

IC 16-49-4

Chapter 4. Statewide Child Fatality Review Committee

IC 16-49-4-1

Statewide child fatality review committee established

Sec. 1. The statewide child fatality review committee is established to:

- (1) identify similarities, trends, and factual patterns concerning the deaths of children in Indiana;
- (2) create strategies and make recommendations for the prevention of injuries to and deaths of children;
- (3) provide expertise, consultation, guidance, and training to local child fatality review teams; and
- (4) advise and educate the legislature, governor, and public on the status of child fatalities in Indiana.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-2

Committee members

Sec. 2. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) A coroner or deputy coroner.
- (2) A representative from the state department who:
 - (A) is a licensed physician; and
 - (B) specializes in injury prevention.
- (3) A representative of a:
 - (A) local health department established under IC 16-20-2; or
 - (B) multiple county health department established under IC 16-20-3.
- (4) A pediatrician.
- (5) A representative of law enforcement who has experience in investigating child deaths.
- (6) A representative from an emergency medical services provider.
- (7) The director or a representative of the department of child services.
- (8) A representative of a prosecuting attorney who has experience in prosecuting child abuse.
- (9) A pathologist who is:
 - (A) certified by the American Board of Pathology in forensic pathology; and
 - (B) licensed to practice medicine in Indiana.
- (10) A mental health provider.
- (11) A representative of a child abuse prevention program.
- (12) A representative of the department of education.
- (13) An epidemiologist.
- (14) The state child fatality review coordinator.
- (15) At the discretion of the department of child services ombudsman, a representative of the office of the department of child services ombudsman established by IC 4-13-19-3.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-3

Confidentiality statements

Sec. 3. All members of the statewide child fatality review committee and any individuals invited to attend a meeting of the statewide child fatality review committee shall sign a confidentiality statement prepared by the state child fatality review coordinator.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-4

Duties of committee

Sec. 4. The statewide child fatality review committee shall do the following:

- (1) Compile and analyze data recorded by local child fatality review teams in reviewing child fatalities.
- (2) Review child mortality records and examine all other records relevant to child fatalities in Indiana.
- (3) Assist efforts by local child fatality review teams by:
 - (A) overseeing the creation of standardized forms and protocols necessary for the review of child deaths;
 - (B) providing expertise by answering questions related to a child's death that a local child fatality review team is reviewing;
 - (C) establishing and sponsoring training programs for members of local child fatality review teams; and
 - (D) providing, upon request of a local child fatality review team, expertise in creating local prevention strategies.
- (4) Upon request by a local child fatality review team or the department of child services ombudsman established by IC 4-13-19-3, assist in or conduct a review of the death of a child as provided under section 5 of this chapter.
- (5) Create strategies and make recommendations for the safety of children and prevention of serious injuries or deaths of children.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-5

Assisting local child fatality review team; records from hospitals, physicians, coroners, law enforcement officers, or mental health professionals; immunity from liability; confidential; not subject to subpoena or discovery or admissible as evidence

Sec. 5. (a) Upon request by a local child fatality review team or the department of child services ombudsman established by IC 4-13-19-3, the statewide child fatality review committee shall assist a local child fatality review team or conduct a review of the death of a child that occurred in Indiana if:

- (1) the death of the child is:
 - (A) sudden;
 - (B) unexpected;

- (C) unexplained; or
- (D) assessed by the department of child services for alleged abuse or neglect that resulted in the death of the child; or
- (2) the coroner in the area in which the child's death occurred determines that the cause of the death of the child is:
 - (A) undetermined; or
 - (B) the result of a homicide, suicide, or accident.

(b) In conducting a child fatality review under subsection (a), the statewide child fatality review committee may review all applicable records and information related to the death of the child, including the following:

- (1) Records held by the:
 - (A) local or state health department; and
 - (B) department of child services.
- (2) Medical records.
- (3) Law enforcement records.
- (4) Autopsy reports.
- (5) Records of the coroner.
- (6) Mental health reports.

(c) Subject to IC 34-30-15, if the statewide child fatality review committee requests records from a hospital, physician, coroner, law enforcement officer, or mental health professional regarding a death that the statewide child fatality review committee is investigating, the hospital, physician, coroner, law enforcement officer, or mental health professional shall provide the requested records to the statewide child fatality review committee.

(d) A person who provides records in accordance with subsection (c) in good faith is not subject to liability in:

- (1) a civil;
- (2) an administrative;
- (3) a disciplinary; or
- (4) a criminal;

action that might otherwise be imposed as a result of such disclosure.

(e) Except as otherwise provided in this article, information and records acquired by the statewide child fatality review committee in the exercise of its duties under this chapter are confidential and exempt from disclosure.

(f) Records, information, documents, and reports acquired or produced by the statewide child fatality review committee are not:

- (1) subject to subpoena or discovery; or
- (2) admissible as evidence;

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

As added by P.L.119-2013, SEC.3.

IC 16-49-4-6
Review of death; requirements

Sec. 6. In reviewing the death of a child under this chapter, the statewide child fatality review committee shall:

- (1) identify the factors that surrounded or contributed to the death of the child;
- (2) determine whether similar deaths could be prevented in the future;
- (3) if applicable, identify:
 - (A) agencies and entities that should be involved; and
 - (B) any other resources that should be used;to adequately prevent future deaths of children; and
- (4) if applicable, identify solutions to improve practice and policy and enhance coordination.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-7

Chairperson

Sec. 7. (a) The chairperson of the statewide child fatality review committee shall be selected by the governor.

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

As added by P.L.119-2013, SEC.3.

IC 16-49-4-8

Duties of chairperson

Sec. 8. The chairperson of the statewide child fatality review committee shall do the following:

- (1) Work with the state child fatality review coordinator to prepare the agenda for each meeting of the statewide child fatality review committee.
- (2) Work with the state child fatality review coordinator to:
 - (A) prepare the annual report of the statewide child fatality review committee described in section 11 of this chapter; and
 - (B) ensure compliance with section 9 of this chapter.
- (3) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the statewide child fatality review committee under section 5 of this chapter.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-9

Meetings open; executive sessions; confidentiality statements

Sec. 9. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) A meeting of the statewide child fatality review committee that involves:

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

shall be held as an executive session.

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

- (1) attends the meeting; and
- (2) is not a member of the statewide child fatality review committee;

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

As added by P.L.119-2013, SEC.3.

IC 16-49-4-10

Discussion of confidential matters; applicable laws; immunity from liability

Sec. 10. Members of the statewide child fatality review committee and individuals who attend a meeting of the statewide child fatality review committee as invitees of the chairperson:

- (1) may discuss among themselves confidential matters that are before the statewide child fatality review committee;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the statewide child fatality review committee; and
- (3) except when acting:
 - (A) with malice;
 - (B) in bad faith; or
 - (C) with gross negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the statewide child fatality review committee.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-11

Report; availability

Sec. 11. (a) The statewide child fatality review committee shall submit to the legislative council, governor, department of child services, state department, and commission on improving the status of children in Indiana on or before December 31 of each year a report that includes the following information:

- (1) A summary of the data collected and reviewed by the statewide child fatality review committee in the previous calendar year.
- (2) Trends and patterns that have been identified by the statewide child fatality review committee concerning deaths of children in Indiana.
- (3) Recommended actions or resources to prevent future child fatalities in Indiana.

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

(b) The statewide child fatality review committee shall provide a copy of a report submitted under this section to a member of the public upon request.

(c) The state department shall make the report available on the state department's Internet web site.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-12

Report; identifying information excluded; review data confidential

Sec. 12. (a) A report released under this section 11 of this chapter may not contain identifying information relating to the fatalities reviewed by the statewide child fatality review committee or any local child fatality review team.

(b) Except as otherwise provided in this article, review data concerning a child fatality are confidential and may not be released.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-13

Discussions, determinations, conclusions, and recommendations privileged; not subject to subpoena or discovery or admissible as evidence

Sec. 13. The discussions, determinations, conclusions, and recommendations of the statewide child fatality review committee or its members, concerning a review of a child fatality, at a meeting of the statewide child fatality review committee:

(1) are privileged; and

(2) are not:

(A) subject to subpoena or discovery; or

(B) admissible as evidence;

in any judicial or administrative proceeding.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-14

Not entitled to compensation or per diem; entitled to mileage

Sec. 14. A member of the statewide child fatality review committee is not entitled to receive compensation or per diem but is entitled to receive mileage on the days on which the member is engaged in the business of the statewide child fatality review committee.

As added by P.L.119-2013, SEC.3.

IC 16-49-4-15

Confidentiality of records

Sec. 15. The statewide child fatality review committee is subject to the confidentiality provisions of IC 31-33-18 applying to records held by the statewide child fatality review committee.

As added by P.L.119-2013, SEC.3.