

PROPOSED AMENDMENT

HB 1257 # 6

DIGEST

Child fatality or near fatality. Amends the child fatality annual report to include near fatalities and various new details regarding a child fatality or near fatality. Provides that the department of child services (department) shall promptly 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.

- 1 Page 3, between lines 7 and 8, begin a new paragraph and insert:
- 2 "SECTION 3. IC 31-9-2-81.7 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2026]: **Sec. 81.7. "Near fatality", for**
- 5 **purposes of IC 31-33-18.5, means a severe childhood injury or**
- 6 **condition that is certified by a physician as being life threatening."**
- 7 Page 3, line 13, after "subject of" insert "a".
- 8 Page 3, line 16, after "guardian" insert ",".
- 9 Page 4, line 16, delete "one (1) year" and insert "**twelve (12)**
- 10 **months"**.
- 11 Page 4, line 40, after "fatalities" insert "**or near fatalities"**.
- 12 Page 5, line 2, after "fatalities" insert "**or near fatalities"**.
- 13 Page 5, line 4, after "fatalities" insert "**or near fatalities"**.
- 14 Page 5, line 7, after "fatalities" insert "**or near fatalities"**.
- 15 Page 5, line 8, after "fatalities" insert "**or near fatalities"**.
- 16 Page 5, line 16, delete "fatality:" and insert "**fatality or near**
- 17 **fatality:"**.
- 18 Page 5, line 17, delete "death" and insert "**fatality or near fatality"**.
- 19 Page 5, line 18, delete "death," and insert "**fatality or near**
- 20 **fatality,"**.
- 21 Page 5, line 23, strike "death," and insert "**fatality or near**
- 22 **fatality,"**.
- 23 Page 6, line 6, delete "child's death" and insert "**child fatality"**.
- 24 Page 6, line 7, delete "child's death." and insert "**child fatality."**
- 25 Page 6, between lines 14 and 15, begin a new line block indented

- 1 and insert:
- 2 **"This subdivision does not apply to a near fatality."**
- 3 Page 6, between lines 33 and 34, begin a new line block indented
- 4 and insert:
- 5 **"This subdivision does not apply to a near fatality."**
- 6 Page 6, line 35, delete "death," and insert **"fatality or near**
- 7 **fatality,"**
- 8 Page 6, line 39, delete "death;" and insert **"fatality, if applicable;"**.
- 9 Page 7, between lines 2 and 3, begin a new line block indented and
- 10 insert:
- 11 **"(8) What actions the department took in response to the child**
- 12 **fatality or near fatality, including any:**
- 13 **(A) change to policy or practice; or**
- 14 **(B) recommendation for a change in policy, practice, or**
- 15 **law.**
- 16 **(9) If the child was the subject of a child in need of services**
- 17 **proceeding and:**
- 18 **(A) the proceeding was dismissed; or**
- 19 **(B) the child was discharged under IC 31-34-21-11;**
- 20 **before the child's death, a brief summary of the reasons for**
- 21 **the court's action under clause (A) or (B)."**
- 22 Page 7, line 5, strike "children who died" and insert **"child fatalities**
- 23 **or near fatalities"**.
- 24 Page 7, line 7, strike "child's death." and insert **"child fatality or**
- 25 **near fatality."**
- 26 Page 7, line 10, strike "death" and insert **"fatality or near fatality"**.
- 27 Page 7, line 13, strike "death" and insert **"fatality or near fatality"**.
- 28 Page 7, line 26, strike "child's death." and insert **"child fatality or**
- 29 **near fatality."**
- 30 Page 7, line 35, strike "child's death" and insert **"child fatality or**
- 31 **near fatality"**.
- 32 Page 7, line 39, strike "death" and insert **"fatality or near fatality"**.
- 33 Page 8, line 3, delete "prior to" and insert **"before"**.
- 34 Page 8, line 4, delete "death" and insert **"fatality or near fatality"**.
- 35 Page 9, line 29, delete "chapter," and insert **"chapter and**
- 36 **IC 31-33-18.5,"**
- 37 Page 10, line 3, delete "chapter," and insert **"chapter and**
- 38 **IC 31-33-18.5,"**
- 39 Page 10, between lines 14 and 15, begin a new paragraph and insert:
- 40 **"SECTION 10. IC 31-33-18-1.5, AS AMENDED BY P.L.77-2023,**

1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 1.5. (a) This section applies to records held by:

- 3 (1) a local office;
- 4 (2) the department; or
- 5 (3) the department of child services ombudsman established by
6 IC 4-13-19-3;

7 regarding a child ~~whose death~~ **fatality** or near fatality **that** may have
8 been the result of abuse, abandonment, or neglect.

9 (b) For purposes of subsection (a), a ~~child's death~~ **child fatality** or
10 near fatality may have been the result of abuse, abandonment, or
11 neglect if:

- 12 (1) an entity described in subsection (a) determines that ~~the child's~~
13 **death a child fatality** or near fatality is the result of abuse,
14 abandonment, or neglect; or
- 15 (2) a prosecuting attorney files:
 - 16 (A) an indictment or information; or
 - 17 (B) a complaint alleging the commission of a delinquent act;
18 that, if proven, would cause a reasonable person to believe that
19 ~~the child's death~~ **a child fatality** or near fatality may have been
20 the result of abuse, abandonment, or neglect.

21 Upon the request of any person, or upon its own motion, the court
22 exercising juvenile jurisdiction in the county in which the ~~child's death~~
23 **child fatality** or near fatality occurred shall determine whether the
24 allegations contained in the indictment, information, or complaint
25 described in subdivision (2), if proven, would cause a reasonable
26 person to believe that the ~~child's death~~ **child fatality** or near fatality
27 may have been the result of abuse, abandonment, or neglect.

28 (c) If the juvenile court finds that the ~~child's death~~ **child fatality** or
29 near fatality was the result of abuse, abandonment, or neglect, the court
30 shall make written findings and provide a copy of the findings and the
31 indictment, information, or complaint described under subsection
32 (b)(2) to the department.

33 (d) As used in this section:

- 34 (1) "case" means:
 - 35 (A) any intake report or other documentation such as a referral
36 or other matter received or generated by the department;
 - 37 (B) any investigation or assessment conducted by the
38 department; or
 - 39 (C) ongoing involvement between the department and a child
40 or family that is the result of:

- 1 (i) a program of informal adjustment; or
 2 (ii) a child in need of services action;
 3 for which related records and documents have not been expunged
 4 as required by law or by a court at the time the department is
 5 notified of a **child** fatality or near fatality;
- 6 (2) "contact" means in person communication about a case in
 7 which:
 8 (A) the child who is the victim of a fatality or near fatality is
 9 alleged to be a victim; or
 10 (B) the perpetrator of the **child** fatality or near fatality is
 11 alleged to be the perpetrator;
- 12 (3) "identifying information" means information that identifies an
 13 individual, including an individual's:
 14 (A) name, address, date of birth, occupation, place of
 15 employment, and telephone number;
 16 (B) employer identification number, mother's maiden name,
 17 Social Security number, or any identification number issued by
 18 a governmental entity;
 19 (C) unique biometric data, including the individual's
 20 fingerprint, voice print, or retina or iris image;
 21 (D) unique electronic identification number, address, or
 22 routing code;
 23 (E) telecommunication identifying information; or
 24 (F) telecommunication access device, including a card, a plate,
 25 a code, an account number, a personal identification number,
 26 an electronic serial number, a mobile identification number, or
 27 another telecommunications service or device or means of
 28 account access;
- 29 (4) "life threatening" means an injury or condition that is
 30 categorized as "serious" or "critical" in patient hospital records;
 31 and
- 32 (5) "near fatality" means a severe childhood injury or condition
 33 that is certified by a physician as being life threatening.
- 34 (e) **This subsection does not apply to records concerning a child**
 35 **fatality or near fatality that the department is required to publish**
 36 **under IC 31-33-18.5.** Unless:
 37 (1) a police investigation or criminal prosecution is ongoing; or
 38 (2) information in a record is otherwise confidential under state
 39 or federal law;
 40 a record described in subsection (a) that has been redacted in

1 accordance with this section is not confidential and may be disclosed
 2 to any person who requests the record. The person requesting the
 3 record may be required to pay the reasonable expenses of copying the
 4 record.

5 (f) When a person requests a record described in subsection (a), the
 6 entity having control of the record shall immediately transmit a copy of
 7 the record to the court exercising juvenile jurisdiction in the county in
 8 which the ~~death~~ **child fatality** or near fatality of the child occurred.
 9 However, if the court requests that the entity having control of a record
 10 transmit the original record, the entity shall transmit the original record.

11 (g) Upon receipt of the record described in subsection (a), the court
 12 shall, within thirty (30) days, redact the record to exclude:

- 13 (1) identifying information described in subsection (d)(3)(B)
- 14 through (d)(3)(F) of a person; and
- 15 (2) all identifying information of a child less than eighteen (18)
- 16 years of age.

17 (h) The court shall disclose the record redacted in accordance with
 18 subsection (g) to any person who requests the record, if the person has
 19 paid:

- 20 (1) to the entity having control of the record, the reasonable
- 21 expenses of copying under IC 5-14-3-8; and
- 22 (2) to the court, the reasonable expenses of copying the record.

23 (i) The data and information in a record disclosed under this section
 24 must include the following:

- 25 (1) A summary of the report of abuse or neglect and a factual
- 26 description of the contents of the report.
- 27 (2) The age and gender of the child.
- 28 (3) The cause of the fatality or near fatality, if the cause has been
- 29 determined.
- 30 (4) Whether the department had any contact with the child or the
- 31 perpetrator before the fatality or near fatality, and, if the
- 32 department had contact, the following:
 - 33 (A) The frequency of the contact with the child or the
 - 34 perpetrator before the fatality or near fatality and the date on
 - 35 which the last contact occurred before the fatality or near
 - 36 fatality.
 - 37 (B) A summary of the status of the child's case at the time of
 - 38 the fatality or near fatality, including:
 - 39 (i) whether the child's case was closed by the department
 - 40 before the fatality or near fatality; and

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

3 (j) The court's determination under subsection (g) that certain
4 identifying information or other information is not relevant to
5 establishing the facts and circumstances leading to the ~~death~~ **fatality**
6 or near fatality of a child is not admissible in a criminal proceeding or
7 civil action."

8 Page 16, between lines 2 and 3, begin a new paragraph and insert:

9 "SECTION 13. IC 31-33-18-5, AS ADDED BY P.L.48-2012,
10 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 5. (a) **Except as provided in IC 31-33-18.5**, an
12 audio recording of a telephone call to the child abuse hotline is
13 confidential and may be released only upon court order.

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

18 SECTION 14. IC 31-33-18.5 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2026]:

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

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

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

25 **(2) Any other information obtained or written reports taken**
26 **concerning the reports in the possession of:**

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

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

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

30 **(D) the department of child services ombudsman**
31 **established by IC 4-13-19-3.**

32 **Sec. 2. (a) Notwithstanding IC 31-33-18, the department shall**
33 **promptly provide information to the public regarding a case of**
34 **child abuse or neglect that has resulted in a child fatality or near**
35 **fatality.**

36 **(b) Subject to subsection (d), and to the extent permitted by**
37 **federal law, the department shall provide preliminary information**
38 **as follows:**

39 **(1) In the case of a child fatality, the department's disclosure**
40 **must include the following:**

- 1 (A) The deceased child's name, age, and gender.
- 2 (B) The county or general location of the residence for the
- 3 child who died.
- 4 (C) The fact that a child suffered a fatality as the result of
- 5 abuse or neglect.
- 6 (D) Following an arrest for the child fatality, the public
- 7 arrest information and court records for the alleged
- 8 perpetrator, unless the disclosure would violate the privacy
- 9 of a victim.
- 10 (E) Whether there have been reports or any current or
- 11 past cases of abuse or neglect involving the child or the
- 12 alleged perpetrator, including any reports or cases of
- 13 abuse or neglect involving the child or the alleged
- 14 perpetrator that were screened out.
- 15 (F) Any action taken by the department in response to the
- 16 fatality, including any:
- 17 (i) change to policy or practice; or
- 18 (ii) recommendation for a change in policy, practice, or
- 19 law.
- 20 (G) A detailed synopsis of earlier reports or cases of child
- 21 abuse or neglect involving the child or the alleged
- 22 perpetrator and of the actions taken or determinations
- 23 made by the department in response to the earlier reports
- 24 or cases.
- 25 (H) The name of the judge who presided over any
- 26 detention hearing concerning the child under IC 31-34-5
- 27 that occurred before the child fatality if the result of the
- 28 detention hearing was an order to release the child to the
- 29 child's parent, guardian, or custodian.
- 30 (I) Whether the child was the subject of one (1) or more
- 31 child in need of services proceedings at the time the child
- 32 fatality occurred or before the child fatality occurred.
- 33 (2) In the case of a child's near fatality, the department's
- 34 disclosure must include the following:
- 35 (A) The child's age and gender.
- 36 (B) The county or general location of the residence for the
- 37 child who suffered a near fatality.
- 38 (C) The fact that a child suffered a near fatality as the
- 39 result of abuse or neglect.
- 40 (D) Following an arrest for the near fatality, the public

- 1 arrest information and court records for the alleged
2 perpetrator, unless the disclosure would violate the privacy
3 of a victim.
- 4 (E) Whether there have been reports or any current or
5 past cases of abuse or neglect involving the child or the
6 alleged perpetrator, including any reports or cases of
7 abuse or neglect involving the child or the alleged
8 perpetrator that were screened out.
- 9 (F) Any action taken by the department in response to the
10 near fatality including any:
- 11 (i) change to policy or practice; or
12 (ii) recommendation for a change in policy, practice, or
13 law.
- 14 (G) A detailed synopsis of earlier reports or cases of abuse
15 or neglect involving the alleged perpetrator and of the
16 actions taken or determinations made by the department
17 in response to the earlier reports or cases. However, a
18 synopsis under this clause must be redacted in a manner
19 that protects the privacy of the child.
- 20 (H) The name of the judge who presided over any
21 detention hearing concerning the child under IC 31-34-5
22 that occurred before the near fatality if the result of the
23 detention hearing was an order to release the child to the
24 child's parent, guardian, or custodian.
- 25 (c) Subject to subsection (d), if additional information is
26 requested by a person under this chapter:
- 27 (1) before releasing additional information, the department
28 shall notify the prosecuting attorney;
- 29 (2) the prosecuting attorney shall promptly notify the
30 department if the prosecuting attorney believes the release
31 would cause a specific, material harm to a criminal
32 investigation or prosecution; and
- 33 (3) after consulting with the prosecuting attorney, the
34 department shall produce to the requestor as much additional
35 information as possible about a case of child abuse or neglect
36 under this chapter.
- 37 (d) The department must take precautions to protect the
38 identity of:
- 39 (1) a person who reports child abuse or neglect; and
40 (2) any potential child abuse or neglect victim of an alleged

1 perpetrator.

2 **Sec. 3. Not later than ninety (90) days after the date on which**
 3 **the department's report for a case involving a child fatality or near**
 4 **fatality is completed, the department shall provide to the public a**
 5 **summary report that includes the following:**

6 (1) Any actions taken by the department in response to the
 7 case, including changes in policies or practices that have been
 8 made to address any issues raised in the review of the case.

9 (2) Information prescribed in section 4 of this chapter.

10 **Sec. 4. If the summary report involves a child who was residing**
 11 **in the child's home at the time of the child's fatality or near**
 12 **fatality, the summary report must contain the following:**

13 (1) Whether the department was providing services to the
 14 child, a member of the child's family, or the alleged
 15 perpetrator at the time of the child fatality or near fatality. If
 16 services were provided, the date on which the last contact
 17 occurred between the entity providing services and the person
 18 receiving the services before the child fatality or near fatality.

19 (2) Whether the child, a member of the child's family, or the
 20 alleged perpetrator was the subject of a department report at
 21 the time of the child fatality or near fatality.

22 (3) Whether there was an open child in need of services case
 23 for the child or a member of the child's family at the time of
 24 the child fatality or near fatality.

25 (4) All:

26 (A) involvement of:

27 (i) the child's parent, guardian, or custodian; and

28 (ii) the alleged perpetrator;

29 in a situation for which a department report, whether
 30 substantiated or unsubstantiated, was made within the
 31 preceding five (5) years of the child fatality or near
 32 fatality; and

33 (B) services provided to the child or the child's family
 34 within the preceding five (5) years of the child fatality or
 35 near fatality.

36 (5) Any investigation by the department for a report
 37 concerning the child, a member of the child's family, or the
 38 alleged perpetrator since the child fatality or near fatality.

39 (6) Any services provided to:

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

1 **(B) the child's family since the child fatality or near**
2 **fatality."**

3 Renumber all SECTIONS consecutively.

(Reference is to HB 1257 as printed January 22, 2026.)