

CHILD WELFARE AGENCY PUBLIC DISCLOSURE FORM

Date: July 20, 2016

Agency Name: Washoe County Department of Social Services

Agency Address: P.O. Box 11130 Reno, Nevada 89520

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

Auditor: May 23, 2016

Internal reference UNITY ID or Report Number: report # 1696960, case # 1381919

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

☐ **Child Fatality** **Date of Death:**

☒ **Near Fatality** **Date of Near Fatality:** May 21, 2016

☐ **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:

May 21, 2016

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

Washoe County

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

Report received alleging abuse/neglect to a child that presented at the hospital with fast and shallowing breathing. The child was not responding to painful stimuli and was intubated upon arrival.

D. The date of birth and gender of child:

7/31/15- male

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

May 21, 2016

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

The official cause of this near fatality is undetermined 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.

The agency has the following history involving this family:

9/18/12 IR Report taken on physical injury, mom reported to be the perpetrator. Child was seen to have an injury on the inside of his lip and was absent from school for one day. There was some concern noted about the mother being quick or in a rush to drop the child off. The family was referred to the family resource center for positive discipline parenting classes.

1/4/2013 IO Allegation of physical injury to child, by his mother. Report states that mother went to the welfare office to obtain her own case and apply for services. She disclosed that her mother drinks alcohol and that she smoked marijuana 5 days ago so that she could eat. The RP referred the mother to NNAMHS. The report was coded an IO.

2/19/2014 IO Allegation of physical injury of child by his father. Child reported that he was spanked with a charger by his father on both of his elbows. There were no injuries on the child and no concern of this being a routine means of discipline. The Department recommended that the child be checked on tomorrow. The report was coded an IO.

2/12/2015 IR Allegation of physical injury to the children by their father. The RP states that mom has been a victim of domestic battery by the children's father on at least two occasions; she is currently in a vulnerable population as she is pregnant with her third child and has two young children. A referral for a TPO was made by LEA and the DV advocate was referred by the Department.

7/27/2015 IO Report of inadequate supervision. The RP states that he witnessed two minor children unsupervised on a balcony in the apartment complex. There was minimal concern for the young children being on the balcony by either parent. The report was coded an IO.

12/14/2015 Investigation of physical injury and negligent treatment. There was a domestic altercation between the couple which resulted in the arrest of the father. No direct harm to either minor child. The investigation was unsubstantiated.

2/11/2016 IR Report of negligent treatment. RP states that the baby is constantly crying, and that the mother will tell him to shut up or turn up music loud when he is crying. The RP says that she has not seen the child. Further, concerns of domestic battery by the boyfriend and drug use. The report was coded an IO.

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.

This near fatality has been assigned for assessment. No present danger was found for the other children in the household. Assessment will continue for impending danger.

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