

0405.0 Administrative Review for Child Fatality or Near Fatality Cases

0405.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> State Policy	This policy supersedes: 200 Statewide Oversight Policy: Administrative Review For Child Fatality Or Near Fatality	Number of pages in Policy: 5
Review by Representative from the Office of the Attorney General:	Date: ___/___/___	Date Policy Effective: 08/10/2007
DCFS Administrator Approval Signature:	Date: _____ On file	Policy Lead: Caroline Thomas, MSW, LSW Jeff Radecki, BSW

0405.2 Statement of Purpose

0405.2.1 Policy Statement: The purpose of this policy is to ensure that all child welfare jurisdictions have an internal case review process to facilitate a cross-jurisdictional analysis by the Nevada Division of Child and Family Services (DCFS) for child fatalities and near fatalities. The purpose of the Administrative Review for child fatality or near fatality is to:

1. Ensure compliance with Federal and State laws and regulations, statewide and agency policies, procedures, and protocols;
2. Analyze case review findings, data, and identify systemic and/or case specific issues; and
3. Make recommendation(s) for the improvement of the child welfare system through law, regulation, policies, procedures, protocol, practice, and/or staff training.

These analyses are in addition to and separate from:

- a) jurisdictional Internal Agency Child Fatality Reviews;
- b) initial CPS investigation requirements, and;
- c) reviews conducted by a local Multi Disciplinary Team pursuant to NRS432B.405-409.

This policy does not preclude agencies from performing any additional internal reviews.

0405.3 Authority

NRS 432B.190, .350
NAC 432B.030, .070

0405.4 Definitions

0405.4.1 “**Child Fatality**” The cessation of life, manifested in people by a loss of heart beat, absence of spontaneous breathing, and the permanent loss of brain function; loss of life.

0405.4.2 **Federal Child Abuse and Neglect Prevention and Treatment Act, (CAPTA), as Re-authorized 2003 [42 U.S.C. 5106a, P.L. 108-36.] Section 106 (b)(4)(A)(B)** defines “near fatality” as an act that, as certified by a physician, places the child in serious or critical condition.

0405.4.3 **Near Fatality:** means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

0405.5 Procedures

0405.5.1 The Nevada Division of Child and Family Services (DCFS) will perform Administrative Reviews (NAC 432B.030) any time that a child who has had contact with, or who has been in the custody of, an agency which provides child welfare services suffers a fatality or near fatality. Examples of child fatalities or near fatalities that will be reviewed include, but are not limited to:

- A.** The child resides in a foster home;
- B.** The child has an open child welfare case;
- C.** The person reported to have harmed the child has a substantiated allegation of child abuse or neglect;
- D.** The child had an open child welfare case within the last two years and the cause of death is unknown or suspicious of maltreatment; or,
- E.** The child had a child welfare case that was open for two years or longer and the death is suspicious of maltreatment;
- F.** As identified by the DCFS Administrator, or designee;
- G.** As identified by the Decision Making Group.

0405.5.2 **Child Fatality, or Near Fatality Case Review Process**

Each month, all completed case review instruments and summary sheets will be forwarded to the DCFS Quality Improvement Child Fatality Review Team within 30 days of the fatality or near fatality becoming known to the agency. Any files, notes, information and records which the agency has concerning the child, the manner in which the case was handled, any services that were provided to the child or the family of the child and any other relevant information will be submitted to the DCFS Quality Improvement Child Fatality Review Team and the Legislative Auditor at this time; unless this information was previously submitted with the Child Fatality/Near Fatality Public Disclosure notification. A completed Child Fatality Information Checklist and Confidentiality Statement will be submitted with the case file information.

A. Review by DCFS Quality Improvement Child Fatality Review Team

Upon receipt of the review instrument and case file from the child welfare agency, the DCFS Quality Improvement Child Fatality Review Team will review the case and provide written analyses to the Administrator within 60 calendar days of receipt of the case file.

The DCFS Quality Improvement Child Fatality Review Team must forward the completed report to the DCFS Administrator with a copy distributed to the appropriate child welfare agency director.

B. Destruction of Case Specific Information

All case-specific information submitted by the child welfare agencies to the DCFS Quality Improvement Child Fatality Review Team will be destroyed immediately upon finalization of the quarterly summary report unless the record is identified for additional analyses. Once any additional analysis or evaluation has been completed, case-specific information will be destroyed and noted in the Record Destruction Log maintained by DCFS.

C. Debriefing Meeting

Upon written request from the child welfare agency, a debriefing meeting to discuss the report(s) of findings may be held within calendar 30 days from the date of release of the report between the DCFS Quality Improvement Child Fatality Review Team and pertinent or involved child welfare staff.

D. Agency Action Response

Upon review and distribution of the report(s), the DCFS Administrator may request that the child welfare agency director submit an Agency Response to the report which may include an Action Plan (AAP) within 30 calendar days of the date of the request to address issues of concern identified in the Quarterly Report Summary of Findings. The child welfare agency will provide quarterly updates on all outstanding AAPs for DCFS monitoring purposes in accordance with NAC 432B.030.

0405.5.1 Data Analysis and Reports

A database of child maltreatment related fatality information for Clark County, Washoe County, and Rural Nevada will be compiled and maintained on a quarterly basis by DCFS. The data will be provided in a quarterly report. The analysis will include source data from the following:

- A. Unified Nevada Information Technology for Youth (UNITY);
- B. Child Abuse and Neglect System (CANS);
- C. The Child Welfare Agency Child Fatality Courtesy Notification database;
- D. The Child Fatality and Near Fatality Public Disclosure Tracking log;
- E. Regional Child Death Review (CDR) Team data; and
- F. Nevada State Department of Health and Human Services, Health Division Vital Statistics; data will be cross-checked for evaluation and validation for quality assurance purposes.

Reports will be generated by DCFS on a quarterly basis through the Quarterly Report Summary of Findings. The following are instruments and reports related to this database:

- A. Child Fatality or Near Fatality Case Review Instrument and Summary: This is the compliance review instrument and case review summary used by the child welfare agencies to perform child fatality or near fatality case reviews. The information gathered from the instrument is entered into the informational database.
- B. Quarterly Report Summary of Findings: This is a quarterly summary report compiled from findings prepared by the DCFS Quality Improvement Child Fatality Review Team from the Child Fatality or Near Fatality Case Review Instrument and Summary submitted by public child welfare agencies statewide. This report is used by the Child

Welfare Decision Making Group for the purpose(s) of developing statewide child maltreatment related fatality prevention strategies, policies and procedures.

1. The Quarterly Report Summary of Findings will be forwarded by the DCFS Child Fatality Review Team to the DCFS Quality Improvement Unit for review and incorporation into the Quality Improvement Quarterly Report to the Federal Government.
2. The Quarterly Report Summary of Findings is not intended for use in any personnel-related action, but will be used for the purpose(s) of identification and development of recommendations related to improving statewide child welfare policy, procedures, and protocols; staff training; and statute or regulatory changes.

0405.5.2 Timelines:

Table 0405.1: Timelines for Administrative Review for Child Fatality or Near Fatality Cases Policy

Action	Timeline	Example
Case Review Each month, all completed case review instruments and summary sheets, along with the case record will be forwarded to the DCFS Quality Improvement Child Fatality Review Team within 30 days of the fatality or near fatality becoming known to the agency.	30 Days Case information is due to DCFS within 30 calendar days of the fatality or near fatality becoming known to the agency.	Child Fatality on January 2, 2007: Case information must be sent to DCFS by January 31, 2007.
Review and Analysis Upon receipt of the case material, the QI Team reviews the case. Within 60 days of receipt of the case material, they will submit a written report to the DCFS Administrator with a copy sent to the appropriate child welfare agency director.	60 Days Within 60 days of receipt of the case material, the QI Review Team will provide a written report.	The QI Team receives the case material on January 31, 2007, and they then have 60 calendar days to develop a report and forward it to the DCFS Administrator, on or before February 28, 2007.
<i>Possible Actions as a Result of the Report</i>		
Debriefing Debriefing may be requested by the child welfare agency within 30 calendar days of the receipt of the report.	30 Days Upon receipt of the report, the child welfare agency may request to be debriefed about the findings of the report	The report is received on February 28, 2007 and the agency must make a request for debriefing on or before March 30, 2007.
Agency Response After review of the report, the DCFS Administrator may request that the child welfare agency submit a response within 30 calendar days of the written request from DCFS.	30 Days The DCFS Administrator may request that the child welfare agency submit a response to DCFS within 30 calendar days of the written request.	On February 28, 2007, the DCFS Administrator made a written request for an agency response. The response is due on or before March 30, 2007.

0405.5.3 Forms:

FPO 0405A: Administrative Case Review Instrument & Summary: Child Fatality or Near Fatality

0405.7 State Responsibilities

0405.7.1 Participants in Policy Development

- A. **FPO Staff:** FPO Specialist
- B. **Jurisdictional Representatives:** N/A
- C. **External Stakeholders:** N/A

0405.7.2 Technical Assistance

- D. Requesting Technical Assistance:** N/A
- E. Relaying TA Information:** N/A
- F. Evidenced Based Practice:** N/A

0405.7.3 Clearance Process

- A.** Office of the Attorney General
- B.** DMG Approved 08-10-07
- C.** Policy Effective 08-10-07
- D.** Revisions 04-24-08

0405.7.4 State Oversight

- A.** Maintain compliance with administrative case review policy and all requirements therein.

0405.8 Policy Cross Reference

0401 Public Disclosure

0402 Case Review of Child Fatality or Near Fatality

0403 Internet Web Posting of Child Fatality Public Disclosure Forms

0404 Child Fatality/Near Fatality Notifications and Public Disclosure log