



**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES**

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**Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual**

MTL # 0515-10212011
10/21/2011

TO: Lisa Ruiz-Lee, Acting Director - Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V - DCFS – District Offices
Kevin Schiller, Director - Washoe County Department of Social Services

FROM: Amber Howell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- Child Abuse and Neglect (CANS) and NCID Requirements for Prospective Foster and Adoptive Parents

This policy is/was effective: 10/28/2011

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # 0515-08262010 Policy Name: Child Abuse and Neglect (CANS) and NCID Requirements for Prospective Foster and Adoptive Parents
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - Page 1: Section 0515.3 Authority added as AB 536-2011 Legislature
 - Page 2: Section 0515.4.8 Definition change to Household
 - Page 2: Section 0515.5.1 Background Checks for Foster Care Applicants, Foster Parents, Residents, Staff and Volunteers
 - A policy form has been revised: (List form, page number and summary of change):
 - _____

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/CW/0500/>. Please check the table of contents on this page for the link to the chapter you are interested in.

0515.0 Child Abuse and Neglect (CANS) and NCID Requirements for Prospective Foster and Adoptive Parents

0515.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Collaborative Policy	This policy supersedes: N/A	Number of pages in Policy: 5
PART Review & Approval	N/A	Date Effective: 10/28/2011
DMG Approval	08/20/2010, 04/10/2009, 10/21/2011	Policy Lead:
DCFS Administrator Approval:	08/20/2010, 02/20/2009, 10/21/2011	Policy Lead: Dorothy Pomin, SPSS II
Review by Representative from the Office of the Attorney General:	11/20/2008	Signature: ON FILE
		Signature: ON FILE

0515.2 Statement of Purpose

- 0515.2.1 Policy Statement:** Safeguards are required for children that are cared for through the child welfare system to ensure they are placed with caregivers who have the capacity to keep them safe.
- 0515.2.2 Purpose:** To develop procedures for conducting and responding to Child Abuse Neglect Screening (CANS) checks; conducting and establishing statewide standards for authorizing placement of children with caregivers who have undergone an National Criminal Investigative Database(NCID) and CANS check; and ensuring compliance with the requirements set forth in the Adam Walsh Child Protection Act of 2006.

0515.3 Authority

Child Abuse Prevention and Treatment Act (CAPTA) 106(b)(2)(A); 42 U.S.C. 5101
Adam Walsh Child Protection and Safety Act of 2006 Public Law 109-248
Social Security Act, Part E of the Title IV, 42 U.S.C. 670-679(b)
NRS 432B.290
2011 Assembly Bill 536

0515.4 Definitions

- 0515.4.1 Agency which provides child welfare services:** (NRS 432B.030) means A) In a county whose population is less than 100,000, the local office of the Divisions of Child and Family Services; or B) in a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. C) May also be referred to as "Agency" or "Child Welfare Agency".
- 0515.4.2 ASFA:** Adoption and Safe Families Act. Federal law that emphasizes the safety of the child, shortened timeframes for permanent placement, provides for adoption incentives, addresses geographical barriers to adoption and lists outcome measures to assess state's performance.
- 0515.4.3 CANS Check:** Refers to a Child Abuse and Neglect Screening which consists of a thorough search of the UNITY system for information on any reports and/or investigations pursuant to NRS 432B. CANS Checks are required to be conducted for all prospective foster/adoptive parent(s) and household members over the age of eighteen (18) prior to placement of children in foster/adoptive homes and/or licensure of foster/adoptive parent(s).
- 0515.4.4 CCDFS:** Clark County Department of Family Services.

- 0515.4.5 Central Registry:** Means the Nevada Statewide Central Registry for the collection of information concerning the abuse or neglect of a child established by NRS 321.100 and must be maintained by the Division of Child and Family Services (DCFS). DCFS is authorized to release substantiated reports of child abuse or neglect to an employer conducting a background check, pursuant to a written authorization for release of information, on prospective employees or volunteers who will have regular and substantial contact with children and/or the elderly in the course of their employment. Information in the Central Registry may be accessed by employees of DCFS and agencies which provide child welfare services.
- 0515.4.6 DCFS:** Division of Child and Family Services.
- 0515.4.7 FPO:** Family Programs Office at the Division of Child and Family Services.
- 0515.4.8 Household:** Means an association of persons who: 1) live in the same home or dwelling and 2) may be related by blood, adoption or marriage; or 3) may be unrelated persons residing in the same home or dwelling as the child 4) may be employed or volunteering within the home.
- 0515.4.9 IMS:** Refers to the Information Management System where the Unified Nevada Information Technology for Youth (UNITY) system is housed.
- 0515.4.10 Immediately:** When first known to the agency, or no more than 24 hours after receipt of the information.
- 0515.4.11 National Crime Information Database:** NCID is a computerized index of criminal justice information (i.e. criminal record history information, fugitives, and stolen properties, missing persons). It is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
- 0515.4.12 Other State (or Another State):** Any jurisdiction outside the state of Nevada, including United States territories, all contiguous and noncontiguous states and any political subdivision thereof.
- 0515.4.13 Substantiated report:** A report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists (NAC 432B.170 (7)(a)).
- 0515.4.14 Unsubstantiated report:** A report made pursuant to NRS 432B.220 was investigated and that no credible evidence of the abuse or neglect exists. The term includes efforts made by the child welfare agency to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child (NAC 432B.190(b)).
- 0515.4.15 UNITY:** Refers to the Unified Nevada Information Technology for Youth; Nevada's Statewide Automated Child Welfare Information System (SACWIS).
- 0515.4.16 WCDSS:** Washoe County Department of Social Services.

0515.5 Procedures

0515.5.1 Background Checks for Foster Care Applicants, Foster Parents, Residents, Staff and Volunteers

Prior to foster care licensure or approval, all applicants and persons age 18 or older residing in the foster home, employees or volunteers working in the foster home and persons providing care to foster children, must have a full criminal and CA/Ns background investigation conducted. Additional background investigations must be conducted every 5 years thereafter. Former foster youth, ages 18 to 21, under the jurisdiction of the court are exempt from this background investigation requirement.

0515.5.2 Persons Responsible for Conducting/Requesting CANS Checks

A national fingerprint-based criminal background check (NCID) and a child abuse and neglect screening (CANS) is required for every state the prospective foster/adoptive parent has

resided in the preceding 5 years. **These checks must be made regardless of whether title IV-E foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.**

- A. DCFS Rural Region, CCDFS and WCDSS designated staff are responsible for requesting CANS checks from other states on prospective foster/adoptive parent(s)
- B. DCFS FPO designated staff are responsible for responding to all CANS requests on prospective foster/adoptive parents from other states immediately.

0515.5.3 DCFS FPO Requirements for Responding to all Requests from other States:

- A. If the request is made by telephone by a known child protective service agency staff member conducting a child abuse investigation, the response may be made by telephone, with the response confirmed by a fax to the requesting agency.
- B. Requests may also be submitted on the form FPO 0515 located on the Nevada Division of Child and Family Services website <http://www.dcf.state.nv.us/> and using the following links: Forms>Central Registry>Request for Child Abuse and Neglect Screenings
- C. If the request is made by telephone (and the party is unknown), the requesting party must submit the request on agency letterhead by fax, email or mail including the agency name, contact person, physical address, mailing address, telephone number and fax number on the agency's letterhead.
- D. The DCFS FPO person conducting the CANS check must verify that the information on the letterhead is correct by either telephoning the number provided or noting that a previous contact has been made by the agency.

0515.5.4 Procedures Necessary to Follow When Another State Does Not Respond to a Child Welfare Agency Request for NCID and/or CANS Checks

- A. The assigned child welfare agency staff shall contact DCFS FPO via email at aw@dcfs.state.nv.us explaining the lack of response from the other state, the impact the lack of response is having on the child and attach the original child welfare agency request (FPO 0515 form) to the email requesting DCFS FPO assistance.
- B. DCFS FPO will immediately contact the Administration for Children and Families, Region IX for assistance and send the requesting jurisdictional staff verification of contact.

0515.5.5 Procedures Necessary to Follow When another State Either Cannot or Will Not Release Information from Their SACWIS or Other Data System.

- A. If another state either does not respond or responds stating they either do not have a Central Registry and/or cannot release information from their SACWIS (or other data) system, you MUST document the specific reason the request is denied or document your efforts to gather the information and the lack of response by the receiving state in case notes.

0515.5.6 Confidentiality:

- A. The information contained in UNITY is strictly confidential. Any person, child welfare agency, law enforcement agency, institution or facility that willfully releases data or information concerning such reports and investigations (except for intended purposes) is guilty of a misdemeanor (NRS 432.B.280).

0515.5.7 Timelines:

- A. Agencies will initiate all required NCID and CANS checks as set forth in this policy prior to placing a child that is in the care and custody of the state or any county within the state.

0515.5.8 Forms:

- A. FPO 0515A Request for Child Abuse & Neglect Screening

0515.6 Child Welfare Agency Action

0515.6.1 Each child welfare agency will adhere to the minimum requirements outlined in this policy and develop agency policy as determined necessary to ensure implementation.

0515.6.2 Procedures Necessary to Follow when Prospective Foster or Adoptive Parents have Unreadable or Missing Fingerprints due to Age, Disability or Occupation.

These alternative procedures are not to be used as an alternative to a State's/Agency's lack of technological capacity or use of improper techniques.

A. Inability to Obtain Fingerprints Due to a Physical Disability

If the fingerprints are not legible, the child welfare agency responsible must conduct a name-based check of the NCID or it may develop and utilize another appropriately comprehensive criminal background check process. The agency must document in writing that this alternative procedure is for limited and case-specific situations, such as documenting that the prospective parent's disabling condition prevents fingerprinting.

B. Inability to Obtain Results Due to Low Quality Fingerprints

If, after submitting the fingerprints to NCID, the impressions are rejected by NCID, the child welfare agency may implement an alternative procedure to conduct a name-based check of the NCID or to use another appropriately comprehensive criminal background check process. Prints must be rejected two times before a name check request can be submitted.

For assistance in determining appropriate techniques and technologies, the child welfare agencies may contact the Criminal Justice Information Services (CJIS) Division at (202) 324-3000.

0515.6.3 Timelines:

Table 0515.1: Timelines for Jurisdictional Response to Policy Development

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Initiate NCID and CANS checks prior to placement	Immediately upon request	As soon as placement resource is identified	Agency staff DCFS FPO staff	NCID and CANS checks conducted prior to placement

0515.6.4 Tools & Forms:

A. FPO 0515A: Request for Child Abuse /Neglect Screening

0515.6.5 Documentation: Case notes shall reflect that NCID and CANS checks were initiated prior to placement with a prospective foster and/or adoptive parent.

A. Case File Documentation (paper): Documentation of the background and/or CANS check shall be kept in the file.

B. UNITY Documentation (electronic):

Table 05006.1: UNITY Documentation for CANS Information

Applicable UNITY Screen	Data Required
CFS086	Case note directory indicating the background checks and CANS were conducted

0515.6.6 Supervisory Responsibility: Child Welfare Agency policy will ensure supervisory oversight to monitor caseworkers' adherence to these requirements.

0515.7 State Responsibilities

0515.7.1 Participants in Policy Development

- A. DCFS FPO Staff:** FPO Specialists, Social Services Chief II
- B. Jurisdictional Representatives:** Child Welfare Agency Directors, Managers, Supervisors
- C. External Stakeholders:** None

0515.7.2 Technical Assistance

- A. Requesting Technical Assistance:** N/A
- B. Relaying TA Information:** NA
- C. Evidenced Based Practice:** N/A

0515.7.3 Clearance Process

- A. DMG Approved** 08/20/2010, 04/10/2009

0515.7.4 State Oversight

- A. DCFS FPO** has the responsibility to respond to all CANS requests received from other states and assist the Nevada child welfare agencies in obtaining CANS information by seeking assistance from the Administration for Children and Families when other states are not responding to agency CANS requests.
- B. DCFS FPO** has the responsibility to ensure compliance to this policy by child welfare agencies.

0515.8 Policy Cross Reference

N/A

0515.9 Attachments:

FPO 0515A Request for Child Abuse / Neglect Screening