

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>303</h1>
Chapter:	Federal Assurances	
Subject:	Fatality and Near Fatality Public Disclosure	Page 1 of 2
Approved:	Aryka Radke, Deputy Commissioner	Effective: 9/30/2021
Supersedes:	Family Services Policy 67	Dated: 12/20/2016

Purpose

To ensure division compliance with the [Child Abuse Prevention and Treatment Act \(CAPTA\) Reauthorization Act of 2010 \(P.L. 111-320\)](#) and provide guidance to staff about how public disclosure related to child fatalities and near fatalities caused by child abuse or neglect will be addressed.

Related Policies

Family Services [Policy 51](#): Screening Reports of Child Abuse and Neglect

Definitions

Near Fatality or Near Death: A condition caused by “an act that, as certified by a physician, places the child in serious or critical condition” (42 U.S.C. 5106(b)(4)(A)). Furthermore, near fatalities or near deaths are life-threatening cardiopulmonary dysfunction directly attributable to conditions resulting from suspected abuse or neglect as evidenced by:

- (a) respiratory insufficiency/failure requiring intubation and mechanical ventilation,
 - (b) respiratory insufficiency/failure requiring medications to reverse effects of toxic ingestion, or
 - (c) cardiac arrhythmia with or without cardiopulmonary resuscitation (CPR).
- (Campbell et al., 2021)

Policy

When a report of child fatality or near fatality is screened and accepted for investigation, the Centralized Intake and Emergency Services (CIES) supervisor will notify the child safety manager.

The child safety manager will track these reports and the final determination of whether the fatality or near fatality was caused by child abuse or neglect.

Upon request, the child safety manager will complete a disclosure of minimum information if it is determined that the child fatality or near fatality was caused by child abuse or neglect. The disclosure of minimum information includes:

- The cause and circumstances regarding the child fatality or near fatality;
- The age and gender of the child;
- Information describing any previous reports of child abuse or neglect that are pertinent to the abuse or neglect that led to the child fatality or near fatality;

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- Information describing any previous investigations pertinent to the abuse or neglect that led to the child fatality or near fatality;
- The result of any such investigations; and
- The services provided by the division and the actions of the division on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality.

The division may allow exceptions to the disclosure of minimum information in order to ensure the safety and well-being of the child, parents and family, or when releasing the information would jeopardize a criminal investigation, interfere with the protection of those who report child abuse or neglect, or harm the child or the child’s family.

The child safety manager or designee will contact the state’s attorney or attorney general responsible for the criminal investigation to determine if the release of information would jeopardize the criminal case.

A final determination will be made by the DCF Commissioner that release of information would not:

- Negatively impact the safety and well-being of the child, parents and family;
- Jeopardize a criminal investigation;
- Interfere with the protection of those who report child abuse or neglect; or
- Harm the child or the child’s family.

If none of the above factors are identified, the disclosure of minimum information will be released upon request.