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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 # 0405-01182019
01182019

TO: Timothy Burch, Administrator - Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V - DCFS – District Offices
Laurie Jackson, 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:

- 0405 Administrative Review for Child Fatality or Near Fatality Cases

This policy is/was effective: 01/04/2019

- 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):
 - A policy form has been revised: (List form, page number and summary of change):
- FPO 0405A – Case Review Instrument

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.

0405 Administrative Review for Child Fatality or Near Fatality Cases

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input checked="" type="checkbox"/> This policy supersedes: 200 Statewide Oversight Policy: Administrative Review for Child Fatality or Near Fatality
Date Policy Effective:	01/04/2019
Attorney General Representative Review:	06/28/2018
DCFS Deputy Administrator Approval	01/04/2019
DMG Original Approval	08/10/2007
DMG Approved Revisions	01/04/2019

STATEMENT OF PURPOSE

Policy Statement and Purpose: The public Child Welfare Agencies in the state of Nevada will review child fatality or near fatality cases in accordance and compliance with federal and state statutes and regulations within designated timeframes.

The purpose of this policy is to ensure that all Child Welfare Agencies have an internal case review process to facilitate a Child Welfare Agency analysis by the Nevada Division of Child and Family Services (DCFS) for child fatalities and near fatalities. The review process leads towards identified prevention, policy, and practice changes. 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;
3. Make recommendation(s) for the improvement of the Child Welfare system through law, regulation, policies, procedures, protocol, practice, and/or staff training; and
4. Focus on initial response times, monthly contacts (i.e. worker visits), timely submission of public disclosures, timely Safety Assessments/Present Danger Assessments completed and approved, timely case plans completed and approved, timely Nevada Initial Assessments (NIA's), whether medical services were provided and if they were/are adequate, whether educational services were provided and they were/are adequate, and whether other services were provided. Also, were the children/family needs met and were there any missed opportunities to prevent a child fatality or near fatality, and to provide better decision making regarding Child Welfare, and to apply best practice and policies.

These analyses are in addition to and separate from:

1. Child Welfare Agency Internal Agency Child Fatality Reviews;
2. Initial CPS investigation requirements; and
3. Reviews conducted by a local Multi-Disciplinary Team pursuant to [NRS 432B.405](#) – [NRS 432B.409](#).

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

AUTHORITY

Federal:

NAC: [NAC 432B.070](#)

NRS: [NRS 432B.180](#); [NRS 432B.190](#)

Other:

DEFINITIONS

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.

Child Welfare Agency Contact with a Child: An agency which provides child welfare services is considered to have a contact with a child if a representative or designee of the child welfare agency has received a report of abuse or neglect regarding the child or a member of the child's family or household and has opened an investigation, or made a referral for services or a family assessment.

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

Near Child Fatality: 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. ([AB261, 2007](#)).

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

STANDARDS/PROCEDURES

The Nevada Division of Child and Family Services (DCFS) Social Services Program Specialist III 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 the Social Services Program Specialist III will review include, but are not limited to situations where:

1. The child resides in a foster home;
2. The child has an open child welfare case;
3. The person reported to have harmed the child has a substantiated allegation of child abuse or neglect;
4. The child has an open child welfare case within the last two years and the cause of death or the near fatality is unknown or suspicious of maltreatment; or
5. The child had a child welfare case that was open for two years or longer and the death or near fatality is suspicious of maltreatment;
6. As identified by the DCFS Administrator, or designee;
7. As identified by the Decision-Making Group (DMG).

Child Fatality, or Near Fatality Case Review Process: All completed case review instruments and summary sheets will be forwarded to the DCFS Social Services Program Specialist III within 50 days of the 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 Social Services Program Specialist III and the Legislative Auditor at this time.

1. **Review by the DCFS Social Services Program Specialist III:** Upon receipt of the review instrument and case file from the Child Welfare Agency, the Social Services Program Specialist III will review the case and provide written analyses to the Legislative Counsel Bureau (LCB) within sixty (60) calendar days of receipt of the case file.
2. **Destruction of Case Specific Information:** All case specific information submitted by the Child Welfare Agencies to the DCFS Social Services Program Specialist III will be destroyed immediately upon finalization of an Administrative Case Review unless the record is identified for additional analyses.
3. **Agency Action Response:** Upon case review, the DCFS Administrator may request that the Child Welfare Agency Director submit an Agency Response to the case review which may include and Agency Plan of Action (APA) within thirty (30) calendar days of the date of the request to address issues of concern identified in the Case Review Findings. The Child Welfare Agency will provide quarterly updates on all outstanding APA's for DCFS monitoring purposes in accordance with [NAC 432B.030](#).

Data Analysis and Reports

1. A data base of child maltreatment related fatality information of Clark County Department of Family Services, Washoe County Human Services Agency, and the Rural Region Child Welfare (DCFS) will be maintained by DCFS-FPO. The data will be compiled into a monthly report and will be made available upon request. The analysis will include source data from the following:
 - a. Unified Nevada Information Technology for Youth (UNITY); and
 - b. The Child Fatality and Near Fatality Public Disclosure Access Database.

Timeline:

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Jurisdictional case reviews are submitted to the Social Services Program Specialist III	50 days of the fatality becoming known to the Agency	Date of near fatality or fatality become known to Agency	Child Welfare Agency	The Social Services Program Specialist III review jurisdictional case reviews and use information for the Administrative Case Review.
Administrative Case Review	60 days after the jurisdictional case review is received at DCFS	The date the jurisdictional case review is received at DCFS	Social Services Program Specialist III	Review will be completed, and analysis will be conducted to prepare for the Quarterly Report of Findings.
Agency Response: After the case is reviewed, the DCFS Administrator may request that the Child Welfare Agency submit a response to the findings.	30 days: Child Welfare Agency submit a response to DCFS within 30 calendar days of the written request.	On the day the DCFS Administrator made a written request for an Agency response	Child Welfare Agency	The response will be submitted by the Child Welfare Agency and then reviewed by DCFS and decide if an Agency Improvement Plan (AIP) is needed to correct the findings.

Documentation: N/A

JURISDICTIONAL ACTION

Development of Internal Policies: Jurisdictions will adhere to this policy as written.

Supervisory Responsibility: N/A

STATE RESPONSIBILITIES

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

POLICY CROSS REFERENCE

Policies:

[0401 Public Disclosure](#)

[0402 Case Review of Child Fatality or Near Fatality](#)

[0403 Internet Web Posting of Child Fatality Public Disclosure Forms](#)

History and Updates: This policy was effective as of 8/10/2007 and supersedes 200 Statewide Oversight Policy: Administrative Review for Child Fatality or Near Fatality. Revisions and updated formatting were completed and effective as of 01/04/2019.

ATTACHMENTS

FPO 0405A – Case Review Instrument