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DIVISION OF CHILD AND FAMILY SERVICES
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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 0516-10122018

10/12/2018

TO: Timothy Burch, Administrator - Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V - DCFS – District Offices
Amber Howell, Director - Washoe County Human Services Agency

FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

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

- 0516 Overturning Child Maltreatment Findings in UNITY/Central Registry

This policy is/was effective: 9/19/2018

This policy is new. Please review the policy in its entirety

This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____

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):

- Policy was changed to incorporate preponderance of evidence and remove credible evidence. The definitions have also been updated to include this change and for unification of definitions. Updates also include IS and CCWIS name change.

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/> . Please check the table of contents on this page for the link to the chapter you are interested in.

0516.0 Overturning Child Maltreatment Findings in UNITY/Central Registry

0516.1 Policy Approval Clearance Record

| | | |
|--|-------------------------|--|
| Check one only: <input type="checkbox"/> State Policy <input checked="" type="checkbox"/> Collaborative Policy | This policy supersedes: | Number of pages in Policy: 5 Date Policy Effective: |
| PART Recommendation Date: | | Policy Lead: Hayley Jarolimek |
| DMG Approval Date: | 09/19/2018 | Policy Lead: Hayley Jarolimek |
| Review by Representative from the Office of the Attorney General: | | Signature: N/A |
| DCFS Administrator Approval: | 09/19/2018 | Signature: None required |

516.2 Statement of Purpose

0516.2.1 Policy Statement: To ensure that overturned child maltreatment findings and/or findings entered in error are documented and the appropriate steps are followed.

0516.2.2 Purpose: To identify the person(s) responsible for and the process required to overturn a finding in UNITY, which in turn also removes the substantiated finding from the Central Registry. This process also establishes requirements to document the rationale needed to overturn the child maltreatment finding (agency appeal decision, court appeal or data entry error).

0516.3 Authority

[42 USC 5101, section 106 \(b\)\(2\)\(xi\)\(II\)](#)
[NAC 432B.170](#)

0516.4 Definitions

0516.4.1 Abuse or Neglect of a Child:

- A. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2 of [NRS 432B.020](#).
1. Physical or mental injury of a non-accidental nature;
 2. Sexual abuse or sexual exploitation; or
 3. Negligent treatment or maltreatment as set forth in [NRS 432B.140](#), of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.
- B. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his:
1. Parent delivers the child to a provider of emergency services pursuant to [NRS 432B.630](#), if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
 2. Parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to [NRS 62E.280](#).

C. As used in this section, “allow” means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

- 0516.4.2 Agency which Provides Child Welfare Services:** A county whose population is less than 100,000, the local office of the Division of Child and Family Services; or in a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. May also be referred to as “Agency” or “Child Welfare Agency”.
- 0516.4.3 CCDFS:** Clark County Department of Family Services
- 0516.4.4 Central Registry:** The Nevada Statewide Central Registry for the collection of information concerning the substantiated report of abuse or neglect of a child ([NRS 432.100](#)). The Central Registry is a time-limited program within the UNITY system that collects specific case information which may be released under certain circumstance to and employer.
- 0516.4.5 DCFS:** Division of Child and Family Services of the Department of Health and Human Services of the State of Nevada.
- 0516.4.6 IS:** The Information System where UNITY is housed and maintained by the DCFS IS unit.
- 0516.4.7 Preponderance of Evidence:** The standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.
- 0516.4.8 State:** An alternate word for the Division of Child and Family Services (DCFS) or Family Program Office (FPO).
- 0516.4.9 Substantiated:** A report made pursuant to [NRS 432B.220](#) was investigated and that the preponderance of evidence is supportive of the abuse or neglect. ([NAC 432B.170\(7\)\(a\)](#) requires credible evidence; however, agencies are maintaining a stricter guideline with preponderance of evidence.)
- 0516.4.10 UNITY:** Unified Nevada Information Technology for Youth is Nevada’s electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.
- 0516.4.11 Unsubstantiated:** A report made pursuant to [NRS 432B.220](#) was investigated and that the preponderance of evidence is not supportive of the abuse or neglect. The term includes efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect, that they 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.170\(7\)\(b\)](#) requires credible evidence; however, agencies are maintaining a stricter guideline with preponderance of evidence.)
- 0516.4.12 WCHSA:** Washoe County Human Services Agency

0516.5 Procedures

0516.5.1 Overturning Child Maltreatment Findings:

There are three main reasons to overturn a finding from substantiated to unsubstantiated in the UNITY (Central Registry) system:

- Overturn a substantiated finding due to an agency appeal decision.
- Overturn a substantiated-finding based on a Judicial decision.
- Overturn a substantiated finding in UNITY due to a data entry error.

A. Overturn a Finding Due to an Agency Appeal

1. The child welfare designee assigned to hear the appeal must have the authority to overturn the finding, must document the decision and the rational for that decision in the Investigation Appeal window, CFS026.
2. Upon completion of the appeal process, the following actions will be taken by the agency which provides child welfare services:
 - Within five (5) days of rendering an appeal decision, the designee who heard the appeal will ensure that the case file documentation is completed to justify overturning the finding. A staff member designated by the child welfare agency or upper level manager, will overturn the finding in UNITY and subsequently in the Central Registry and enter a case note that the approved change has occurred, noting where to find the documentation for the rational for the decision.
 - The designee will ensure the documentation of the appeal demographic information in UNITY is completed in the "Investigation Appeal" window (CFS 026).
 - The designee who rendered the decision will send a letter to the individual whose finding has been overturned notifying them of the change in the Central Registry, the same notification will be sent via email to the investigating caseworker and their supervisor if a Central Registry check occurred prior to the appeal decision being rendered, another Central Registry check can be requested to reflect the current finding.

B. Overturning a Finding in UNITY due to a Judicial Appeal Decision

When a child welfare agency is notified that a finding has been overturned by a Judicial Review or a Fair Hearing, documentation of that decision and the rational for the decision should be submitted to the designee responsible for overturning the finding in UNITY and document that information in the Investigation Appeal window (CFS026). If at the same time the agency wishes to overturn their finding in response to a Judicial decision, it should be reflected as a Level 1 appeal in the Investigation Appeal Window (CFS026).

C. Overturning a Finding Due to a Data Entry Error

Child welfare agency staff may use the Overturning Child Maltreatment Finding Request Form as a way to communicate such requests to the designee assigned to overturn the finding for approval. The form will be kept in the UNITY forms system. Overturning a finding due to data entry error is done in the Change the Finding window (CFS051).

516.5.2 Exceptions:

Overturning a Finding in the Legacy System: For all cases where findings were made prior to 2002, the DCFS helpdesk will need to assist in order to overturn the finding. The child welfare agencies do not have access to this system. For these types of cases, the child welfare agencies shall submit the Overturning Child Maltreatment Finding Request Form to the DCFS Helpdesk, where the change in finding can be made.

0516.6 Timelines:

Table 1: Timelines for Changing Child Maltreatment Findings in UNITY / Central Registry

| Requirement | Deadline | Starting Date | Responsible Party | Actions to be Taken |
|---|---|------------------------------------|--------------------|--|
| Change the child maltreatment finding | Within five (5) days of receipt of the appeal decision. | Receipt of appeal decision. | Designated manager | Change allegation findings in UNITY as appropriate. |
| Send written notification of the change of finding to the individual. | Within five (5) days of rendering the decision. | Date the appeal decision rendered. | Designated staff | Documentation entered into a case note that the updated change in finding letter(s) were sent. |

0516.7 Child Welfare Agency Action

0516.7.1 Documentation: Documentation of the appeal process and rational for appeal decisions occurs in the Investigation Appeal window (CFS206).

A. UNITY Documentation (electronic):

Table 0516.6.2: UNITY Documentation for Changing Child Maltreatment Findings in UNITY/ Central Registry

| Reason for Overturning Finding | Applicable UNITY Screen | Data Required |
|--|-------------------------|--|
| Overturn a Finding due to a Judicial or Agency Appeal Process Decision | CFS026 | Investigation Appeal window contains dates, level of appeal, appeal decision and rational (explain box). Changing the finding on this window, pre-populates all other UNITY finding windows. |
| Overturn a Finding to Correct a Data Entry Error | CFS048 CFS051 | Investigation Allegation Finding (Go To) Change the Finding (This window is used for all child maltreatment findings changes that are the result of data entry errors) |

0516.7.2 Supervisory / Manger Responsibility:

A. Overturning the finding due to a data entry error:

Supervisors are responsible for ensuring all documentation related to overturning the finding is filled out correctly and supports the change request, prior to submitting to the designated manager for approval.

B. Overturning a finding due to an agency appeal process decision:

Managers are responsible for ensuring the Appeal Policy has been followed and are responsible for ensuring the designee approves all internal and external (Judicial appeal rulings) overturning of finding requests.

0516.7.3 Child Welfare Agency Action: N/A

0516.7.4 Development of Internal Policies: The child welfare agencies will ensure that any agency appeal polices is in compliance with state and federal law.

0516.7.5 Tools & Forms: Overturning Child Maltreatment Finding Request Form

0516.8 State Responsibilities

0516.8.1 Participants in Policy Development

- A. DCFS Staff: Social Services Chief II, Social Services Program Specialist III, IS
- B. Child Welfare Agency Representatives: N/A
- C. External Stakeholders: N/A

0516.8.2 Technical Assistance

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

0516.8.3 Clearance Process

- A. DCFS Administrator Approval

0516.8.4 State Oversight

- A. The State will ensure the policy is followed as outlined in this document through the quality improvement case review or targeted review process.

0516.9 Policy Cross Reference

0516.9.1 Policies:

- 1202 Appeal of Substantiated Abuse and/or Neglect Findings, Notification and Child Welfare Agency Responsibilities
- 0513 Substantiation Policy
- 0601 Documentation

0516.9.2 Attachments:

FPO 0516A Overturning Child Maltreatment Finding Request Form