

## **IC 12-18-8**

### **Chapter 8. Domestic Violence Fatality Review Team**

#### **IC 12-18-8-1**

##### **"Coalition"**

Sec. 1. As used in this chapter, "coalition" refers to the Indiana coalition against domestic violence.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-2**

##### **"Domestic violence"**

Sec. 2. As used in this chapter, "domestic violence" has the meaning set forth in IC 34-6-2-34.5.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-3**

##### **"Family or household member"**

Sec. 3. (a) As used in this chapter, an individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) cohabits or formerly cohabited with the other person; or
- (7) has or previously had an established legal relationship:
  - (A) as a guardian of the other person;
  - (B) as a ward of the other person;
  - (C) as a custodian of the other person;
  - (D) as a foster parent of the other person; or
  - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D).

(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-4**

##### **"Final judgment"**

Sec. 4. As used in this chapter, "final judgment" means:

- (1) an acquittal of a criminal offense; or
  - (2) a conviction for a criminal offense:
    - (A) in which the defendant fails to file a timely:
      - (i) notice of appeal under the Indiana rules of appellate procedure; and
      - (ii) motion under Indiana Trial Rule 60(B);
    - (B) in which transfer is denied to the Indiana supreme court;
- or

(C) that is upheld:

- (i) on appeal;
- (ii) following a hearing under Indiana Trial Rule 60(B); or
- (iii) on appeal and following a hearing under Indiana Trial Rule 60(B).

*As added by P.L.181-2003, SEC.6. Amended by P.L.97-2004, SEC.53.*

#### **IC 12-18-8-5**

##### **"Local domestic violence fatality review team"**

Sec. 5. As used in this chapter, "local domestic violence fatality review team" means the county or regional domestic violence fatality review team established under this chapter.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-6**

##### **County domestic violence fatality review teams**

Sec. 6. (a) A county may establish a county domestic violence fatality review team for the purpose of reviewing a death resulting from or in connection with domestic violence. The team shall review only those deaths in which:

- (1) the person who commits the act of domestic violence resulting in death:
  - (A) is charged with a criminal offense that results in final judgment; or
  - (B) is deceased; or
- (2) the manner of death is suicide, and the deceased individual was a victim of an act of domestic violence.

(b) The legislative body (as defined in IC 36-1-2-9) of a county must determine by majority vote if the county will establish a local domestic violence fatality review team.

(c) If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

(d) To establish a regional domestic violence fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.

*As added by P.L.181-2003, SEC.6. Amended by P.L.44-2004, SEC.1; P.L.162-2011, SEC.1.*

#### **IC 12-18-8-7**

##### **Duties**

Sec. 7. (a) A local domestic violence fatality review team shall do the following:

- (1) Assist a local agency in identifying and reviewing a homicide or suicide that results from domestic violence.
- (2) Develop recommendations for coordinated community

prevention and intervention strategies to prevent future homicides or suicides resulting from domestic violence.

(3) Collect data described in section 14 of this chapter related to a death resulting from domestic violence.

(b) A local domestic violence fatality review team may develop a protocol to assist a person who performs an autopsy in:

(1) identifying a victim of domestic violence; and

(2) preparing a written report identifying a person as the victim of domestic violence and describing the cause of death.

(c) A local domestic violence fatality review team shall be operated in conjunction with a:

(1) local domestic violence shelter;

(2) domestic violence program; or

(3) domestic violence coordinated community response team.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-8**

##### **Information that a domestic violence fatality review team may include in a review; immunity**

Sec. 8. (a) To complete its review of a death that it believes to have resulted from domestic violence, the fatality review performed by a local domestic violence fatality review team may include information from reports generated or received by:

(1) agencies;

(2) organizations; or

(3) individuals;

responsible for the investigation, prosecution, or treatment concerning a death being investigated by the local domestic violence fatality review team.

(b) An entity or individual that in good faith provides information described in subsection (a) is immune from civil or criminal liability that might otherwise be imposed as the result of providing this information.

*As added by P.L.181-2003, SEC.6. Amended by P.L.97-2004, SEC.54.*

#### **IC 12-18-8-9**

##### **Disclosure of recommendations of a domestic violence fatality review team**

Sec. 9. The recommendations of a local domestic violence fatality review team may be disclosed at the discretion of a majority of the members at the conclusion of a review.

*As added by P.L.181-2003, SEC.6. Amended by P.L.97-2004, SEC.55.*

#### **IC 12-18-8-10**

##### **Members of local domestic violence fatality review team**

Sec. 10. (a) A local domestic violence fatality review team consists of the following members:

(1) A survivor of domestic violence.

- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence fatality review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology, a coroner, or a deputy coroner.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of the department of child services.

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

(d) A local domestic violence fatality review team may not have more than fifteen (15) members.

*As added by P.L.181-2003, SEC.6. Amended by P.L.97-2004, SEC.56; P.L.44-2004, SEC.2; P.L.234-2005, SEC.41.*

**IC 12-18-8-11**

**Additional members of a local domestic violence fatality review team**

Sec. 11. In accordance with the ordinance adopted under section 10 of this chapter, a local domestic violence fatality review team may have the following additional members:

- (1) A clergy member.
- (2) A representative of county government.
- (3) A representative from a county health department.
- (4) A representative from a local bar association.
- (5) A defense attorney.
- (6) An educator.
- (7) A probation officer.
- (8) A representative from the business community.
- (9) An animal control officer.
- (10) An attorney who represents victims of domestic violence.

(11) A provider of a batterers intervention program.  
*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-12**

##### **Chairperson**

Sec. 12. (a) Any member of a local domestic violence fatality review team may serve as chairperson. The chairperson shall be elected annually by the members of the local domestic violence fatality review team at the first meeting of the local domestic violence fatality review team.

(b) The local domestic violence fatality review team shall meet at the call of the chairperson.

(c) The local domestic violence fatality review team chairperson shall determine the agenda for each meeting.

*As added by P.L.181-2003, SEC.6.*

#### **IC 12-18-8-13**

##### **Meetings**

Sec. 13. (a) Except as provided in subsection (b), meetings of a local domestic violence fatality review team are open to the public.

(b) Meetings of a local domestic violence fatality review team that involve:

- (1) confidential records; or
- (2) identifying information regarding a death;

shall be held as an executive session with the public excluded, except those persons necessary to carry out the fatality review.

(c) If an executive session is held under subsection (b), each individual who:

- (1) attends a meeting of a local domestic violence fatality review team; and
- (2) is not a member of the local domestic violence fatality review team;

shall sign a confidentiality agreement.

(d) A local domestic violence fatality review team shall keep all confidentiality statements signed under this section.

*As added by P.L.181-2003, SEC.6. Amended by P.L.97-2004, SEC.57.*

#### **IC 12-18-8-14**

##### **Data collection**

Sec. 14. The coalition shall collect and document information surrounding the deaths reviewed by a local domestic violence fatality review team. The coalition shall develop a data collection form that includes the following:

- (1) Identifying and nonidentifying information.
- (2) Information regarding the circumstances surrounding a death.
- (3) Factors contributing to a death.
- (4) Findings and recommendations.

*As added by P.L.181-2003, SEC.6.*

**IC 12-18-8-15****Annual report**

Sec. 15. The coalition's annual report shall be made available to the public. The coalition may not charge more than the amount set by IC 5-14-3-8 to offset the cost of copying the annual report.

*As added by P.L.181-2003, SEC.6.*

**IC 12-18-8-16****Inadmissibility of testimony or evidence based on the investigation of a local domestic violence fatality review team**

Sec. 16. In a criminal or civil proceeding or a disciplinary action by a state agency or municipal corporation (as defined in IC 36-1-2-10):

- (1) the testimony of a member of a local domestic fatality review team; or
- (2) a report, record, or recommendation of a local domestic fatality review team;

is not admissible as evidence if the testimony or the report, record, or recommendation concerns the investigation of a death that the local domestic violence fatality review team has reviewed.

*As added by P.L.44-2004, SEC.3.*