

HOUSE BILL No. 1230

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-81.7; IC 31-33.

Synopsis: Child fatality information. Provides that the department of child services (department) shall disclose to the public certain information regarding child fatalities or near fatalities. Provides that, upon request, the department may provide additional information regarding cases of child fatalities or near fatalities subject to certain requirements. Makes technical and conforming changes.

Effective: July 1, 2024.

Lauer

January 9, 2024, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1230

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 31-9-2-81.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2024]: **Sec. 81.7. "Near fatality", for purposes of IC 31-33-18.5,**
- 4 **means an act that, as certified by a physician, places a child in**
- 5 **serious or critical condition.**
- 6 SECTION 2. IC 31-33-18-1, AS AMENDED BY P.L.77-2023,
- 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2024]: Sec. 1. (a) Except as provided in section 1.5 of this
- 9 chapter **and IC 31-33-18.5**, the following are confidential:
- 10 (1) Reports made under this article (or IC 31-6-11 before its
- 11 repeal).
- 12 (2) Any other information, documents, reports, pictures, videos,
- 13 images, or recordings obtained, possessed, produced, or created
- 14 by:
- 15 (A) the division of family resources;
- 16 (B) the local office;
- 17 (C) the department; or



1 (D) the department of child services ombudsman established
 2 by IC 4-13-19-3;
 3 concerning a child or family with whom the department has
 4 received a report or referral or has been involved with during any
 5 stage of the department's investigation, including post-assessment
 6 or post-adoption activity.

7 (b) Except as provided in section 1.5 of this chapter **and**
 8 **IC 31-33-18.5**, all records held by:

- 9 (1) the division of family resources;
 10 (2) a local office;
 11 (3) the department;
 12 (4) a local child fatality review team established under
 13 IC 16-49-2;
 14 (5) the statewide child fatality review committee established
 15 under IC 16-49-4; or
 16 (6) the department of child services ombudsman established by
 17 IC 4-13-19-3;

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

20 SECTION 3. IC 31-33-18-1.5, AS AMENDED BY P.L.77-2023,
 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 1.5. (a) This section applies to records held by:

- 23 (1) a local office;
 24 (2) the department; or
 25 (3) the department of child services ombudsman established by
 26 IC 4-13-19-3;

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

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

- 31 (1) an entity described in subsection (a) determines that the child's
 32 death or near fatality is the result of abuse, abandonment, or
 33 neglect; or
 34 (2) a prosecuting attorney files:
 35 (A) an indictment or information; or
 36 (B) a complaint alleging the commission of a delinquent act;
 37 that, if proven, would cause a reasonable person to believe that
 38 the child's death or near fatality may have been the result of
 39 abuse, abandonment, or neglect.

40 Upon the request of any person, or upon its own motion, the court
 41 exercising juvenile jurisdiction in the county in which the child's death
 42 or near fatality occurred shall determine whether the allegations



1 contained in the indictment, information, or complaint described in
 2 subdivision (2), if proven, would cause a reasonable person to believe
 3 that the child's death or near fatality may have been the result of abuse,
 4 abandonment, or neglect.

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

10 (d) As used in this section:

11 (1) "case" means:

12 (A) any intake report or other documentation such as a referral
 13 or other matter received or generated by the department;

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

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

18 (i) a program of informal adjustment; or

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

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

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

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

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

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

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

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

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

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

40 (E) telecommunication identifying information; or

41 (F) telecommunication access device, including a card, a plate,
 42 a code, an account number, a personal identification number,



- 1 an electronic serial number, a mobile identification number, or
 2 another telecommunications service or device or means of
 3 account access;
- 4 (4) "life threatening" means an injury or condition that is
 5 categorized as "serious" or "critical" in patient hospital records;
 6 and
- 7 (5) "near fatality" means a severe childhood injury or condition
 8 that is certified by a physician as being life threatening.
- 9 **(e) This subsection does not apply to records concerning a child**
 10 **fatality or near fatality that the department is required to publish**
 11 **under IC 31-33-18.5.** Unless:
- 12 (1) a police investigation or criminal prosecution is ongoing; or
 13 (2) information in a record is otherwise confidential under state
 14 or federal law;
- 15 a record described in subsection (a) that has been redacted in
 16 accordance with this section is not confidential and may be disclosed
 17 to any person who requests the record. The person requesting the
 18 record may be required to pay the reasonable expenses of copying the
 19 record.
- 20 (f) When a person requests a record described in subsection (a), the
 21 entity having control of the record shall immediately transmit a copy of
 22 the record to the court exercising juvenile jurisdiction in the county in
 23 which the death or near fatality of the child occurred. However, if the
 24 court requests that the entity having control of a record transmit the
 25 original record, the entity shall transmit the original record.
- 26 (g) Upon receipt of the record described in subsection (a), the court
 27 shall, within thirty (30) days, redact the record to exclude:
- 28 (1) identifying information described in subsection (d)(3)(B)
 29 through (d)(3)(F) of a person; and
 30 (2) all identifying information of a child less than eighteen (18)
 31 years of age.
- 32 (h) The court shall disclose the record redacted in accordance with
 33 subsection (g) to any person who requests the record, if the person has
 34 paid:
- 35 (1) to the entity having control of the record, the reasonable
 36 expenses of copying under IC 5-14-3-8; and
 37 (2) to the court, the reasonable expenses of copying the record.
- 38 (i) The data and information in a record disclosed under this section
 39 must include the following:
- 40 (1) A summary of the report of abuse or neglect and a factual
 41 description of the contents of the report.
 42 (2) The age and gender of the child.



1 (3) The cause of the fatality or near fatality, if the cause has been
2 determined.

3 (4) Whether the department had any contact with the child or the
4 perpetrator before the fatality or near fatality, and, if the
5 department had contact, the following:

6 (A) The frequency of the contact with the child or the
7 perpetrator before the fatality or near fatality and the date on
8 which the last contact occurred before the fatality or near
9 fatality.

10 (B) A summary of the status of the child's case at the time of
11 the fatality or near fatality, including:

12 (i) whether the child's case was closed by the department
13 before the fatality or near fatality; and

14 (ii) if the child's case was closed as described under item (i),
15 the date of closure and the reasons that the case was closed.

16 (j) The court's determination under subsection (g) that certain
17 identifying information or other information is not relevant to
18 establishing the facts and circumstances leading to the death or near
19 fatality of a child is not admissible in a criminal proceeding or civil
20 action.

21 SECTION 4. IC 31-33-18-5, AS ADDED BY P.L.48-2012,
22 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 5. (a) **Except as provided in IC 31-33-18.5**, an
24 audio recording of a telephone call to the child abuse hotline is
25 confidential and may be released only upon court order.

26 (b) An audio recording of a report of child abuse or neglect that is
27 the subject of a complaint made to a prosecuting attorney under
28 IC 31-33-22-3 shall be released without a court order to the prosecuting
29 attorney upon written request of the prosecuting attorney.

30 SECTION 5. IC 31-33-18.5 IS ADDED TO THE INDIANA CODE
31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2024]:

33 **Chapter 18.5. Child Fatalities Public Transparency**

34 **Sec. 1. This chapter applies to the following:**

35 (1) **Reports made under this article (or IC 31-6-11 before its
36 repeal).**

37 (2) **Any other information obtained, reports written, or
38 photographs taken concerning the reports in the possession
39 of:**

40 (A) **the division of family resources;**

41 (B) **the local office;**

42 (C) **the department; or**



- 1 (D) the department of child services ombudsman
2 established by IC 4-13-19-3.
- 3 **Sec. 2. (a)** Notwithstanding IC 31-33-18, the department shall
4 promptly provide information to the public regarding a case of
5 child abuse or neglect that has resulted in a child fatality or near
6 fatality.
- 7 **(b)** The department shall provide preliminary information as
8 follows:
- 9 **(1)** In the case of a child fatality, the department's disclosure
10 must include the following:
- 11 **(A)** The deceased child's name, age, and gender.
12 **(B)** The county or general location of the residence for the
13 child who has died.
14 **(C)** The fact that a child suffered a fatality as the result of
15 abuse or neglect.
16 **(D)** Following an arrest for the fatality, the name, age, and
17 general location of the alleged perpetrator's residence,
18 unless the disclosure would violate the privacy of a victim.
19 **(E)** Whether there have been reports or any current or
20 past cases of abuse or neglect involving the child or the
21 alleged perpetrator.
22 **(F)** Actions taken by the department in response to the
23 fatality.
24 **(G)** A detailed synopsis of earlier reports or cases of abuse
25 or neglect involving the child or the alleged perpetrator
26 and of the actions taken or determinations made by the
27 department in response to the earlier reports or cases.
- 28 **(2)** In the case of a child's near fatality, the department's
29 disclosure must include the following:
- 30 **(A)** The child's age and gender.
31 **(B)** The county or general location of the residence for the
32 child who has suffered a near fatality.
33 **(C)** The fact that a child suffered a near fatality as the
34 result of abuse or neglect.
35 **(D)** Following an arrest for the near fatality, the name, age,
36 and general location of the alleged perpetrator's residence,
37 unless the disclosure would violate the privacy of a victim.
38 **(E)** Whether there have been reports or any current or
39 past cases of abuse or neglect involving the child or the
40 alleged perpetrator.
41 **(F)** Actions taken by the department in response to the
42 near fatality.



- 1 **(G) A detailed synopsis of earlier reports or cases of abuse**
 2 **or neglect involving the child or the alleged perpetrator**
 3 **and of the actions taken or determinations made by the**
 4 **department in response to the earlier reports or cases.**
- 5 **(c) The department may, upon request, provide additional**
 6 **information subject to the requirements of IC 5-14.**
- 7 **Sec. 3. Not later than ninety (90) days after the date on which**
 8 **the department's report for a case involving a fatality or a near**
 9 **fatality is completed, the department shall provide to the public a**
 10 **summary report that includes the following:**
- 11 **(1) Any actions taken by the department in response to the**
 12 **case, including changes in policies or practices that have been**
 13 **made to address any issues raised in the review of the case.**
- 14 **(2) Information prescribed in section 4 or 5 of this chapter.**
- 15 **Sec. 4. If the summary report involves a child who was residing**
 16 **in the child's home at the time of the child's fatality or near**
 17 **fatality, the summary report must contain the following:**
- 18 **(1) Whether the department was providing services to the**
 19 **child, a member of the child's family, or the alleged**
 20 **perpetrator at the time of the child fatality or near fatality. If**
 21 **services were provided, the date on which the last contact**
 22 **occurred between the entity providing services and the person**
 23 **receiving the services before the fatality or near fatality.**
- 24 **(2) Whether the child, a member of the child's family, or the**
 25 **alleged perpetrator was the subject of a department report at**
 26 **the time of the child fatality or near fatality.**
- 27 **(3) Whether there was an open child in need of services case**
 28 **for the child or a member of the child's family at the time of**
 29 **the child fatality or near fatality.**
- 30 **(4) All:**
- 31 **(A) involvement of:**
- 32 **(i) the child's parent, guardian, or custodian; and**
 33 **(ii) the alleged perpetrator;**
- 34 **in a situation for which a department report, whether**
 35 **substantiated or unsubstantiated, was made within the**
 36 **preceding five (5) years of the child fatality or near**
 37 **fatality; and**
- 38 **(B) services provided to the child or the child's family**
 39 **within the preceding five (5) years of the child fatality or**
 40 **near fatality.**
- 41 **(5) Any investigation by the department for a report**
 42 **concerning the child, a member of the child's family, or the**



1 **alleged perpetrator since the child fatality or near fatality.**

2 **(6) Any services provided to:**

3 **(A) the child since the child's near fatality; or**

4 **(B) the child's family since the child fatality or near**
5 **fatality.**

6 **Sec. 5. If the summary report involves a child who was in an**
7 **out-of-home placement at the time of the child's fatality or near**
8 **fatality, the summary report must contain the following:**

9 **(1) The name of the licensee for the out-of-home placement.**

10 **(2) The licensing history of the out-of-home placement.**

11 **(3) A summary of all violations by the licensee.**

12 **(4) Any other actions by the licensee, or an employee of the**
13 **licensee, that constitute a substantial failure to protect and**
14 **promote the health, safety, and welfare of a child.**

