

Child Welfare Fatality Review Report Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Ronald M. Winterton

LONG TITLE**General Description:**

This bill addresses a report regarding child welfare fatalities.

Highlighted Provisions:

This bill:

- clarifies that the report provided to the Child Welfare Legislative Oversight Panel and the chairs of the Health and Human Services Interim Committee by the fatality review committee within the Division of Child and Family Services should not be fully redacted; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26B-1-506, as last amended by Laws of Utah 2024, Chapter 288

26B-1-507, as last amended by Laws of Utah 2024, Chapter 288

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-1-506** is amended to read:

26B-1-506 . Fatality review committee report -- Response to report.

(1) Within 20 days after the day on which the committee proceedings described in Section 26B-1-505 end, the committee shall submit:

(a) a written report to the executive director that includes:

(i) the advisory opinions made under Subsection 26B-1-505(6); and

(ii) any recommendations regarding action that should be taken in relation to an

employee of the department or a person who contracts with the department; and

- (b) a copy of the report described in Subsection (1)(a) to:
- (i) the director, or the director's designee, of the office or division to which the near fatality or the death relates; and
 - (ii) the regional director, or the regional director's designee, of the region to which the near fatality or the death relates.

(2) Within 60 days after the day on which the director described in Subsection (1)(b)(i) receives a copy of the report described in Subsection (1)(a), the department shall provide a written response, with only ~~[identifying information]~~ surnames and addresses redacted, to the Office of Legislative Research and General Counsel, if the report:

- (a) indicates that a law, rule, policy, or procedure was not complied with;
- (b) indicates that the near fatality or the death was not responded to properly;
- (c) recommends that a law, rule, policy, or procedure be changed; or
- (d) indicates that additional training is needed.

(3) The response described in Subsection (2) shall include:

- (a) a plan of action to implement any recommended improvements within the department; and
- (b) the approval of the executive director or the executive director's designee for the plan described in Subsection (3)(a).

(4) A report described in Subsection (1) and the response described in Subsection (2) is a protected record.

(5)(a) As used in this Subsection (5), "fatality review document" means any document created in connection with, or as a result of, a formal review of a near fatality or a death, or a decision whether to conduct a formal review of a near fatality or a death, including:

- (i) a report described in Subsection (1);
- (ii) a response described in Subsection (2);
- (iii) a recommendation regarding whether a formal review should be conducted;
- (iv) a decision to conduct a formal review;
- (v) notes of a person who participates in a formal review;
- (vi) notes of a person who reviews a formal review report;
- (vii) minutes of a formal review;
- (viii) minutes of a meeting where a formal review report is reviewed; and
- (ix) minutes of, documents received in relation to, and documents generated in relation to, the portion of a meeting of the Health and Human Services Interim

Committee or the Child Welfare Legislative Oversight Panel that a formal review report or a document described in this Subsection (5)(a) is reviewed or discussed.

(b) A fatality review document is not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, or administrative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to a report described in Subsection (1) or a response described in Subsection (2).

(c) The following are not admissible as evidence in a civil, judicial, or administrative proceeding:

(i) a fatality review document; and

(ii) an executive summary described in Subsection 26B-1-507(4).

Section 2. Section **26B-1-507** is amended to read:

26B-1-507 . Reporting to, and review by, legislative committees.

(1) On or before September 1 of each year, the department shall provide, with only [~~identifying information~~] surnames and addresses redacted, a copy of the report described in Subsection 26B-1-506(1)[~~(b)~~], and the response described in Subsection 26B-1-506(2) to the Office of Legislative Research and General Counsel and the chairs of:

(a) the Health and Human Services Interim Committee; [~~or~~] and

(b) [~~if the qualified individual who is the subject of the report is an individual described in Subsection 26B-1-501(7)(c), (d), or (h),~~] the Child Welfare Legislative Oversight Panel, if the individual who is the subject of the report is a qualified individual described in Subsection 26B-1-501(7)(c), (d), or (h).

(2)(a) The Health and Human Services Interim Committee may, in a closed meeting, review a report described in Subsection 26B-1-506(1)[~~(b)~~].

(b) The Child Welfare Legislative Oversight Panel shall, in a closed meeting, review a report described in Subsection [~~(1)~~](b)] 26B-1-506(1).

(3)(a) The Health and Human Services Interim Committee and the Child Welfare Legislative Oversight Panel may not interfere with, or make recommendations regarding, the resolution of a particular case.

(b) The purpose of a review described in Subsection (2) is to assist a committee or panel described in Subsection (2) in determining whether to recommend a change in the law.

(c) Any recommendation, described in Subsection (3)(b), by a committee or panel for a change in the law shall be made in an open meeting.

- 99 (4) On or before September 1 of each year, the department shall provide an executive
100 summary of all formal review reports for the preceding state fiscal year to:
- 101 (a) the Office of Legislative Research and General Counsel;
102 (b) the Health and Human Services Interim Committee; and
103 (c) the Child Welfare Legislative Oversight Panel.
- 104 (5) The executive summary described in Subsection (4):
- 105 (a) may not include any names or identifying information;
106 (b) shall include:
- 107 (i) all recommendations regarding changes to the law that were made during the
108 preceding fiscal year under Subsection 26B-1-505(6);
- 109 (ii) all changes made, or in the process of being made, to a law, rule, policy, or
110 procedure in response to a formal review that occurred during the preceding fiscal
111 year;
- 112 (iii) a description of the training that has been completed in response to a formal
113 review that occurred during the preceding fiscal year;
- 114 (iv) statistics for the preceding fiscal year regarding:
- 115 (A) the number of qualified individuals and the type of deaths and near fatalities
116 that are known to the department;
- 117 (B) the number of formal reviews conducted;
- 118 (C) the categories described in Subsection 26B-1-501(7) of qualified individuals;
- 119 (D) the gender, age, race, and other significant categories of qualified individuals;
120 and
- 121 (E) the number of fatalities of qualified individuals known to the department that
122 are identified as suicides; and
- 123 (v) action taken by the Division of Licensing and Background Checks in response to
124 the near fatality or the death of a qualified individual; and
- 125 (c) is a public document.
- 126 (6) The Division of Child and Family Services shall, to the extent required by the federal
127 Child Abuse Prevention and Treatment Act of 1988, Pub. L. No. 93-247, as amended,
128 allow public disclosure of the findings or information relating to a case of child abuse or
129 neglect that results in a child fatality or a near fatality.

130 **Section 3. Effective Date.**

131 This bill takes effect on May 6, 2026.