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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. **4408**

03/16/2026 Authored by Nelson, McDonald, Nadeau, Zeleznikar and West  
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy  
03/23/2026 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act  
1.2 relating to children and families; requiring public disclosure of information related  
1.3 to child fatalities and near fatalities; modifying requirements for child mortality  
1.4 review panel investigations and annual report; amending Minnesota Statutes 2024,  
1.5 sections 260E.35, subdivision 7; 260E.39, subdivisions 2, 4, 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2024, section 260E.35, subdivision 7, is amended to read:

1.8 Subd. 7. **Disclosure to public.** (a) Notwithstanding any other provision of law and  
1.9 subject to this subdivision, a public agency shall disclose to the public, ~~upon request,~~ the  
1.10 findings and information related to a child fatality or near fatality if:

- 1.11 (1) a person is criminally charged with having caused the child fatality or near fatality;
- 1.12 (2) a county attorney certifies that a person would have been charged with having caused  
1.13 the child fatality or near fatality but for that person's death; or
- 1.14 (3) a child protection investigation resulted in a determination of maltreatment.

1.15 (b) Findings and information disclosed under this subdivision must be made publicly  
1.16 available on the Department of Children, Youth, and Families website and must consist of  
1.17 a written summary that includes ~~any~~ all of the following information the agency is able to  
1.18 provide:

- 1.19 (1) the cause and circumstances regarding the child fatality or near fatality;
- 1.20 (2) the age and gender of the child;
- 1.21 (3) information on any previous reports of maltreatment that are pertinent to the  
1.22 maltreatment that led to the child fatality or near fatality;

2.1 (4) information on any previous investigations that are pertinent to the maltreatment that  
2.2 led to the child fatality or near fatality;

2.3 (5) the result of any investigations described in clause (4);

2.4 (6) actions of and services provided by the local welfare agency on behalf of a child that  
2.5 are pertinent to the maltreatment that led to the child fatality or near fatality; and

2.6 (7) the result of any review of the state child mortality review panel, a local child mortality  
2.7 review panel, a local community child protection team, or any public agency.

2.8 (c) The commissioner must make each joint or local review team report provided to the  
2.9 child mortality review panel and the commissioner under section 260E.39, subdivision 4,  
2.10 publicly available on the Department of Children, Youth, and Families website within 60  
2.11 days of receiving the report.

2.12 ~~(e) (d) Nothing in this subdivision authorizes access to the private data in the custody~~  
2.13 ~~of a local welfare agency or the disclosure to the public of the records or content of any~~  
2.14 ~~psychiatric, psychological, or therapeutic evaluation or the disclosure of information that~~  
2.15 ~~would reveal the identities of persons who provided information related to maltreatment of~~  
2.16 ~~the child.~~ or public disclosure of:

2.17 (1) data in the custody of a local welfare agency or the commissioner that is classified  
2.18 as confidential or private data on decedents under section 13.10, private or confidential data  
2.19 on individuals, nonpublic data, or protected nonpublic data under chapter 13;

2.20 (2) the records or content of any psychiatric, psychological, or therapeutic evaluation;  
2.21 or

2.22 (3) any information that would reveal the identities of persons who provided information  
2.23 related to maltreatment of the child.

2.24 ~~(d) A person whose request is denied may apply to the appropriate court for an order~~  
2.25 ~~compelling disclosure of all or part of the findings and information of the public agency.~~  
2.26 ~~The application must set forth, with reasonable particularity, factors supporting the~~  
2.27 ~~application. The court has jurisdiction to issue these orders. Actions under this chapter must~~  
2.28 ~~be set down for immediate hearing and subsequent proceedings in those actions must be~~  
2.29 ~~given priority by the appellate courts.~~

2.30 (e) A public agency or its employees acting in good faith in disclosing or declining to  
2.31 disclose information under this chapter are immune from criminal or civil liability that might  
2.32 otherwise be incurred or imposed for that action.

3.1 Sec. 2. Minnesota Statutes 2024, section 260E.39, subdivision 2, is amended to read:

3.2 Subd. 2. **Local child mortality review teams.** (a) Each county shall establish a  
3.3 multidisciplinary local child mortality review team and shall participate in local critical  
3.4 incident reviews that are based on safety science principles to support a culture of learning.  
3.5 The local welfare agency's child protection team may serve as the local review team. The  
3.6 local review team shall include but not be limited to professionals with knowledge of the  
3.7 critical incident being reviewed and, if the critical incident being reviewed involved an  
3.8 Indian child as defined in section 260.755, subdivision 8, at least one representative from  
3.9 the child's Tribe.

3.10 (b) The local review team shall conduct reviews of critical incidents jointly with the  
3.11 child mortality review panel or as otherwise required under subdivision 4, paragraph (c).

3.12 (c) As part of a local critical incident review, the local review team must interview the  
3.13 caseworker or caseworkers assigned to the case being reviewed and must document each  
3.14 interview conducted. An employer of a caseworker interviewed under this paragraph must  
3.15 not retaliate against the caseworker for participating in an interview, or cooperating or  
3.16 assisting with a local critical incident review, because of the caseworker's participation in,  
3.17 or cooperation or assistance with, the local critical incident review.

3.18 Sec. 3. Minnesota Statutes 2024, section 260E.39, subdivision 4, is amended to read:

3.19 Subd. 4. **Critical incident review process.** (a) A local welfare agency that has determined  
3.20 that maltreatment was the cause of or a contributing factor in a critical incident must notify  
3.21 the commissioner and the executive director of the panel within three business days of  
3.22 making the determination.

3.23 (b) The panel shall conduct a joint review with the local review team for:

3.24 (1) any critical incident relating to a family, child, or caregiver involved in a local welfare  
3.25 agency family assessment or investigation within the 12 months preceding the critical  
3.26 incident;

3.27 (2) a critical incident the governor or commissioner directs the panel to review; and

3.28 (3) any other critical incident the panel chooses for review.

3.29 (c) The local review team must review all critical incident cases not subject to joint  
3.30 review under paragraph (b).

3.31 (d) Within 120 days of initiating a joint review or local review of a critical incident,  
3.32 except as provided under paragraph (h), the panel or local review team shall complete the

4.1 joint review or local review and compile a report. The report must include any systemic  
4.2 learnings that may increase child safety and well-being, and may include policy or practice  
4.3 considerations for systems changes that may improve child well-being and safety.

4.4 (e) A local review team must provide its report following a local review to the panel  
4.5 and to the commissioner within three business days after the report is complete. After  
4.6 receiving the local review team report, the panel may conduct a further joint review.

4.7 (f) Following the panel's joint review or after receiving a local review team report, the  
4.8 panel may make recommendations to any state or local agency, branch of government, or  
4.9 system partner to improve child safety and well-being.

4.10 (g) The commissioner shall conduct additional information gathering as requested by  
4.11 the panel or the local review team. The commissioner must conduct information gathering  
4.12 for all cases for which the panel requests assistance. The commissioner shall compile a  
4.13 summary report for each critical incident for which information gathering is conducted and  
4.14 provide the report to the panel and the local welfare agency that reported the critical incident.

4.15 (h) If the panel or local review team requests information gathering from the  
4.16 commissioner, the panel or local review team may conduct the joint review or local review  
4.17 and compile its report under paragraph (d) after receiving the commissioner's summary  
4.18 information-gathering report. The timeline for a local or joint review under paragraph (d)  
4.19 may be extended if the panel or local review team requests additional information gathering  
4.20 to complete their review. If the local review team extends the timeline for its review and  
4.21 report, the local welfare agency must notify the executive director of the panel of the  
4.22 extension and the expected completion date.

4.23 (i) The review of any critical incident shall proceed as specified in this section, regardless  
4.24 of the status of any pending litigation or other active investigation.

4.25 Sec. 4. Minnesota Statutes 2024, section 260E.39, subdivision 6, is amended to read:

4.26 Subd. 6. **Child mortality review panel; annual report.** (a) Beginning December 15,  
4.27 2026, and on or before December 15 annually thereafter, the commissioner shall publish a  
4.28 report of the child mortality review panel. The report shall include but not be limited to  
4.29 de-identified summary data on the number of critical incidents reported to the panel, the  
4.30 number of critical incidents reviewed by the panel and local review teams, and systemic  
4.31 learnings identified by the panel or local review teams during the period covered by the  
4.32 report. The report shall also include recommendations on improving the child protection  
4.33 system, including modifications to statutes, rules, policies, and procedures. The panel may

5.1 make recommendations to the legislature or any state or local agency at any time, outside  
5.2 of its annual report.

5.3 (b) The commissioner's child mortality review panel annual report published on or before  
5.4 December 15, 2027, must also include an analysis of de-identified aggregate data on critical  
5.5 incidents from 2022 to 2024 to identify trends and inform recommendations on improving  
5.6 the child protection system.