

CHILD WELFARE AGENCY PUBLIC DISCLOSURE FORM

Date: January 16, 2013

Agency Name: Washoe County Department of Social Services (WCDSS)

Agency Address: P.O. Box 11130, Reno, NV 89510

Date of written notification to the Division of Child and Family Services and Legislative

Auditor: December 18, 2013

Internal reference UNITY ID or Report Number: Case # 1392890 Report #1608294

Type of Report: 48 Hour Notice 15 Day Update 30 Day Update Final

Child Fatality **Date of Death:** 12/19/2013

Near Fatality **Date of Near Fatality:** 12/16/2013

Portions of information on this form have been withheld at the request of
_____ law enforcement.

(Name of agency)

Information for Release:

A. Date of the notification to the child welfare agency of the near death of a child:

December 16, 2013

B. Location of child at the time of death or near fatality (city/county):

Sparks/Washoe County

C. A summary of the report of abuse or neglect and a factual description of the contents of the report:

WCDSS received on report at 10:24AM on December 16, 2013 that a seven month old boy had been unresponsive. Emergency personnel responded and were able to get the infant breathing. He was taken to a local hospital where he was admitted in the pediatric intensive care unit and found to have subdural bleeds. In the early hours of December 19, 2013 the infant was taken in for emergency surgery due to swelling on the brain. The child herniated during the surgery and was pronounced dead at 6:45AM.

D. The date of birth and gender of child:

The seven month old boy was born May 13, 2013.

E. The date that the child suffered the fatality or near fatality:

The child suffered the near fatality on December 16, 2013 and died on December 19, 2013.

F. The cause of the fatality or near fatality, if such information has been determined:

The cause of the fatality is unknown at this time and is currently being investigated.

G. Whether the agency had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

- (1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;
- (2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;
- (3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;
- (4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and
- (5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed.

WCDSS has no history with the family.

H. Whether the agency which provides child welfare services, in response to the fatality or near fatality: (1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household; and (2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and (3) Has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.

WCDSS is conducting a joint investigation with the Sparks Police Department. The family will be assessed for ongoing needs.

NON-DISCLOSURE NOTICE

The following information must not be released (see Policy on Public Disclosure of Child Fatality and Near Fatality Information, page 4): 1) Information regarding the sibling(s) of a deceased child; 2) the name of the reporting party or individual making an allegation or referral will not be released; 3) if the disclosure of the information would adversely affect any pending investigation concerning a report (NRS 432B.290(3); 4) if the disclosure violates other federal or state law, including, but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Family Educational and Privacy Act of 1974 (FERPA), alcohol and drug abuse patient records (42 USC §290dd-2 and 42 CFR §212 (c)(6)), and any other applicable law.

ATTACHMENT

Administration on Families and Children, Child Welfare Policy Manual, CAPTA, Section 2 excerpt, March 16, 2006:

2.1A.4 CAPTA, Assurances and Requirements, Access to Child Abuse and Neglect Information, Public disclosure

1. Question: The CAPTA amendments at section 106 (b)(2)(vi) require States to provide for the public disclosure of findings or information about a case of child abuse or neglect which results in a child fatality or near fatality. For the purposes of this requirement, what is considered a "near fatality"?

Answer: A "near fatality" is defined under section 106 (b)(4)(A) as "...an act that, as certified by a physician, places the child in serious or critical condition." For example, if hospital records reflect that the child's condition is "serious" or "critical", this would be considered a "near fatality" under CAPTA.

- **Source/Date:** ACYF-NCCAN-PIQ-97-01 (3/4/97) (updated 2/3/05)
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106

2. Question: The requirement for public disclosure states that "findings or information" about a case must be disclosed. Does this mean that States have the option to disclose either the findings of the case, or information which may be general in nature and address such things as practice issues rather than provide case-specific information?

Answer: No. The intent of this provision was to assure that the public is informed about cases of child abuse or neglect which result in the death or near death of a child. As with the use of the other "or's" in this provision ("child abuse or neglect" and "child fatality or near fatality"), we understand the language to be inclusive and not limiting.

Specifically, the reference to "findings or information" requires the disclosure of information about such a case even if there are no findings. Thus, when child abuse or neglect results in the death or near death of a child, the State must provide for the disclosure of the available facts. However, nothing in this provision should be interpreted to require disclosure of information which would jeopardize a criminal investigation or proceeding.

- **Source/Date:** ACYF-NCCAN-PIQ-97-01 (3/4/97) (updated 2/3/05)
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106