acting:  
 7 (A) with malice;  
 8 (B) in bad faith; or  
 9 (C) with gross negligence;  
 10 are immune from any civil or criminal liability that might  
 11 otherwise be imposed as a result of communicating among  
 12 themselves about confidential matters that are before the  
 13 statewide child fatality review committee.

14 **Sec. 12.** The state department shall provide training to the  
 15 statewide child fatality review committee.

16 **Sec. 13. (a)** The state department shall collect and document  
 17 information surrounding the deaths of children that are reviewed  
 18 by the statewide child fatality review committee.

19 (b) The state department shall develop a data collection form  
 20 that is designed to include, when completed, the following  
 21 concerning the death of a child:

- 22 (1) Identifying and nonidentifying information.  
 23 (2) Information regarding the circumstances surrounding the  
 24 death.  
 25 (3) Factors contributing to the death.  
 26 (4) Findings and recommendations.

27 (c) The data collection form developed under this section must  
 28 be provided to:

- 29 (1) the appropriate community child protection team  
 30 established under IC 31-33-3;  
 31 (2) the appropriate:  
 32 (A) local health department established under IC 16-20-2;  
 33 or  
 34 (B) multiple county health department established under  
 35 IC 16-20-3; and  
 36 (3) the appropriate coroner and the pathologist who  
 37 performed the autopsy on the child.

38 **Sec. 14.** The affirmative votes of a majority of the voting  
 39 members of the statewide child fatality review committee are  
 40 required for the committee to take action on any measure.

41 **Sec. 15.** The expenses of the statewide child fatality review  
 42 committee shall be paid from funds appropriated to the state  
 43 department.

44 **Sec. 16.** The testimony of a member of the statewide child  
 45 fatality review committee is not admissible as evidence concerning  
 46 an investigation by the statewide child fatality review committee.



1           **Sec. 17. (a) The statewide child fatality review committee shall**  
 2 **submit a report to the legislative council and the state department**  
 3 **on or before January 1 of each year that includes:**

4           **(1) the status of child fatalities reviewed by the statewide child**  
 5 **fatality review committee in the previous year; and**

6           **(2) recommendations concerning actions or resources to**  
 7 **prevent future child fatalities in Indiana.**

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

10           **(b) The state department shall post the report described in**  
 11 **subsection (a) on the state department's Internet website.**

12           **Sec. 18. The statewide child fatality review committee is subject**  
 13 **to the confidentiality provisions of IC 31-33-18 applying to records**  
 14 **held by the statewide child fatality review committee.**

15           SECTION 10. IC 31-9-2-43.3 IS REPEALED [EFFECTIVE JULY  
 16 1, 2013]. Sec. 43.3: "Emergency medical services", for purposes of  
 17 IC 31-33-24, has the meaning set forth in IC 31-33-24-2.

18           (b) "Emergency medical services", for purposes of IC 31-33-25, has  
 19 the meaning set forth in IC 31-33-25-2.

20           SECTION 11. IC 31-9-2-76.4 IS REPEALED [EFFECTIVE JULY  
 21 1, 2013]. Sec. 76.4: (a) "Local child fatality review team", for purposes  
 22 of IC 31-33-24, has the meaning set forth in IC 31-33-24-3.

23           (b) "Local child fatality review team", for purposes of IC 31-33-25,  
 24 has the meaning set forth in IC 31-33-25-3.

25           SECTION 12. IC 31-9-2-80.5 IS REPEALED [EFFECTIVE JULY  
 26 1, 2013]. Sec. 80.5: (a) "Mental health provider", for purposes of  
 27 IC 31-33-24, has the meaning set forth in IC 31-33-24-4.

28           (b) "Mental health provider", for purposes of IC 31-33-25, has the  
 29 meaning set forth in IC 31-33-25-4.

30           SECTION 13. IC 31-9-2-121.5 IS REPEALED [EFFECTIVE JULY  
 31 1, 2013]. Sec. 121.5: (a) "Statewide child fatality review committee",  
 32 for purposes of IC 31-33-24, has the meaning set forth in  
 33 IC 31-33-24-5.

34           (b) "Statewide child fatality review committee", for purposes of  
 35 IC 31-33-25, has the meaning set forth in IC 31-33-25-5.

36           SECTION 14. IC 31-25-2-20.4, AS AMENDED BY P.L.128-2012,  
 37 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2013]: Sec. 20.4. (a) The department shall establish at least  
 39 three (3) citizen review panels in accordance with the requirements of  
 40 the federal Child Abuse Prevention and Treatment Act under 42 U.S.C.  
 41 5106a.

42           (b) A citizen review panel consists of volunteer members who  
 43 broadly represent the community in which the panel is established,  
 44 including members who have expertise in the prevention and treatment  
 45 of child abuse and neglect.

46           (c) The department shall appoint the citizen review panels in the



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



1 department. The director may appoint individuals as needed to fill  
 2 vacancies that occur during the term of any panel appointed under  
 3 subdivision (3) or (4).

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

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

11 (e) Each citizen review panel shall:

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

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

23 (g) A child welfare agency shall make all reports and other materials  
 24 in the child welfare agency's possession available to a citizen review  
 25 panel established under this section, including any reports and  
 26 materials that the child welfare agency has received from other  
 27 agencies.

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

- 31 (1) a specific child protective services case or child welfare  
 32 agency case;
- 33 (2) a child or member of the child's family who is the subject of  
 34 a child protective services assessment; or
- 35 (3) any other individuals identified in confidential reports,  
 36 documents, or other materials.

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

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

41 SECTION 15. IC 31-33-18-1, AS AMENDED BY P.L.128-2012,  
 42 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in section  
 44 1.5 of this chapter, the following are confidential:

- 45 (1) Reports made under this article (or IC 31-6-11 before its  
 46 repeal).



1 (2) Any other information obtained, reports written, or  
2 photographs taken concerning the reports in the possession of:

3 (A) the division of family resources;

4 (B) the local office;

5 (C) the department; or

6 (D) the department of child services ombudsman established  
7 by IC 4-13-19-3.

8 (b) Except as provided in section 1.5 of this chapter, all records held  
9 by:

10 (1) the division of family resources;

11 (2) a local office;

12 (3) the department;

13 (4) a local child fatality review team established under  
14 ~~IC 31-33-24~~; **IC 16-19-16**;

15 (5) the statewide child fatality review committee established  
16 under ~~IC 31-33-25~~; **IC 16-19-17**; or

17 (6) the department of child services ombudsman established by  
18 IC 4-13-19-3;

19 regarding the death of a child determined to be a result of abuse,  
20 abandonment, or neglect are confidential and may not be disclosed.

21 SECTION 16. IC 31-33-18-1.5, AS AMENDED BY P.L.128-2012,  
22 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies to  
24 records held by:

25 (1) a local office;

26 (2) the department;

27 (3) a local child fatality review team established under  
28 ~~IC 31-33-24~~; **IC 16-19-16**;

29 (4) the statewide child fatality review committee established  
30 under ~~IC 31-33-25~~; **IC 16-19-17**; or

31 (5) the department of child services ombudsman established by  
32 IC 4-13-19-3;

33 regarding a child whose death or near fatality may have been the result  
34 of abuse, abandonment, or neglect.

35 (b) For purposes of subsection (a), a child's death or near fatality  
36 may have been the result of abuse, abandonment, or neglect if:

37 (1) an entity described in subsection (a) determines that the child's  
38 death or near fatality is the result of abuse, abandonment, or  
39 neglect; or

40 (2) a prosecuting attorney files:

41 (A) an indictment or information; or

42 (B) a complaint alleging the commission of a delinquent act;  
43 that, if proven, would cause a reasonable person to believe that  
44 the child's death or near fatality may have been the result of  
45 abuse, abandonment, or neglect.

46 Upon the request of any person, or upon its own motion, the court





1 exercising juvenile jurisdiction in the county in which the child's death  
 2 or near fatality occurred shall determine whether the allegations  
 3 contained in the indictment, information, or complaint described in  
 4 subdivision (2), if proven, would cause a reasonable person to believe  
 5 that the child's death or near fatality may have been the result of abuse,  
 6 abandonment, or neglect.

7 (c) If the juvenile court finds that the child's death or near fatality  
 8 was the result of abuse, abandonment, or neglect, the court shall make  
 9 written findings and provide a copy of the findings and the indictment,  
 10 information, or complaint described under subsection (b)(2) to the  
 11 department.

12 (d) As used in this section:

13 (1) "case" means:

14 (A) any intake report generated by the department;

15 (B) any investigation or assessment conducted by the  
 16 department; or

17 (C) ongoing involvement between the department and a child  
 18 or family that is the result of:

19 (i) a program of informal adjustment; or

20 (ii) a child in need of services action;

21 for which related records and documents have not been expunged  
 22 as required by law or by a court at the time the department is  
 23 notified of a fatality or near fatality;

24 (2) "contact" means in person communication about a case in  
 25 which:

26 (A) the child who is the victim of a fatality or near fatality is  
 27 alleged to be a victim; or

28 (B) the perpetrator of the fatality or near fatality is alleged to  
 29 be the perpetrator;

30 (3) "identifying information" means information that identifies an  
 31 individual, including an individual's:

32 (A) name, address, date of birth, occupation, place of  
 33 employment, and telephone number;

34 (B) employer identification number, mother's maiden name,  
 35 Social Security number, or any identification number issued by  
 36 a governmental entity;

37 (C) unique biometric data, including the individual's  
 38 fingerprint, voice print, or retina or iris image;

39 (D) unique electronic identification number, address, or  
 40 routing code;

41 (E) telecommunication identifying information; or

42 (F) telecommunication access device, including a card, a plate,  
 43 a code, an account number, a personal identification number,  
 44 an electronic serial number, a mobile identification number, or  
 45 another telecommunications service or device or means of  
 46 account access; and



- 1 (4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.  
2 (e) Unless information in a record is otherwise confidential under  
3 state or federal law, a record described in subsection (a) that has been  
4 redacted in accordance with this section is not confidential and may be  
5 disclosed to any person who requests the record. The person requesting  
6 the record may be required to pay the reasonable expenses of copying  
7 the record.  
8 (f) When a person requests a record described in subsection (a), the  
9 entity having control of the record shall immediately transmit a copy of  
10 the record to the court exercising juvenile jurisdiction in the county in  
11 which the death or near fatality of the child occurred. However, if the  
12 court requests that the entity having control of a record transmit the  
13 original record, the entity shall transmit the original record.  
14 (g) Upon receipt of the record described in subsection (a), the court  
15 shall, within thirty (30) days, redact the record to exclude:  
16 (1) identifying information described in subsection (d)(3)(B)  
17 through (d)(3)(F) of a person; and  
18 (2) all identifying information of a child less than eighteen (18)  
19 years of age.  
20 (h) The court shall disclose the record redacted in accordance with  
21 subsection (g) to any person who requests the record, if the person has  
22 paid:  
23 (1) to the entity having control of the record, the reasonable  
24 expenses of copying under IC 5-14-3-8; and  
25 (2) to the court, the reasonable expenses of copying the record.  
26 (i) The data and information in a record disclosed under this section  
27 must include the following:  
28 (1) A summary of the report of abuse or neglect and a factual  
29 description of the contents of the report.  
30 (2) The date of birth and gender of the child.  
31 (3) The cause of the fatality or near fatality, if the cause has been  
32 determined.  
33 (4) Whether the department had any contact with the child or the  
34 perpetrator before the fatality or near fatality, and, if the  
35 department had contact, the following:  
36 (A) The frequency of the contact with the child or the  
37 perpetrator before the fatality or near fatality and the date on  
38 which the last contact occurred before the fatality or near  
39 fatality.  
40 (B) A summary of the status of the child's case at the time of  
41 the fatality or near fatality, including:  
42 (i) whether the child's case was closed by the department  
43 before the fatality or near fatality; and  
44 (ii) if the child's case was closed as described under item (i),  
45 the date of closure and the reasons that the case was closed.  
46 (j) The court's determination under subsection (g) that certain



1 identifying information or other information is not relevant to  
2 establishing the facts and circumstances leading to the death or near  
3 fatality of a child is not admissible in a criminal proceeding or civil  
4 action.

5 SECTION 17. IC 31-33-18-2, AS AMENDED BY P.L.48-2012,  
6 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2013]: Sec. 2. The reports and other material described in  
8 section 1(a) of this chapter and the unredacted reports and other  
9 material described in section 1(b) of this chapter shall be made  
10 available only to the following:

11 (1) Persons authorized by this article.

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

15 (3) A police or other law enforcement agency, prosecuting  
16 attorney, or coroner in the case of the death of a child who is  
17 investigating a report of a child who may be a victim of child  
18 abuse or neglect.

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

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

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

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

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

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

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

43 (9) A court, for redaction of the record in accordance with section  
44 1.5 of this chapter, or upon the court's finding that access to the  
45 records may be necessary for determination of an issue before the  
46 court. However, except for disclosure of a redacted record in



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



- 1 (iv) a volunteer providing services at;  
 2 a child care center licensed under IC 12-17.2-4 or a child care  
 3 home licensed under IC 12-17.2-5.  
 4 (20) A citizen review panel established under IC 31-25-2-20.4.  
 5 (21) The department of child services ombudsman established by  
 6 IC 4-13-19-3.  
 7 (22) The state superintendent of public instruction with protection  
 8 for the identity of:  
 9 (A) any person reporting known or suspected child abuse or  
 10 neglect; and  
 11 (B) any other person if the person or agency making the  
 12 information available finds that disclosure of the information  
 13 would be likely to endanger the life or safety of the person.  
 14 **(23) The state department of health.**  
 15 SECTION 18. IC 31-33-24 IS REPEALED [EFFECTIVE JULY 1,  
 16 2013]. (Child Fatality Review Teams).  
 17 SECTION 19. IC 31-33-25 IS REPEALED [EFFECTIVE JULY 1,  
 18 2013]. (Statewide Child Fatality Review Committee).  
 19 SECTION 20. IC 34-30-2-64.2 IS ADDED TO THE INDIANA  
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2013]: **Sec. 64.2. IC 16-19-16-15 (Concerning**  
 22 **a member of a local child fatality review team or an individual who**  
 23 **attends a meeting of a local child fatality review team as an invitee**  
 24 **of the chairperson).**  
 25 SECTION 21. IC 34-30-2-64.5 IS ADDED TO THE INDIANA  
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2013]: **Sec. 64.5. IC 16-19-17-11 (Concerning**  
 28 **a member of the statewide child fatality review committee or an**  
 29 **individual who attends a meeting of the statewide child fatality**  
 30 **review committee as an invitee of the chairperson).**  
 31 SECTION 22. IC 34-30-2-134.3 IS REPEALED [EFFECTIVE  
 32 JULY 1, 2013]. ~~Sec. 134.3. IC 31-33-24-12 (Concerning a member of~~  
 33 ~~a local child fatality review team or a person who attends a meeting of~~  
 34 ~~a local child fatality review team as an invitee of the chairperson).~~  
 35 SECTION 23. IC 34-30-2-134.6 IS REPEALED [EFFECTIVE  
 36 JULY 1, 2013]. ~~Sec. 134.6. IC 31-33-25-11 (Concerning a member of~~  
 37 ~~the statewide child fatality review committee or a person who attends~~  
 38 ~~a meeting of the statewide child fatality review committee as an invitee~~  
 39 ~~of the chairperson).~~  
 40 SECTION 24. IC 36-2-14-6.3, AS AMENDED BY P.L.128-2012,  
 41 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2013]: Sec. 6.3. (a) A coroner shall  
 43 immediately notify:  
 44 (1) the local office of the department of child services by using  
 45 the statewide hotline for the department; and  
 46 (2) ~~either:~~ **both the:**



- 1           (A) ~~the~~ local child fatality review team; **or and**  
 2           (B) ~~if the county does not have a local child fatality review~~  
 3           ~~team;~~ the statewide child fatality review committee;  
 4 of each death of a person who is less than eighteen (18) years of age,  
 5 or appears to be less than eighteen (18) years of age and who has died  
 6 in an apparently suspicious, unexpected, or unexplained manner.  
 7           (b) If a child less than eighteen (18) years of age dies in an  
 8 apparently suspicious, unexpected, or unexplained manner, the coroner  
 9 shall consult with a child death pathologist to determine whether an  
 10 autopsy is necessary. If the coroner and the child death pathologist  
 11 disagree over the need for an autopsy, the county prosecutor shall  
 12 determine whether an autopsy is necessary. If the autopsy is considered  
 13 necessary, a child death pathologist or a pathology resident acting  
 14 under the direct supervision of a child death pathologist shall conduct  
 15 the autopsy within twenty-four (24) hours. If the autopsy is not  
 16 considered necessary, the autopsy shall not be conducted.  
 17           (c) If a child death pathologist and coroner agree under subsection  
 18 (b) that an autopsy is necessary, the child death pathologist or a  
 19 pathology resident acting under the direct supervision of a child death  
 20 pathologist shall conduct the autopsy of the child.  
 21           SECTION 25. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007,  
 22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2013]: Sec. 6.7. (a) This section applies to a child who:  
 24           (1) died suddenly and unexpectedly;  
 25           (2) was less than three (3) years of age at the time of death; and  
 26           (3) was in apparent good health before dying.  
 27           (b) A child death pathologist or a pathology resident acting under  
 28 the direct supervision of a child death pathologist shall conduct an  
 29 autopsy of a child described in subsection (a).  
 30           (c) A county coroner may not certify the cause of death of a child  
 31 described in subsection (a) until an autopsy is performed at county  
 32 expense.  
 33           (d) The county coroner shall contact the parent or guardian of a  
 34 child described in subsection (a) and notify the parent or guardian that  
 35 an autopsy will be conducted at county expense.  
 36           (e) The child death pathologist shall:  
 37           (1) ensure that a tangible summary of the autopsy results is  
 38 provided;  
 39           (2) provide informational material concerning sudden infant death  
 40 syndrome; and  
 41           (3) unless the release of autopsy results would jeopardize a law  
 42 enforcement investigation, provide notice that a parent or  
 43 guardian has the right to receive the preliminary autopsy results;  
 44 to the parents or guardian of the child within one (1) week after the  
 45 autopsy.  
 46           (f) If a parent or guardian of a child described in subsection (a)



1 requests the autopsy report of the child, the coroner shall provide the  
 2 autopsy report to the parent or guardian within thirty (30) days after  
 3 the:

- 4 (1) request; or
- 5 (2) completion of the autopsy report;

6 whichever is later, at no cost.

7 (g) A coroner shall notify:

- 8 (1) a local child fatality review team; ~~or and~~
- 9 (2) ~~if the county does not have a local child fatality review team;~~  
 10 the statewide child fatality review committee;

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

12 SECTION 26. IC 36-2-14-18, AS AMENDED BY P.L.3-2008,  
 13 SECTION 257, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) Notwithstanding  
 15 IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the  
 16 coroner is required to make available for public inspection and copying  
 17 the following:

- 18 (1) The name, age, address, sex, and race of the deceased.
- 19 (2) The address where the dead body was found, or if there is no  
 20 address the location where the dead body was found and, if  
 21 different, the address where the death occurred, or if there is no  
 22 address the location where the death occurred.
- 23 (3) The name of the agency to which the death was reported and  
 24 the name of the person reporting the death.
- 25 (4) The name of any public official or governmental employee  
 26 present at the scene of the death and the name of the person  
 27 certifying or pronouncing the death.
- 28 (5) Information regarding an autopsy (requested or performed)  
 29 limited to the date, the person who performed the autopsy, where  
 30 the autopsy was performed, and a conclusion as to:  
 31 (A) the probable cause of death;  
 32 (B) the probable manner of death; and  
 33 (C) the probable mechanism of death.
- 34 (6) The location to which the body was removed, the person  
 35 determining the location to which the body was removed, and the  
 36 authority under which the decision to remove the body was made.
- 37 (7) The records required to be filed by a coroner under section 6  
 38 of this chapter and the verdict and the written report required  
 39 under section 10 of this chapter.

40 (b) A county coroner or a coroner's deputy who receives an  
 41 investigatory record from a law enforcement agency shall treat the  
 42 investigatory record with the same confidentiality as the law  
 43 enforcement agency would treat the investigatory record.

44 (c) Notwithstanding any other provision of this section, a coroner  
 45 shall make available a full copy of an autopsy report, other than a  
 46 photograph, a video recording, or an audio recording of the autopsy,



1 upon the written request of a parent of the decedent, an adult child of  
 2 the decedent, a next of kin of the decedent, or an insurance company  
 3 investigating a claim arising from the death of the individual upon  
 4 whom the autopsy was performed. A parent of the decedent, an adult  
 5 child of the decedent, a next of kin of the decedent, and an insurance  
 6 company are prohibited from publicly disclosing any information  
 7 contained in the report beyond that information that may otherwise be  
 8 disclosed by a coroner under this section. This prohibition does not  
 9 apply to information disclosed in communications in conjunction with  
 10 the investigation, settlement, or payment of the claim.

11 (d) Notwithstanding any other provision of this section, a coroner  
 12 shall make available a full copy of an autopsy report, other than a  
 13 photograph, a video recording, or an audio recording of the autopsy,  
 14 upon the written request of:

- 15 (1) the director of the division of disability and rehabilitative  
 16 services established by IC 12-9-1-1;
- 17 (2) the director of the division of mental health and addiction  
 18 established by IC 12-21-1-1; or
- 19 (3) the director of the division of aging established by  
 20 IC 12-9.1-1-1;

21 in connection with a division's review of the circumstances surrounding  
 22 the death of an individual who received services from a division or  
 23 through a division at the time of the individual's death.

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

- 28 (1) the department of child services established by IC 31-25-1-1,  
 29 including an office of the department located in the county where  
 30 the death occurred;
- 31 (2) the statewide child fatality review committee established by  
 32 ~~IC 31-33-25-6~~; **IC 16-19-17**; or
- 33 (3) a county child fatality review team or regional child fatality  
 34 review team established under ~~IC 31-33-24-6~~ **IC 16-19-16** by the  
 35 county or for the county where the death occurred;

36 for purposes of an entity described in subdivisions (1) through (3)  
 37 conducting a review or an investigation of the circumstances  
 38 surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and  
 39 making a determination as to whether the death of the child was a  
 40 result of abuse, abandonment, or neglect. An autopsy report made  
 41 available under this subsection is confidential and shall not be  
 42 disclosed to another individual or agency, unless otherwise authorized  
 43 or required by law.

44 (f) Except as provided in subsection (g), the information required to  
 45 be available under subsection (a) must be completed not later than  
 46 fourteen (14) days after the completion of:





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

5 (g) The prosecuting attorney may petition a circuit or superior court  
6 for an order prohibiting the coroner from publicly disclosing the  
7 information required in subsection (a). The prosecuting attorney shall  
8 serve a copy of the petition on the coroner.

9 (h) Upon receipt of a copy of the petition described in subsection  
10 (g), the coroner shall keep the information confidential until the court  
11 rules on the petition.

12 (i) The court shall grant a petition filed under subsection (g) if the  
13 prosecuting attorney proves by a preponderance of the evidence that  
14 public access or dissemination of the information specified in  
15 subsection (a) would create a significant risk of harm to the criminal  
16 investigation of the death. The court shall state in the order the reasons  
17 for granting or denying the petition. An order issued under this  
18 subsection must use the least restrictive means and duration possible  
19 when restricting access to the information. Information to which access  
20 is restricted under this subsection is confidential.

21 (j) Any person may petition the court to modify or terminate an  
22 order issued under subsection (i). The petition for modification or  
23 termination must allege facts demonstrating that:

- 24 (1) the public interest will be served by allowing access; and  
25 (2) access to the information specified in subsection (a) would not  
26 create a significant risk to the criminal investigation of the death.

27 The person petitioning the court for modification or termination shall  
28 serve a copy of the petition on the prosecuting attorney and the coroner.

29 (k) Upon receipt of a petition for modification or termination filed  
30 under subsection (j), the court may:

- 31 (1) summarily grant, modify, or dismiss the petition; or  
32 (2) set the matter for hearing.

33 If the court sets the matter for hearing, upon the motion of any party or  
34 upon the court's own motion, the court may close the hearing to the  
35 public.

36 (l) If the person filing the petition for modification or termination  
37 proves by a preponderance of the evidence that:

- 38 (1) the public interest will be served by allowing access; and  
39 (2) access to the information specified in subsection (a) would not  
40 create a significant risk to the criminal investigation of the death;

41 the court shall modify or terminate its order restricting access to the  
42 information. In ruling on a request under this subsection, the court shall  
43 state the court's reasons for granting or denying the request.

