

# SENATE BILL REPORT

## SB 5977

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As of January 27, 2026

**Title:** An act relating to requiring publication of child near fatality reviews.

**Brief Description:** Requiring publication of child near fatality reviews.

**Sponsors:** Senators Torres, Dozier, Gildon, Warnick and Wilson, J..

**Brief History:**

**Committee Activity:** Human Services: 1/27/26.

**Brief Summary of Bill**

- Directs the Department of Children, Youth, and Families to issue a report when a child near fatality review is conducted and to post that report on the same webpage as fatality review reports.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Staff:** Alison Mendiola (786-7488)

**Background:** A near fatality is an act that, as certified by a physician, places the child in serious or critical condition.

In the event of a near fatality of a child who is in the care of or receiving child welfare services from the Department of Children, Youth, and Families (DCYF) within one year preceding the near fatality, DCYF is to promptly notify the Office of the Family and Children's Ombuds (OFCO). DCYF may conduct a review of the near fatality at its discretion or at the request of OFCO.

In the event of a near fatality of a child who is in care of or receiving child welfare services from DCYF within three months preceding the near fatality, or was the subject of an investigation by DCYF for possible abuse and neglect, DCYF is to promptly notify OFCO

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and conduct a review of the near fatality.

Other provisions:

- in any child near fatality review in which the child was placed with or received services from an agency contracted with DCYF, DCYF and near fatality review team has access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the agency;
- a near fatality review is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except as allowed by this act;
- a DCYF employee responsible for conducting a child near fatality review, or a member of the child near fatality team, may not be examined in a civil or administrative proceeding regarding the work of the child review team, the incident under review, or their statements, deliberations, thoughts, analyses, or impressions related to the work of the near fatality review team or of any other member of the team, or any person who provided information to the team, relating to the work of the team; and
- documents prepared by or for a child near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use in a near fatality review, or that is created independently of such a review, does not become inadmissible merely because it was reviewed or used by a near fatality review team.

**Summary of Bill:** Upon conclusion of a child near fatality review and within 180 days of the near fatality, DCYF is to issue a report on the results of the review, unless an extension has been granted by the Governor.

Reports are to be distributed to the appropriate committees of the Legislature and DCYF is to publish and maintain child near fatality review reports on the same webpages as child fatality reviews. A child near fatality review report is subject to public disclosure. Confidential information may be redacted consistent with the Public Records Act and other applicable state and federal laws.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The bill is about accountability. DCYF already has this information, and is aware of what is happening with near fatalities. The goal is to have reports of near fatality reviews published not so we can blame anyone but we

can learn and help protect children.

**Persons Testifying:** PRO: Senator Nikki Torres, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.