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S.F. No. 4877 – Child fatalities or near fatalities panel and process modifications (1st Engrossment)

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Section 1 (amends 256.01, subdivision 12b) requires the Department of Human Services critical incident review team to also review child fatalities and near fatalities that occur in licensed facilities and are not due to natural causes.

Section 2 (adds 260E.39) establishes a review process for child fatalities and near fatalities.

Subdivision 1 defines “critical incident,” “joint review,” “local review,” “local review team,” and “panel” for the purposes of this section.

Subdivision 2 requires each county to establish a multidisciplinary local child mortality review team and to participate in local critical incident reviews. Allows a local welfare agency’s child protection team to serve as the local review team. Requires the local review team to conduct reviews of critical incidents jointly with the child mortality review panel.

Subdivision 3 establishes a child mortality review panel to review critical incidents related to child maltreatment and provides the composition of the panel.

Subdivision 4 provides the process for when a critical incident occurs, including when a joint review must be completed. Allows the review panel to make recommendations to improve child safety and well-being to any state or local agency, branch of government, or system partner. Requires the commissioner to establish a child systemic critical incident review team to conduct additional fact gathering as requested by the review panel.

Subdivision 5 allows access to not public data by the review panel, the local review team, the child systemic critical incident review team, and the commissioner when conducting reviews. Allows access to records of private hospitals as necessary to carry out the duties in this section. Requires a state agency, statewide system, or political subdivision to provide the

data upon request by the commissioner. Classifies certain data acquired by a local review team, the review panel, or the child systemic critical incident review team as protected nonpublic or confidential data. Limits the data the commissioner can disclose in the critical incident public information portal. Prohibits a person attending a local review team or child mortality review panel from disclosing what transpired at the meeting unless certain circumstances exist. Classifies the proceedings and records of the local review team, the review panel, and the child systemic critical incident review team as protected nonpublic data and that the proceedings and records are not subject to discovery or introduction into evidence in a civil or criminal action. Provides that a person who presented information before a local review team, the review panel, or the child systemic critical incident review team or who is a member of a local review team, the review panel, or the child systemic critical incident review team is immune from any civil or criminal liability.

Subdivision 6 requires the commissioner to, beginning December 15, 2026, publish an annual report of the child mortality review panel and provides what must be included in the report.

Subdivision 7 requires the commissioner to provide consultation, training, and support to local review teams to assist with local review processes and procedures.

Subdivision 8 requires the commissioner to develop and maintain a critical incident public information portal to be publicly available on the commissioner's website. Requires the portal to provide real-time information and periodic updates on the status of the review of a critical incident and includes what publicly available information the portal must include.

Section 3 (Direction to commissioner; critical information portal) requires the commissioner of human services to begin the development of the critical incident public information portal by July 1, 2024. Requires that the portal be functional, available to the public, and fulfill all requirements under section 260E.39, subdivision 8 by July 1, 2025.

Section 4 (Repealer) repeals Minnesota Statutes, section 256.01, subdivision 12 (child mortality review panel) and subdivision 12a (DHS child mortality and near mortality review team) and Minnesota Rules, part 9560.0232, subpart 5 (child mortality review panel).