

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<b>67</b>
<b>Chapter:</b>	Child Safety Interventions	
<b>Subject:</b>	Fatality and Near Fatality Public Disclosure	Page 1 of 2
<b>Approved:</b>	Karen Shea, Interim Deputy Commissioner	Effective: 12/20/2016
<b>Supersedes:</b>	Family Services Policy 67	Dated: 8/5/2013

## 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:** 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)).

## 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 director of operations.

The director of operations 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 director of operations 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;
- 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

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>67</h1>
<b>Chapter:</b>	Child Safety Interventions	
<b>Subject:</b>	Fatality and Near Fatality Public Disclosure	Page 2 of 2

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 director of operations 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.