

## "DID YOU KNOW?"

The term "**Near Fatality**" is a legal term, without clinical meaning?  
Most physicians will not be familiar with this concept.

The DCS Investigator will need to ask the doctor the following question:

- "In your opinion, did these injuries (or neglect) place the child in serious or critical condition?"

Arizona Revised Statute § 8-807(F)(2) states that DCS shall promptly provide information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality. A.R.S. § 8-807 (U)(2) defines "*Near fatality*" as an **act** that, as certified by a physician, places a child in serious or critical condition.

### POLICY REMINDER:

The determination of a near fatality is made only when the physician confirms that the incident that brought the child into the hospital placed him/her in "serious" or "critical" condition.

The agency maintains a [website](#) that lists specific information for each fatality or near fatality case that is identified. That way, "the public" can access the information specified in the statute through looking at that website. Information is gathered and added to that website by specific Central Office Staff.

### What do you need to do as an Investigator or Supervisor?

- Some cases are identified as a fatality or near-fatality when we receive the report. However, for cases that are not, during the course of your investigation, if that appears to be the case you will need to make this determination. For example, a report that comes in with a child having a broken arm and further medical tests indicate that the child also has serious internal organ damage due to non-accidental injuries.
- It is the responsibility of the Department, sometimes with the help of law enforcement, to determine whether or not the fatality or near-fatality is due to abuse or neglect. Determination of fatality/near-fatality is done regardless of whether the physician states the injuries appear consistent with non-accidental trauma or law enforcement or the county attorney file charges. It is critical that DCS move forward with the investigation to assess safety issues.

## BEST PRACTICE TIP:

If the doctor affirms that the injuries or neglect resulted in the child's serious or critical condition, the Investigator must:

- Email your APM, DPM and Staff Assistant with the name of the child, the statement of the doctor, whether the parent/caretaker has been arrested and if so what was their specific charge.
- Ensure that the tracking characteristic is marked in CHILDS for fatality/near fatality.