

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in ~~this style type~~ or in this style type.

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;

2026

IN 1264—LS 6882/DI 148



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

(b) Except as provided in section 1.5 of this chapter **and 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 team established under IC 16-49-2;
- (5) the statewide child fatality review committee established under IC 16-49-4; or
- (6) the department of child services ombudsman established by 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.

SECTION 3. IC 31-33-18-1.5, AS AMENDED BY P.L.77-2023, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 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.

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

- (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:
 - (A) an indictment or information; or
 - (B) a complaint alleging the commission of a delinquent act;

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

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



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

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

(d) As used in this section:

(1) "case" means:

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

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

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

(i) a program of informal adjustment; or

(ii) a child in need of services action;

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

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

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

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

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

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

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

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

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

(E) telecommunication identifying information; or

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



M
a
r
k
u
p

- 1 number, an electronic serial number, a mobile identification
 2 number, or another telecommunications service or device or
 3 means of account access;
- 4 (4) "life threatening" means an injury or condition that is
 5 categorized as "serious" or "critical" in patient hospital records;
 6 and
- 7 (5) "near fatality" means a severe childhood injury or condition
 8 that is certified by a physician as being life threatening.
- 9 (e) **This subsection does not apply to records concerning a**
 10 **child fatality or near fatality that the department is required to**
 11 **publish under IC 31-33-18.5.** Unless:
- 12 (1) a police investigation or criminal prosecution is ongoing; or
 13 (2) information in a record is otherwise confidential under state
 14 or federal law;
- 15 a record described in subsection (a) that has been redacted in
 16 accordance with this section is not confidential and may be disclosed
 17 to any person who requests the record. The person requesting the
 18 record may be required to pay the reasonable expenses of copying the
 19 record.
- 20 (f) When a person requests a record described in subsection (a),
 21 the entity having control of the record shall immediately transmit a
 22 copy of the record to the court exercising juvenile jurisdiction in the
 23 county in which the death or near fatality of the child occurred.
 24 However, if the court requests that the entity having control of a record
 25 transmit the original record, the entity shall transmit the original record.
- 26 (g) Upon receipt of the record described in subsection (a), the
 27 court shall, within thirty (30) days, redact the record to exclude:
- 28 (1) identifying information described in subsection (d)(3)(B)
 29 through (d)(3)(F) of a person; and
 30 (2) all identifying information of a child less than eighteen (18)
 31 years of age.
- 32 (h) The court shall disclose the record redacted in accordance with
 33 subsection (g) to any person who requests the record, if the person has
 34 paid:
- 35 (1) to the entity having control of the record, the reasonable
 36 expenses of copying under IC 5-14-3-8; and
 37 (2) to the court, the reasonable expenses of copying the record.
- 38 (i) The data and information in a record disclosed under this
 39 section must include the following:
- 40 (1) A summary of the report of abuse or neglect and a factual
 41 description of the contents of the report.
 42 (2) The age and gender of the child.



(3) The cause of the fatality or near fatality, if the cause has been determined.

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

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

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

(i) whether the child's case was closed by the department before the fatality or near fatality; and

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

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

SECTION 4. IC 31-33-18-5, AS ADDED BY P.L.48-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) **Except as provided in IC 31-33-18.5**, an audio recording of a telephone call to the child abuse hotline is 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.

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

Chapter 18.5. Child Fatalities Public Transparency

Sec. 1. This chapter applies to the following:

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

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

(A) the division of family resources;

(B) the local office;

(C) the department; or



(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



M
a
r
k
u
p

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Whether the department was providing services to the child, a member of the child's family, or the alleged perpetrator at the time of the child fatality or near fatality. 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.
 28]



M
a
r
k
u
p