

## **IC 31-33-24**

### Chapter 24. Child Fatality Review Teams

#### **IC 31-33-24-1**

##### **"Child"**

Sec. 1. As used in this chapter, "child" means an individual less than sixteen (16) years of age. *As added by P.L.145-2006, SEC.287.*

#### **IC 31-33-24-2**

##### **"Emergency medical services"**

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

*As added by P.L.145-2006, SEC.287.*

#### **IC 31-33-24-3**

##### **"Local child fatality review team"**

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under this chapter.

*As added by P.L.145-2006, SEC.287.*

#### **IC 31-33-24-4**

##### **"Mental health provider"**

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

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.
- (6) An individual who claims to be a mental health provider.

*As added by P.L.145-2006, SEC.287.*

#### **IC 31-33-24-5**

##### **"Statewide child fatality review"**

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by IC 31-33-25-6.

*As added by P.L.145-2006, SEC.287.*

#### **IC 31-33-24-6**

##### **Purpose**

Sec. 6. (a) A county may establish a county child fatality review team to review the death of a child that is:

- (1) sudden;
- (2) unexpected; or

(3) unexplained.

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

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

(d) To establish a regional child 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 child fatality review team.

*As added by P.L.145-2006, SEC.287.*

### **IC 31-33-24-7**

#### **Child fatality review determinations; review of all records; request of records**

Sec. 7. (a) A child fatality review consists of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

(c) If a local child fatality review team requests records from a hospital, physician, coroner, or mental health professional regarding a death that the local child fatality review team is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the child fatality review team.

*As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.4.*

### **IC 31-33-24-8**

#### **Statewide child fatality review committee may review a death upon request of a local child fatality review team**

Sec. 8. A local child fatality review team may request that the statewide child fatality review committee make a fatality review of a child from the area served by the local child fatality review team if a majority of the members of a local child fatality review team vote to make the request.

*As added by P.L.145-2006, SEC.287.*

### **IC 31-33-24-9**

#### **Team members**

Sec. 9. (a) A local child fatality review team consists of the following members:

- (1) A coroner or deputy coroner from the area served by the local child fatality review team.
- (2) A representative from:
  - (A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;
  - (B) a local health department established under IC 16-20-2; or
  - (C) a multiple county health department established under IC 16-20-3;from the area served by the local child fatality review team.
- (3) A physician residing or practicing medicine in the area served by the local child fatality review team.
- (4) A representative of law enforcement from the area served by the local child fatality

review team.

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

(6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.

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

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

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

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

(1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinance adopted.

(c) If a local child fatality review team is established in a region, the county legislative bodies that voted to establish the local child 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 child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinances adopted.

*As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.5.*

### **IC 31-33-24-10**

#### **Additional team members**

Sec. 10. A local child fatality review team may have additional members from the following categories:

(1) A representative of a hospital located in the county or region served by the local child fatality review team.

(2) A mental health provider providing services in the county or region served by the local child fatality review team.

(3) A representative from a juvenile or probate court in the county or region served by the local child fatality review team.

(4) Other representatives requested to serve by the members of the local child fatality review team. *As added by P.L.145-2006, SEC.287.*

### **IC 31-33-24-11**

#### **Chairperson**

Sec. 11. (a) Any member of a local child fatality review team may serve as chairperson. The chairperson shall be elected by the members of the local child fatality review team at the first meeting of the local child fatality review team.

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

(c) The local child fatality review team chairperson shall determine the agenda for each meeting. *As added by P.L.145-2006, SEC.287.*

### **IC 31-33-24-12**

#### **Meetings**

Sec. 12. (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 shall be held as executive sessions.

(c) If an executive session is held under subsection (b), each individual 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 department. The local child fatality review team shall keep all confidentiality statements signed under this subsection.

*As added by P.L. 145-2006, SEC.287.*

### **IC 31-33-24-13**

#### **Training**

Sec. 13. Members of a local child fatality review team and individuals who attend a meeting of a local child fatality review team as an invitee 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. 145-2006, SEC.287.*

### **IC 31-33-24-14**

#### **Documentation and data collection**

Sec. 14. The department shall provide training to local child fatality review teams.

*As added by P.L. 145-2006, SEC.287.*

### **IC 31-33-24-15**

#### **Annual report**

Sec. 15. (a) The department shall collect and document information surrounding the deaths of children reviewed by local child fatality review teams. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

(1) the appropriate community child protection team;

(2) as appropriate:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) the local health department established under IC 16-20-2; or

(C) the multiple county health department established under IC 16-20-3; and

(3) the appropriate coroner and the pathologist who performed the autopsy on the child.

*As added by P.L.145-2006, SEC.287. Amended by P.L.225-2007, SEC.6.*