

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
- [NC G.S. § 7B-2902.9\(a\)\(3\)](#) defines a Near fatality as “A case in which a physician determines that a child is in serious or critical condition as the result of sickness or injury caused by suspected abuse, neglect, or 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)*, as a direct result of the injury and/or alleged neglect.**
 - The condition of the child admitted to the ICU 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 requiring treatment to continue the function of vital organ/s.

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

- **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.*