

IC 16-49-3

Chapter 3. Local Child Fatality Review Teams

IC 16-49-3-1

Meetings; chairperson

Sec. 1. (a) The local child fatality review team shall meet for the first meeting of the local child fatality review team at the call of a prosecuting attorney or prosecuting attorney's representative.

(b) The members of a local child fatality review team shall elect a member to serve as the chairperson at the first meeting.

(c) The members of the local child fatality review team shall meet at the call of the chairperson for all meetings after the first meeting.

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

IC 16-49-3-2

Requirements for members; individuals attending meeting; confidentiality statement requirements; vacancy on team

Sec. 2. (a) After an individual becomes a member of a local child fatality review team and before the member participates in a review of a child fatality, the member shall:

(1) sign a confidentiality statement prepared by the state child fatality review coordinator under IC 16-49-5-2;

(2) review the purpose and goal of the local child fatality review team; and

(3) review the data collection form developed by the state child fatality review coordinator under IC 16-49-5-2.

(b) Any individuals who are invited by the chairperson to attend a meeting of a local child fatality review team shall sign a confidentiality statement prepared by the state child fatality review coordinator under IC 16-49-5-2.

(c) A local child fatality review team may:

(1) appoint additional members to the local child fatality review team as provided in IC 16-49-2-5; and

(2) if there is a vacancy on the local child fatality review team, appoint an individual to fill the vacancy.

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

IC 16-49-3-3

Review; records and information; not subject to subpoena or discovery or admissible as evidence

Sec. 3. (a) A local child fatality review team:

(1) shall review the death of a child whose death incident occurred in the area served by the local child fatality review team and may review the death of a child whose death occurred in the area served by the local child fatality review team if:

(A) the death of the child is:

(i) sudden;

(ii) unexpected;

- (iii) unexplained; or
 - (iv) assessed by the department of child services for alleged abuse or neglect that resulted in the death of the child; or
- (B) the coroner in the area where the death occurred determines that the cause of the death of the child is:
 - (i) undetermined; or
 - (ii) the result of a homicide, suicide, or accident; and
- (2) may, at its discretion, review the near fatality of a child whose incident or injury occurred in the area served by the local child fatality review team.
- (b) In conducting a child fatality review under subsection (a), the local child fatality review team may review all applicable records and information related to the death or near fatality 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) Except as otherwise provided under this article, information and records acquired by the local child fatality review team in the exercise of its duties under this chapter are confidential and exempt from disclosure.
- (d) Records, information, documents, and reports acquired or produced by a local child fatality review team 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 a local child fatality review team.

As added by P.L.119-2013, SEC.3. Amended by P.L.208-2015, SEC.10; P.L.29-2016, SEC.5.

IC 16-49-3-4

Review death certificate

Sec. 4. The local child fatality review team shall review the death certificate of a child received from a local health officer to determine if the local child fatality review team is required to review the death of the child as required under section 3 of this chapter.

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

IC 16-49-3-5

Records from hospitals, physicians, coroners, law enforcement officers, or mental health professionals; immunity from liability

Sec. 5. (a) Subject to IC 34-30-15, if the local child fatality review team requests records from a hospital, physician, coroner, law enforcement officer, or mental health professional regarding a death that the local child fatality review team is reviewing, the hospital, physician, coroner, law enforcement officer, or mental health professional shall provide the requested records to the local child fatality review team.

(b) A person who provides records in accordance with subsection (a) 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.
As added by P.L.119-2013, SEC.3.

IC 16-49-3-6

Review of death; requirements

Sec. 6. In reviewing the death of a child under this chapter, the local child fatality review team 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 16-49-3-7

Prepare and release report; identifying information excluded; review data confidential; joint report

Sec. 7. (a) Before July 1 each year, a local child fatality review team shall prepare and submit to the state child fatality review coordinator a report that must include the following information:

- (1) A summary of the data collected regarding the reviews conducted by the local child fatality review team in the previous calendar year.
- (2) Actions recommended by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.
- (3) Solutions proposed for system inadequacies.

(b) A report released under this section may not contain

identifying information relating to the fatalities reviewed by the local child fatality review team.

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

(d) A local child fatality review team may prepare and release a joint report for the report required by subsection (a) with another child fatality review team if the local child fatality review team reviewed fewer than two (2) child fatalities in the previous calendar year.

As added by P.L.119-2013, SEC.3. Amended by P.L.2-2014, SEC.81; P.L.29-2016, SEC.6.

IC 16-49-3-8

Meetings open; executive sessions; confidentiality statements

Sec. 8. (a) Except as provided in subsection (b), meetings of a local child fatality review team are open to the public.

(b) Meetings of a local child fatality review team that involve confidential records or identifying information regarding the death of a child that is confidential under state or federal law must be held as executive sessions.

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

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

shall sign a confidentiality statement prepared by the state child fatality review coordinator under IC 16-49-5-2. The chairperson of the local child fatality review team shall keep all confidentiality statements signed under this subsection.

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

IC 16-49-3-9

Discussion of confidential matters; applicable laws; immunity from liability

Sec. 9. Members of a local child fatality review team and individuals who attend a meeting of a local child fatality review team as invitees of the chairperson:

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

are immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves confidential matters that are before the local child fatality

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

IC 16-49-3-10

Duties of chairperson

Sec. 10. The chairperson of a local child fatality review team or the chairperson's designee shall do the following:

- (1) Prepare the agenda for each meeting.
- (2) Provide notices of meetings to all members of the local child fatality review team.
- (3) Maintain confidentiality forms signed in accordance with sections 2(a)(1) and 8(c) of this chapter.
- (4) Ensure all new members of the child fatality review team and invitees sign the confidentiality forms as required under sections 2(a)(1) and 8(c) of this chapter.
- (5) Record all review data regarding the death of a child using the data collection tools provided by the state child fatality review coordinator and enter the information into the electronic data collection system.
- (6) Attend training on the data collection tools.
- (7) Serve as a liaison between the local child fatality review team and the:
 - (A) statewide child fatality review committee; and
 - (B) state child fatality review coordinator.
- (8) Ensure compliance with section 8 of this chapter.
- (9) Upon the conclusion of a review of a child fatality, destroy all records, information, and documents obtained by the local child fatality review team under section 5 of this chapter.

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

IC 16-49-3-11

Department of child services; access to data

Sec. 11. The department of child services shall have access to all data submitted by a local child fatality review team, including access to the electronic data collection system, to assist the department of child services in preparing the report required under IC 31-25-2-24.

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

IC 16-49-3-12

Confidentiality of records

Sec. 12. A local child fatality review team is subject to the confidentiality provisions of IC 31-33-18 applying to records held by the local child fatality review team.

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

IC 16-49-3-13

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 a local child fatality review team, or its members, concerning a review of a child fatality at a meeting of the local child fatality review team:

(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.