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HOUSE BILL No. 1264

Proposed Changes to introduced printing by AM126401

DIGEST OF PROPOSED AMENDMENT

Federal disclosure limitations. Provides that the bill's requirement that the department of child services disclose specified information regarding a case of child abuse or neglect that has resulted in a child fatality or near fatality is subject to limitations on the disclosure under federal law.

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-81.7 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 81.7. "Near fatality", for
4 purposes of IC 31-33-18.5, means a severe childhood injury or
5 condition that is certified by a physician as being life threatening.

6 SECTION 2. IC 31-33-18-1, AS AMENDED BY P.L.77-2023,
7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 1. (a) Except as provided in section 1.5 of this
9 chapter and IC 31-33-18.5, the following are confidential:

10 (1) Reports made under this article (or IC 31-6-11 before its
11 repeal).
12 (2) Any other information, documents, reports, pictures, videos,
13 images, or recordings obtained, possessed, produced, or created
14 by:
15 (A) the division of family resources;
16 (B) the local office;
17 (C) the department; or
18 (D) the department of child services ombudsman
19 established by IC 4-13-19-3;

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1 concerning a child or family with whom the department has
2 received a report or referral or has been involved with during any
3 stage of the department's investigation, including
4 post-assessment or post-adoption activity.

5 (b) Except as provided in section 1.5 of this chapter **and**
6 **IC 31-33-18.5**, all records held by:

- (1) the division of family resources;
- (2) a local office;
- (3) the department;
- (4) a local child fatality review IC 16-49-2;
- (5) the statewide child fatality review under IC 16-49-4; or
- (6) the department of child services IC 4-13-19-3;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

17 authority, or neglect are confidential and may not be disclosed.
18 SECTION 3. IC 31-33-18-1.5, AS AMENDED BY P.L.77-2023,
19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 1.5. (a) This section applies to records held by:

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

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:

32 (2) a prosecuting attorney files:

33 (A) an indictment or information; or

34 (B) a complaint alleging the commission of a delinquent

35 act;

36 that, if proven, would cause a reasonable person to believe that

37 the child's death or near fatality may have been the result of

38 abuse, abandonment, or neglect.

39 Upon the request of any person, or upon its own motion, the court
40 exercising juvenile jurisdiction in the county in which the child's death
41 or near fatality occurred shall determine whether the allegations
42 contained in the indictment, information, or complaint described in

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1 subdivision (2), if proven, would cause a reasonable person to believe
 2 that the child's death or near fatality may have been the result of abuse,
 3 abandonment, or neglect.

4 (c) If the juvenile court finds that the child's death or near fatality
 5 was the result of abuse, abandonment, or neglect, the court shall make
 6 written findings and provide a copy of the findings and the indictment,
 7 information, or complaint described under subsection (b)(2) to the
 8 department.

9 (d) As used in this section:

10 (1) "case" means:

11 (A) any intake report or other documentation such as a
 12 referral or other matter received or generated by the
 13 department;

14 (B) any investigation or assessment conducted by the
 15 department; or

16 (C) ongoing involvement between the department and a
 17 child or family that is the result of:

18 (i) a program of informal adjustment; or

19 (ii) a child in need of services action;

20 for which related records and documents have not been
 21 expunged as required by law or by a court at the time the
 22 department is notified of a fatality or near fatality;

23 (2) "contact" means in person communication about a case in
 24 which:

25 (A) the child who is the victim of a fatality or near fatality
 26 is alleged to be a victim; or

27 (B) the perpetrator of the fatality or near fatality is alleged
 28 to be the perpetrator;

29 (3) "identifying information" means information that identifies
 30 an individual, including an individual's:

31 (A) name, address, date of birth, occupation, place of
 32 employment, and telephone number;

33 (B) employer identification number, mother's maiden name,
 34 Social Security number, or any identification number issued
 35 by a governmental entity;

36 (C) unique biometric data, including the individual's
 37 fingerprint, voice print, or retina or iris image;

38 (D) unique electronic identification number, address, or
 39 routing code;

40 (E) telecommunication identifying information; or

41 (F) telecommunication access device, including a card, a
 42 plate, a code, an account number, a personal identification



number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access;

(4) "life threatening" means an injury or condition that is categorized as "serious" or "critical" in patient hospital records; and

(5) "near fatality" means a severe childhood injury or condition that is certified by a physician as being life threatening.

(e) This subsection does not apply to records concerning a child fatality or near fatality that the department is required to publish under IC 31-33-18.5. Unless:

- (1) a police investigation or criminal prosecution is ongoing; or
- (2) information in a record is otherwise confidential under state or federal law;

a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

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

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

(1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

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

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

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

(1) A summary of the report of abuse or neglect and a factual description of the contents of the report.

(2) The age and gender of the child.

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3 (4) Whether the department had any contact with the child or the
4 perpetrator before the fatality or near fatality, and, if the
5 department had contact, the following:

6 (A) The frequency of the contact with the child or the
7 perpetrator before the fatality or near fatality and the date
8 on which the last contact occurred before the fatality or near
9 fatality.

10 (B) A summary of the status of the child's case at the time
11 of the fatality or near fatality, including:

12 (i) whether the child's case was closed by the
13 department before the fatality or near fatality; and
14 (ii) if the child's case was closed as described under
15 item (i), the date of closure and the reasons that the
16 case was closed.

17 (j) The court's determination under subsection (g) that certain
18 identifying information or other information is not relevant to
19 establishing the facts and circumstances leading to the death or near
20 fatality of a child is not admissible in a criminal proceeding or civil
21 action.

22 SECTION 4. IC 31-33-18-5, AS ADDED BY P.L.48-2012,
23 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 5. (a) **Except as provided in IC 31-33-18.5**, an
25 audio recording of a telephone call to the child abuse hotline is
26 confidential and may be released only upon court order.

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

31 SECTION 5. IC 31-33-18.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2026]:

Chapter 18.5. Child Fatalities Public Transparency

Sec. 1. This chapter applies to the following:

42 (C) the department; or

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

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

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

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

(A) The deceased child's name, age, and gender.

(B) The county or general location of the residence for the child who died.

(C) The fact that a child suffered a fatality as the result of abuse or neglect.

(D) Following an arrest for the fatality, the public arrest information and court records for the alleged perpetrator, unless the disclosure would violate the privacy of a victim.

(E) Whether there have been reports or any current or past cases of abuse or neglect involving the child or the alleged perpetrator.

(F) Actions taken by the department in response to the fatality.

(G) A detailed synopsis of earlier reports or cases of abuse or neglect involving the child or the alleged perpetrator and of the actions taken or determinations made by the department in response to the earlier reports or cases.

(2) In the case of a child's near fatality, the department's disclosure must include the following:

(A) The child's age and gender.

(B) The county or general location of the residence for the child who suffered a near fatality.

(C) The fact that a child suffered a near fatality as the result of abuse or neglect

(D) Following an arrest for the near fatality, the public arrest information and court records for the alleged perpetrator, unless the disclosure would violate the privacy of a victim.

(E) Whether there have been reports or any current or

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1 **past cases of abuse or neglect involving the child or the
2 alleged perpetrator.**

3 **(F) Actions taken by the department in response to the
4 near fatality.**

5 **(G) A detailed synopsis of earlier reports or cases of
6 abuse or neglect involving the child or the alleged
7 perpetrator and of the actions taken or determinations
8 made by the department in response to the earlier
9 reports or cases.**

10 **(c) Subject to subsection (d), if additional information is
11 requested by a person under this chapter:**

12 **(1) before releasing additional information, the department
13 shall notify the prosecuting attorney;**

14 **(2) the prosecuting attorney shall promptly notify the
15 department if the prosecuting attorney believes the release
16 would cause a specific, material harm to a criminal
17 investigation or prosecution; and**

18 **(3) after consulting with the prosecuting attorney, the
19 department shall produce to the requestor as much
20 additional information as possible about a case of child abuse
21 or neglect under this chapter.**

22 **(d) The department must take precautions to protect the
23 identity of:**

24 **(1) a person who reports child abuse or neglect; and**

25 **(2) any potential child abuse or neglect victim of an alleged
26 perpetrator.**

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

31 **(1) Any actions taken by the department in response to the
32 case, including changes in policies or practices that have
33 been made to address any issues raised in the review of the
34 case.**

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

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

39 **(1) Whether the department was providing services to the
40 child, a member of the child's family, or the alleged
41 perpetrator at the time of the child fatality or near fatality.
42 If services were provided, the date on which the last contact**



1 occurred between the entity providing services and the
2 person receiving the services before the child fatality or near
3 fatality.

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

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

10 (4) All:

11 (A) involvement of:

12 (i) the child's parent, guardian, or custodian; and
13 (ii) the alleged perpetrator;

14 in a situation for which a department report, whether
15 substantiated or unsubstantiated, was made within the
16 preceding five (5) years of the child fatality or near
17 fatality; and

18 (B) services provided to the child or the child's family
19 within the preceding five (5) years of the child fatality or
20 near fatality.

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

24 (6) Any services provided to:

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

26 (B) the child's family since the child fatality or near
27 fatality.I

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