CHILD WELFARE AGENCY PUBLIC DISCLOSURE FORM

Date: 6-29-16
Agency Name: **Washoe County Department of Social Services**
Agency Address: **P.O. Box 11130, Reno, NV 89520**
Date of written notification to the Division of Child and Family Services and Legislative Auditor: 6-1-16

Internal reference UNITY ID or Report Number: 1697891
Type of Report: ☐ **48 Hour Notice** ☐ **15 Day Update** ☒ **30 Day Update** ☐ **Final**
☐ **Child Fatality** **Date of Death:**
☒ **Near Fatality** **Date of Near Fatality:** 5-31-16
☐ **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 death of a child: N/A

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

Sparks/Washoe

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

Law enforcement was dispatched to a home in reference to an unresponsive one month old child. The child remains in a local hospital where he is receiving treatment.

D. The date of birth and gender of child:

4-14-16; male

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

5-31-16

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

The investigation by both law enforcement and WCDSS remains active at this time.

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.

There is no prior CPS history for this 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 continues to conduct a joint investigation with law enforcement at this time. There are no other children residing in the home.

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