

## Tip Sheet for Determining a Near Fatality

“Near fatality” is a phrase used in child protective services. It is not a medical term. It is defined as follows:

- Child Abuse Prevention and Treatment Act (CAPTA), Chapter 67, subchapter 1, General program, the term “near fatality” means an act that, as certified by a physician, places a child in serious or critical condition
- [Minn. Stat., Sec.260E.03, subd. 14](#) defines near fatality as: “A case in which a physician, advanced practice registered nurse, or physician assistant determines that a child is in serious or critical condition as the result of sickness or injury caused by maltreatment.”

Determination of condition by physician (serious or critical) can be made verbally and/or in writing.

Hospitals apply the terms “serious” or “critical” with variability, depending on which physician specialty is queried (e.g., emergency department physician, intensive care unit physician, primary care physician, etc.)

There is a distinction between an injury being of a serious nature versus a child being determined to be in serious condition. The level and extent of medical intervention may be an indicator in this distinction.

Example: A child may have a serious fractured bone but that does not mean the child’s overall condition is serious; a serious bone fracture without other life-threatening conditions would not be a near fatality.

If ANY of the following conditions are reported by a medical provider, consider near fatality:

- **Life-saving procedures have been performed (CPR, intubation)**
- **Child will be/was admitted to the Intensive Care Unit (ICU)\*, or a step-down unit, as a direct result of the injury and/or alleged neglect.**
  - The condition of the child admitted to the ICU/step-down unit must be considered. If the child is admitted for observation, such as after surgery, the condition may not meet that of a near fatality.
  - \* Included is admission to pediatric intensive care unit or neonatal intensive care unit.

**If yes to any of the above, discuss the following with the medical provider:**

If consultation is needed, email: [dhs.childfatalityreview@state.mn.us](mailto:dhs.childfatalityreview@state.mn.us)

- **Did an act, or lack of action, by a caregiver cause or contribute to the child’s critical injury/condition?**
- **Is there or has there been a substantial risk of death related to the child’s condition?**

***If the answer is yes to Both, the case is automatically a near-fatality.***