



QUARTER 4

PIP 1.1.2

Clark

Primary Strategy: 1 Strengthen and reinforce safety practices throughout the life of the case			Applicable CFSR Outcomes or Systemic Factors: Safety Outcome 1 and 2	
Goal: 1 Continue the development of Nevada's safety assessment model to include assessment of children in out-of-home care and at specific milestones throughout the life of the case			Applicable CFSR Items: 2, 4	
Action Steps and Benchmarks	Person Responsible	Evidence of Completion	Quarter Due	Quarter Completed
1.1.2 Convene a group of agency supervisors and managers to develop supervisory consultation guides and tools to support supervisory oversight of the safety assessment throughout the life of the case	DCFS, WCDSS, CCDFS Directors/designee	Safety guides and tools for supervisors	Q4	Q4

Under Clark County Policies and Procedures 2100, the safety model roles and responsibilities of supervisory case management are identified (Appendix B-D). The policy areas highlighted in yellow are specific policies applicable to the role of supervisors in the safety assessment process throughout the life of the case.

The Clark County Policies and Procedures address the overall systemic focus of safety throughout the life cycle of a case. The CPS policy and procedure guidelines are located in Appendix B. The In-Home policy and procedures guidelines are located in Appendix C and the Out of Home policies and procedures are Appendix D. All three of the aforementioned policy areas outline the processes to ensure safety for children and families in Clark County. The policy areas specific to safety are also highlighted in yellow throughout the three appendices.

In addition to the safety related department-wide policies and procedures, DFS developed in collaboration with supervisors and managers, a guide related to child safety and supervisory oversight. The supervisory roles and expectations as outlined in Clark County's Supervisory Expectations were submitted in Quarter 1. The guidelines address expectations in all areas of the agency. The Supervisory Expectations are attached for reference as Appendix E.

As a part of the implementation of these guidelines DFS also developed robust reports used to monitor safety within cases on agency areas, (CPS, In-Home, Out of Home) and a unit-by-unit level. Examples of the reports used by the larger areas of the agency to supervise safety are found in Appendix F.

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I	11/17/08		Policy and Procedures implemented except 21300	11/17/08
II	10/01/09	21300	Transition to Permanency/In-Home Services	10/01/09
III	12/10/09	2930a	Reports Involving Department Employees	12/14/09

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2000. INVESTIGATIONS POLICIES AND PROCEDURES

2100. Introduction to Investigating Reports of Child Abuse and/or Neglect

Policy Statement

It is the policy of the Clark County Department of Family Services (DFS) that Clark County children who are allegedly abused or neglected receive effective child protection services through:

- Thorough and timely child protection investigations,
- Accurate determinations about whether evidence supports findings that children have been abused or neglected,
- Comprehensive safety and risk assessments focused on current threats to the safety of children and the risk of future child maltreatment that is posed by their families or caregivers (e.g., foster parents).
- Effective child protection intervention in response to identified safety threats and risk factors, **and**
- The most minimal intrusion into family life that is possible in consideration of threats to the safety of children.

Purpose

The purpose of these procedures is to set forth the required process by which the Department investigates situations identified by the Hotline as meeting the criteria for child abuse and neglect. The procedures also set forth the process that must be followed when the Hotline identifies certain child welfare issues that do not constitute allegations of child abuse and neglect but require Department intervention. The investigation process is standardized to maximize the consistent and thorough collection of relevant information and the effective protection of involved children from future abuse and neglect.

During investigations, information is gathered to determine (1) whether there is evidence indicating that the child has been abused and/or neglected, (2) whether there are immediate or impending threats to the child's safety, (3) whether there are risk factors that suggest that the child is likely to be abused and/or neglected in the foreseeable future, and (4) what, if any, actions on the part of the Department are necessary to protect the child.

Legal Basis

Section 432B of the Nevada Revised Statutes (NRS) and Nevada Administrative Code 432B provide the legal basis for child protection services including CPS investigations in Nevada. Several of the general provisions of NRS 432B (432B.020, 432B.040, 432B.070, 432B.080, 432B.090, 432B.100, 432B.110, 432B.121, 432B.130, 432B.140, 432B.150, 432B.160, and 432B.170) provide definitions that have important relevance to CPS investigations. NRS Section 432B provides general operational requirements for CPS investigations, investigative decision making, and the response to child welfare issues that do not constitute child abuse and neglect but require Department intervention. The relevant sections are as follows:

- NRS 432B.260: Authorizes DFS action upon its receipt of a CPS report and provides for the requirement to inform the person named in the report of the allegation of abuse or neglect if the report is investigated.
- NRS 432B.270: Authorizes the interview of child and sibling(s) of child concerning possible abuse or neglect, including information on photographs, X-rays, and medical tests.
- NRS 432B.280: Provides for the confidentiality of CPS reports and records, including penalties for unauthorized release.
- NRS 432B.290: Provides for the authorized release of CPS information concerning reports and investigations, in addition to penalties and regulations.
- NRS 432B.300: Provides for the determinations to be made from the investigation of report.
- NRS 432B.310: Requires that DFS report information about CPS investigations, including the investigative finding, to the Central Registry.
- NRS 432B.320: Authorizes the waiver of full investigation of a report.
- NRS 432B.325: Requires and authorizes DFS to provide protective services for children in Clark County.
- NRS 432B.330: Provides information regarding the circumstances under which child is or may be in need of protection.
- NRS 432B.340: Provides for the determination that a child needs protection but is not in imminent danger.
- NRS 432B.350: Authorizes the use of multidisciplinary child protection teams.
- NRS 432B.370: Provides for the determination that a child is not in need of protection.
- NRS 432B.380: Authorizes the referral of a case to the district attorney (DA) for criminal prosecution and the recommendation to file petition.
- NRS 432B.390: Authorizes the placement of a child in protective custody (PC) by DFS and others.

- NRS 432B.3905: Provides for the limitations on transfer and placement of a child who is under three (3) years of age, and the associated notice and reports, and the limitations of a child who is under six (6) years of age, and the associated notice and reports.
- NRS 432B.391: Authorizes DFS to conduct preliminary Federal Bureau of Investigation National Crime Information Center (NCIC) name-based check of background of adult resident of home in which child will be placed in emergency situation. It also provides for the person investigated to supply fingerprints, the exchange of information, and the removal of a child from a home upon refusal to supply fingerprints.
- NRS 432B.393: Provides for the preservation and reunification of the family of a child to prevent or eliminate the need for removal from the home before placement in foster care and to make a safe return to the home possible. It also provides for determining whether reasonable efforts have been made.
- NRS 432B.397: Provides for the inquiry to determine whether child is an Indian child, the report to the Court, and the training regarding requirements of Indian Child Welfare Act (ICWA).
- NRS 432B.400: Authorizes the temporary detention of child by physician or person in charge of hospital or similar institution.
- NRS 432B.470, 480, and 490: Provide guidance concerning a hearing for protective custody. Include requirements for hearing, notice, and determinations by the Court. Also require that DFS file a petition on cases involving parental homicide.
- NRS 432B.513, 515, 520, 530, 540, 550, 553, 555, 560, and 570: Provide for the requirements for Family Court hearings most relevant to CPS investigations.
- NRS 432B.630: Provides for the delivery of a newborn child to a medical facility, the police, or a fire department.

Roles and Responsibilities

CPS Investigator

The CPS investigator is required to:

- According to procedural requirements, conduct child protection investigations to gather information and evidence to support or refute allegations that children have been abused or neglected.
- Recommend investigative findings based on the evidence gathered in child protection investigations.
- Assess the safety of all children involved in child protection investigations and identify children for whom there is immediate or impending danger according to required protocols.

- » When possible and in collaboration with the CPS supervisor, establish and monitor safety plans for children for whom there is immediate or impending danger, **and**
- » With approval of the CPS supervisor, take protective custody (PC) of children where there is an immediate and impending danger to the children, but an effective safety plan cannot be established.
- When children must be taken into PC:
 - » Seek and assess extended family members to serve as relative caregivers,
 - » Assure that children receive medical screening,
 - » Transport children to the identified placement, **and**
 - » Attend to the needs of involved children immediately and sensitively.
- Assess the risk of future child abuse or neglect to all children involved in child protection investigations according to required protocols.
- Recommend the level of ongoing Department involvement with families based on the assessment of child safety and the risk of future maltreatment.
- Conduct assessments of non-abuse/-neglect referrals requiring Department intervention according to procedural requirements.
- When necessary, initiate Family Court intervention and provide the Court with oral testimony and written information.
- Link families with community services in response to identified needs related to the safety of and risk to involved children.
- Document all activities and make all notifications according to procedural requirements.

CPS Supervisor

The CPS supervisor is required to:

- Assign all investigations to CPS investigators according to procedural requirements and within the required time frames.
- Check the unit's pending caseload in UNITY a minimum of four (4) times during each work shift to identify any unassigned investigations.
- Provide oversight to investigative activities to assure a timely and efficient CPS investigation process that complies with procedural requirements and with good practice.
- Review for approval all:
 - » CPS investigations to assure that they are conducted and documented in compliance with procedural requirements,

- » Decisions to waive normally required investigative activities,
- » Investigative findings recommended by CPS investigators,
- » Requests made by CPS investigators for extending normally required investigative time frames,
- » Child safety assessments and safety plans,
- » PC decisions made by CPS investigators,
- » Decisions to return children who have been taken into PC to their parent(s)/caregiver(s) before the PC Hearing is held,
- » Recommendations made by CPS investigators to the Court,
- » Recommendations for ongoing Department involvement made by CPS investigators, **and**
- » Recommendations for relative placement made by CPS investigators.
- *Make all procedurally required notifications.*
- Arrange for and oversee case transfers to Permanency staff.
- Document all activities and decisions according to procedural requirements.

Assistant Manager

The assistant manager must:

- Provide general oversight to the CPS investigations unit to assure that they operate efficiently, in compliance with procedural requirements, and according to standards of good practice.
- Approve waiver of designated investigative activities.
- Make all procedurally required notifications.
- Resolve any disagreements arising at the supervisory level.
- Document all activities and decisions according to procedural requirements.

Manager

The manager must:

- Provide general oversight to the CPS investigations program to assure that it operates efficiently, in compliance with procedural requirements, and according to standards of good practice.

- Approve or disapprove all requests to place children with extended caregivers whose backgrounds would normally preclude placement.
- Assign and oversee all investigations of alleged child abuse and neglect involving Department employees.
- Approve investigative findings for reports involving group child care facilities and Department employees.
- Make all procedurally required notifications.
- Resolve any disagreements arising at lower administrative levels.
- Document all activities and decisions according to procedural requirements.

2200. Elements of the CPS Response

The primary goal of the Department is, first and foremost, to protect children from child abuse and neglect. An important goal, **but always secondary**, is family preservation. It is the Department's goal to keep children with their families whenever this can be accomplished **safely**.

The CPS investigative process consists of three (3) important components:

- Information gathering,
- Safety and risk assessment, **and**
- Decision making about the investigative finding and about child protective actions.

Although these three (3) components are described separately, in practice they are closely interrelated and **must** be addressed concurrently. In order for the investigation to be effective it must be:

- Well documented,
- Conducted in a manner that facilitates clear communication, taking into account language and other communication needs of the investigation's subjects and collaterals, **and**
- Comprehensive (i.e., in addition to addressing the reported allegations, **all** other allegations identified during the investigation must be investigated).

2210. Information Gathering

In Nevada, information gathering is structured according to the Information Collection Standard (ICS). The ICS includes six (6) areas that are used for assessing and analyzing family strengths, risk of maltreatment, and child safety. These six (6) areas are:

- Surrounding circumstances accompanying the maltreatment,
- Child functioning on a daily basis,
- Adult functioning with respect to daily life management and general adaptation (including mental health functioning and substance usage),
- Disciplinary approaches used by the parent,
- The overall, typical, and pervasive parenting practices, **and**
- The extent of maltreatment.

Information is gathered by:

- *Interviewing Subjects of the Investigation* – Subjects of the investigation are the alleged victim(s), the alleged perpetrator(s), and the child's immediate family members (i.e., family members who live in the same home as the child).
- *Interviewing Collateral Contacts* – Collateral contacts are other people who are likely to have relevant information about the incident or set of circumstances under investigation. There are two (2) types of collateral contacts:
 - » Professional collaterals are people who are likely to have relevant information in their professional capacities (e.g., police, teachers, and doctors), **and**
 - » Nonprofessional collaterals are people who have information in their private capacity (e.g., neighbors, friends, and relatives who do not live in the same home as the child). In addition to providing information, collateral sources may verify or refute information provided by the subjects of an investigation.
- *Observing Physical Evidence* – The CPS investigator will observe physical evidence (e.g., a child's injury, the condition of the child's home, and a paddle allegedly used to discipline the child). The CPS investigator will also observe the behavior of the subjects of the investigation (e.g., the reaction of an alleged perpetrator to a question and whether a child appears afraid of or bonded to a parent).
- *Reviewing Related Records and Documents* – Usually obtained from professional collaterals (e.g., CPS history, medical records, records of an alleged perpetrator's criminal history, and police reports).

2220. Nevada Initial Assessment

The information gathered serves as the basis for completion of the Nevada Initial Assessment (NIA) which comprises the Nevada Safety Assessment, the Risk Assessment, and the NIA Summary. These assessments are the basis for the determinations whether:

- The child is unsafe, **and**

- There are family characteristics or situational issues that make it likely that the child will be abused or neglected in the foreseeable future. Both assessments are also used to inform service planning for families to whom the Department provides ongoing services.

2230. Investigative Decision Making

The information gathered and the NIA are the basis for CPS decision making. The major decisions made are listed below.

- *The Investigative Finding* – Does the information that was gathered establish a reasonable cause to believe that child abuse or neglect has occurred? If so, the report must be substantiated. If not, the report must be unsubstantiated.
- *Child Protection Decisions* – There are four (4) potential child protection decisions. They are as follows:
 - » The child is unsafe: The CPS investigator must either work with the family to create a temporary safety plan or – if there is no safety plan that will adequately respond to the safety threat – take protective custody of the child.
 - » The child is at high or very high risk of future abuse/neglect: The Department must open an in-home protective services case. See *Section 2630: Open a Voluntary In-Home Protective Services Case* and *Section 2640: Open a Court-Ordered In-Home Protective Services Case*.
 - » There is some risk of future abuse and/or neglect (moderate or low), and services may help the family avoid future incidents of abuse/neglect: The CPS investigator may refer the family to relevant services in the community on an informal basis and case is closed.
 - » There are no child protection issues and case is closed.

2240. Documenting Investigative Activities in UNITY Case Notes

All investigative activities, including attempted activities, conducted by CPS investigators, CPS supervisors, and other Department staff **must** be documented in UNITY case notes. Case notes are legal documents that serve as the Department's record of its investigation. They are used:

- To document the basis for critical decisions made by Department investigators, supervisors, and other managers, including:
 - » Investigative findings (substantiated or unsubstantiated),
 - » Child protection decisions (e.g., removal or safety plans), **and**

- » The need to take other actions to address the immediate needs of children and families.
- As a reference when the Department receives subsequent allegations of abuse or neglect involving children and other family members,
- By Courts as they make decisions on behalf of children,
- By service providers to assess the child protection issues confronted by the families they serve, **and**
- By family members to understand their involvement with the Department.

Case note documentation must be:

- *Objective* – Only observed facts and statements made by the subjects of interviews may be documented in case notes. Case notes are **not** to be a place where CPS investigators express their opinions about case situations or anything else.
- *Non-Conclusive* – Case note documentation may describe behavior and conditions observed by the CPS investigator. For example, it is appropriate to document that “the father staggered, slurred his words, and smelled of alcohol.” It is inappropriate to document that “the father was drunk.”
- *Detailed* – Case note documentation must provide the most specific detailed account of what interview subjects say and what CPS investigators observe. When interviewing subjects of investigations (alleged victims and alleged perpetrators), it is necessary to record important statements in a manner that is as close to *verbatim* as is reasonably possible. It is also important to document any notable behavioral presentation made by the interview subject during the interview. For example, “The child looked at the door to the room where his father waited before answering any question about his injury.”

In addition to detailed information describing the interview/activity, all UNITY notes must include:

- » The type of contact (e.g., in person, telephone),
- » The date of the interview activity,
- » The start and end times of the interview/activity, **and**
- » Identification of **all** persons present during the interview activity.
- *Timely* – Case notes must be written as soon after the activity as is reasonably possible. At a minimum, case note documentation must be completed within the following time frames:
 - » All interviews/activities involving critical issues (i.e., information that may be necessary to after-hours staff) as identified by CPS supervisors must be documented in UNITY case notes on the same day that the interview or activity occurred.

- » Interviews of subjects of investigations (alleged victims and alleged perpetrators) must be documented in UNITY case notes within one (1) working day of the interview.
- » All other investigative activities must be documented within three (3) working days of their occurrence, and at a minimum the CPS investigator will have entered the contact with the ACV and offending parent prior to ending the workweek.

Documentation

2250. Additional Allegations

CPS investigators must always remain alert for indication that child abuse or neglect other than the reported incidents or sets of circumstances alleged in the report are present. Whenever new allegations are identified during a CPS investigation, the CPS investigator must:

- Inform the CPS supervisor,
- Add the allegations in UNITY, and
- Investigate the new allegations in accordance with procedural requirements.

Documentation

2260. Full Disclosure

In order to establish the most effective working relationship with the family, and to conduct CPS investigations ethically, the CPS investigator must be honest, open, and forthcoming with the family about the CPS investigative process. It is never acceptable to knowingly deceive, coerce, or trick family members. It is also not acceptable to threaten the family members with unrealistic consequences for their behavior. This means that the CPS investigator must:

- As is reasonable in the context of the investigation, inform the family about the activities the CPS investigator plans to conduct in relation to the family (e.g., unannounced visits, body checks, verification of the family's participation with service providers),
- Explain the potential consequences of behaviors that have been identified as being unacceptable (e.g., law enforcement intervention, Family Court intervention, the children's possible removal).

This disclosure must be honest and straightforward.

2270. Confidentiality

a. General Provisions

Both the law (NRS Section 432B) and ethical practice require that the confidentiality of families undergoing CPS investigations be protected. The family's right to confidentiality must, however, be balanced with the Department's responsibility for the safety of children.

All Department staff are obligated to protect the confidentiality of children and families. As often as is reasonably possible, the CPS investigator must obtain releases of information signed by family members before releasing family information. In addition to protecting the family's confidentiality, this will improve the in-home case manager's ability to engage the family.

During the course of a CPS investigation, the CPS investigator:

- May only divulge information about families in furtherance of his/her responsibility for the protection of involved children. Information about any family receiving in-home services may **never** be released for any other reason.
- In the event children are placed in out-of-home care, must provide out-of-home caregivers with all information necessary to respond to the child(ren)'s well-being needs. This includes but is not limited to:
 - » Information pertaining to any condition, behavior, problem, or other issue affecting the child(ren).
 - » Information about the issues leading to the child(ren)'s removal (e.g., information about the allegations that have been substantiated, **general** information about conditions, behaviors, or other issues affecting the parent[s]/caregiver[s] that are related to the need for removal or have otherwise affected the child[ren]).
 - » **General** information about the parent's (parents')/caregiver's (caregivers') progress toward achieving permanency objectives so that the out-of-home caregiver can effectively support concurrent planning.
- Must furnish any providers of services included in the transitional case plan with information about the reason for the need for in-home services (e.g., the nature of substantiated allegations and the presence of any identified safety/risk factors) to enable them to effectively participate in the child protection effort.

b. Who May Receive Information

NRS Section 432B.290 authorizes release of information to the following individuals:

- Physicians,
- Agencies, including, without limitation, agencies in other jurisdictions, responsible for or authorized to undertake the care, treatment, or supervision of the child or parent/caregiver,
- A person or an organization that has entered into a written agreement with an agency that provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services,
- The DA or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child,
- A Court, for in-camera inspection only, unless the Court determines that public disclosure of the information is necessary for the determination of an issue before it,
- The attorney and the guardian ad litem of the child,
- A federal, state, or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect,
- Any person who is the subject of a report, **and**
- Any mandated reporter.

Information about families involved in CPS investigations may not be given to family friends, neighbors, relatives, or employers, without the family's written consent. The CPS investigator must make every reasonable effort to gain the family's consent for release of information to adults who are in regular contact with involved children (e.g., teachers, daycare providers, baby sitters) in order that they be alerted to identify and report evidence of maltreatment.

2280. Effective Communication

During all stages of the investigation, when dealing with a limited-/non-English speaking person or a person with audio/visual impairment, the CPS supervisor/investigator shall make every effort to facilitate effective communication between the investigator and the subject of the report. This includes:

- When the barrier to effective communication is known when the report is received by the CPS supervisor, assigning an investigator who is certified to communicate in the language (foreign or sign) of the subject.
- Determining the primary language or preferred mode of communication of the subject.
- Procuring the services of an interpreter (e.g., through the Family Courts interpreter services) who has agreed to respect the confidential nature of the investigation prior to any investigative activity when a limited-/non-English-speaking or hearing-impaired person will be interviewed.

If at all possible, family members, friends, and – especially – children, should **not** be used as interpreters, especially during investigative interviews.

If the CPS investigator and supervisor determine that the child is in **present danger** and there is absolutely no means of communicating effectively with the child and family (i.e., no bilingual investigator or suitable interpreter is available and there is no telephone to call for interpreter assistance or to call the online interpreters), the child may be taken into custody. The CPS investigator shall return to the home with an interpreter as soon as possible. In these instances, the present danger must exist independently of the investigator's inability to communicate with the family. Custody shall not be taken for the sole reason that the worker cannot communicate with the family.

2300. Conducting CPS Investigations

During CPS investigations, the order in which contacts and activities are completed will vary according to the individual circumstances of the investigation. Although the activities are described in the preferred order, it will often be prudent and efficient to conduct activities in an order other than that described below. The CPS investigator and supervisor **must**, however, assure that all investigative activities are completed and that they occur within the required time frames. Although described separately, assessment activities included as part of the NIA are conducted **concurrently** with those related to collecting evidence for the investigative finding.

It is important that the CPS investigator/supervisor remain alert to the presence of child abuse allegations other than those included in the original report. In the event that additional allegations are identified, they must be investigated according to the requirements of the investigations procedures and the applicable investigation protocol(s) in the CPS Investigation Protocols.

2310. Required Investigative Activities

CPS investigations must include the following activities:

- Contact with the reporting source.
- Contact with the alleged victim(s).
- Contact with any siblings living in the home where the alleged abuse/neglect occurred.
- Contact with the custodial parent(s)/caregiver(s) of the alleged victim(s).
- Contact with the alleged perpetrator (if not the parent[s]).
- Observation of the environment where the alleged abuse or neglect occurred.
- Contact with police if they are involved in the situation.

- Contact with medical personnel who have examined or treated injuries or other medical presentation related to the reported situation.

In some situations, these activities are impossible to complete (e.g., the reported family does not exist, the alleged perpetrator persistently refuses to be interviewed, the CPS investigator exhausts all required efforts to complete an interview and does not have sufficient evidence for Court), or a contact is unreasonable given the totality of the circumstance. In such instances, the CPS supervisor must approve the decision to waive any of the activities listed above. The CPS supervisor must document this decision and the reason for it in a UNITY case note.

NOTE: If an investigative activity is waived because it is impossible to conduct or is unreasonable and, during the course of the investigation, the activity becomes possible or reasonable to complete (e.g., the subject is located or agrees to be interviewed), the CPS investigator must complete the activity.

Together with the investigative activities required for all investigations (listed above), each child abuse/neglect allegation includes additional investigative activities, which are detailed in the CPS Investigation Protocols. These activities must be completed unless they are impossible to conduct or are unreasonable given the totality of the circumstances. In such instances, the CPS supervisor must approve the decision to waive any of the additional activities required by the CPS Investigation Protocols. The CPS supervisor must document this decision and the reason for it in a UNITY case note.

Documentation

The table below provides the required time frames for investigative activities.

Time Frames for Investigative Activities

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
Three (3) Hours	<ul style="list-style-type: none"> • In-person contact, or good faith attempt to make in-person contact, with the alleged child victim(s). 			
Twenty-Four (24) Hours	<ul style="list-style-type: none"> • In-person or telephone contact, or good faith attempt to make contact with the reporting source, if the reporting source's identity is 	<ul style="list-style-type: none"> • In-person or telephone contact, or good faith attempt to make contact with the reporting source, if the reporting 		<ul style="list-style-type: none"> • For reports in which the allegation is Inadequate Shelter – Allegation 23N and/or Environmental

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
	<p>known.</p> <ul style="list-style-type: none"> • In-person contact, or good faith attempt to make in-person contact with all siblings and/or other children living with, or having regular contact with, the alleged perpetrator. • In-person contact, or good faith attempt to make in-person contact, with the child(ren)'s custodial parent. • If the CPS investigator obtains information that the police are or have been involved in investigating the reported situation, in-person or telephone contact with the police. • If the report is based wholly or in part on information from an injury, medical condition, or other medical presentation for which the child(ren) has been examined or treated by a professional healthcare provider (i.e., physician, nurse practitioner, or registered nurse), in-person or telephone contact with the medical professional. 	<p>source's identity is known.</p> <ul style="list-style-type: none"> • In-person contact, or good faith attempt to make in-person contact, with the alleged child victim(s). • In-person or good faith attempt to make in-person contact with the child(ren)'s custodial parent. 		<p>Neglect – Allegation 24N only, in-person examination or good faith attempt to examine the environment.</p> <ul style="list-style-type: none"> • For reports in which the allegation is Substance Exposed Infant – Allegation 33A only, contact, or good faith attempt to make in-person contact, with mothers of alleged drug babies. Contact with mothers of hospitalized babies alleged to have been prenatally exposed to drugs shall take place in the environment in which the mothers intend to reside with the infants.
Forty-Eight (48) Hours		<ul style="list-style-type: none"> • If the CPS investigator obtains information that the police are or have 		

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
		<p>been involved in investigating the reported situation, in-person or telephone contact with the police.</p> <ul style="list-style-type: none"> • If the report is based wholly or in part on information from an injury, medical condition, or other medical presentation for which the child(ren) has been examined or treated by a professional healthcare provider (i.e., physician, nurse practitioner, or registered nurse), in-person or telephone contact with the medical professional. 		
Seventy-Two (72) Hours	<ul style="list-style-type: none"> • Observation of the environment in which the alleged abuse/neglect took place. 	<ul style="list-style-type: none"> • In-person contact, or good faith attempt to make in-person contact, with all siblings and/or other children living with, or having regular contact with, the alleged perpetrator. • Observation of the environment in which the alleged abuse/neglect took place. 	<ul style="list-style-type: none"> • In-person or telephone contact, or good faith attempt to make contact with the reporting source, if the reporting source's identity is known. • In-person contact, or good faith attempt to make in-person contact, with the alleged child victim(s). • In-person or good faith attempt to make in-person 	

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
			<p>contact with the child(ren)'s custodial parent.</p> <ul style="list-style-type: none"> • If the CPS investigator obtains information that the police are or have been involved in investigating the reported situation, in-person or telephone contact with the police. • If the report is based wholly or in part on information from an injury, medical condition, or other medical presentation for which the child(ren) has been examined or treated by a professional healthcare provider (i.e., physician, nurse practitioner, or registered nurse), in-person or telephone contact with the medical professional. • Observation of the environment in which the alleged abuse/neglect 	

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
			took place.	
Seven (7) Days	<ul style="list-style-type: none"> If the alleged perpetrator is other than the child(ren)'s custodial parent/ caregiver, in-person contact with the alleged perpetrator. 	<ul style="list-style-type: none"> If the alleged perpetrator is other than the child(ren)'s custodial parent/ caregiver, in-person contact with the alleged perpetrator. 	<ul style="list-style-type: none"> If the alleged perpetrator is other than the child(ren)'s custodial parent/ caregiver, in-person contact with the alleged perpetrator. 	
Fourteen (14) Days	<ul style="list-style-type: none"> Make the initial determination about whether the reported incident constitutes a good faith allegation of child abuse or neglect. 	<ul style="list-style-type: none"> Make the initial determination about whether the reported incident constitutes a good faith allegation of child abuse or neglect. 	<ul style="list-style-type: none"> Make the initial determination about whether the reported incident constitutes a good faith allegation of child abuse or neglect. 	
Twenty-Eight (28) Days	<ul style="list-style-type: none"> Complete all collateral contacts required in the Clark County CPS Investigation Protocols. Complete the Nevada Risk Assessment (at completion of the investigation but always within twenty-eight [28] days). Complete all NIA documentation. Complete all investigative documentation in UNITY. Make a recommended determination and submit it to the CPS supervisor. 	<ul style="list-style-type: none"> Complete all collateral contacts required in the Clark County CPS Investigation Protocols. Complete the Nevada Risk Assessment (at completion of the investigation but always within twenty-eight [28] days). Complete all NIA documentation. Complete all investigative documentation in UNITY. Make a recommended determination and submit it to the CPS supervisor. 	<ul style="list-style-type: none"> Complete all collateral contacts required in the Clark County CPS Investigation Protocols. Complete the Nevada Risk Assessment (at completion of the investigation but always within twenty-eight [28] days). Complete all NIA documentation. Complete all investigative documentation in UNITY. Make a recommended determination 	

Time Frame/ Priority	Priority 1	Priority 2	Priority 3	Specific Allegation
			and submit it to the CPS supervisor.	
Thirty-Two (32) Days	<ul style="list-style-type: none"> The CPS supervisor approves the final investigative determination and enters it in UNITY. 	<ul style="list-style-type: none"> The CPS supervisor approves the final investigative determination and enters it in UNITY. 	<ul style="list-style-type: none"> The CPS supervisor approves the final investigative determination and enters it in UNITY. 	

2320. Assignment of the Investigation

The CPS supervisor is responsible for assigning investigations to CPS investigators. The Hotline will notify the CPS supervisor:

- By telephone and via UNITY when any Priority 1 report is received, **and**
- Via UNITY when Priority 2 or 3 reports are received.

In addition, the CPS supervisor (or assigned designee) must check the unit's pending caseload in UNITY a minimum of four (4) times during each work shift to identify any unassigned investigations.

The CPS supervisor must review each report and assign a CPS investigator. The CPS supervisor must discuss all newly assigned reports with the CPS investigator in person or by telephone. The case is considered to be assigned at the conclusion of the discussion between the CPS investigator and the CPS supervisor. New reports must be assigned to and discussed with CPS investigators according to the time frames listed below.

- *Priority 1* – Immediately upon the CPS supervisor's receipt of the report from the Hotline.
- *Priority 2* – Within two (2) hours from the receipt of the CPS supervisor's receipt of the report from the Hotline.
- *Priority 3* – Within one (1) working day of the receipt of the CPS supervisor's receipt of the report from the Hotline.

When reports alleging abuse or neglect committed by an alleged perpetrator who has been the alleged perpetrator in three (3) or more previous unsubstantiated CPS investigations during the preceding two (2) years are received, the new report may not be assigned to a CPS investigator who completed any of the previous investigations.

Documentation

2330. Review Department Records

The CPS investigator must thoroughly review UNITY records involving all investigations of previous allegations of child abuse or neglect concerning all subjects of the current report and all other immediate family members. The CPS investigator must identify the documents reviewed in a UNITY case note.

Documentation

2340. Contact With the Reporting Source

In-person or telephone contact with the reporter, if the reporter's identity is known, must be made during every investigation. If possible – taking into account the safety threats suggested by the report and the availability of the reporting source – it is usually preferable that the reporter be the first contact made by the CPS investigator during the investigation. The reporter may have additional information not given during the report. Based on information collected from other sources, additional contact with the reporting source may be necessary in order to confirm information. The CPS investigator must document all attempted and actual contacts in UNITY case notes, including:

- The type of contact (e.g., in person, telephone),
- The date of the contact or attempted contact,
- The time the contact was initiated and the time the contact was concluded,
- If efforts to reach the reporting source are ultimately unsuccessful and a summary of the efforts that have been made, **and**
- When the reporting source was interviewed, with a brief summary of the interview that includes any information not in the Hotline report. *NOTE:* The source is not to be named or identified in the case notes.

Documentation

2350. Initiation of the Investigation

The investigation is initiated when the CPS investigator has in-person contact with each of the alleged child victims or by a good faith attempt to establish contact. All contacts and attempted contacts must be documented in a UNITY case note.

a. Time Frames for Initiation

The CPS investigator must initiate all investigations within the time frames assigned by the Hotline. The investigations supervisor may revise the time frame to speed the initiation (e.g., from Priority 2 to Priority 1) but may not revise it to decrease the urgency of response (e.g., from Priority 1 to Priority 2). The required time frames for initiation of investigations are:

(i) Priority 1: Immediate Response

For all reports coded Priority 1 – Immediate Response, the CPS investigator must begin efforts to make in-person contact with the alleged victims **immediately**. This means that the CPS investigator must go immediately to the location where the report indicated that the child is most likely to be found. The investigator must have in-person contact, or make a good faith attempt to have in-person contact, with all alleged victims within **three (3) hours** of the receipt of the report at the Hotline. If the situation dictates, the CPS investigator may immediately contact the respective law enforcement agency for the purpose of assuring the safety of the alleged child victim. This does **not**, however, absolve the CPS investigator of responsibility for making an immediate child protective response.

The Hotline will code reports as Priority 1 when referral information suggests the following:

- **Potential Present Danger** – If the referral information is accurate, the child is threatened by an immediate, significant, and clearly observable condition that is actively occurring or “in process” of occurring at the time of the referral, and will likely result in **serious harm** to the child.
- **Potential Impending Danger** – If the referral information is accurate, the child is threatened by a situation or caregiver behavior that is out of control (i.e., a situation in which caregivers lack the internal inhibitions or restraint to prevent or refrain from dangerous actions or behaviors), and will likely result in **serious harm** to the child.
- Non-abuse/-neglect situations requiring Department intervention when the child is in **need of temporary care** or in **need of legal protection** – as defined in *Section 21100: Children in Need of Temporary Care or Legal Protection* – **and** no caregiver who is able and willing to safely care for the child is immediately available.

Examples of Priority 1 reports include, but are not limited to situations where an alleged or potential perpetrator has access to children and:

- The reported death of a child that may be due to abuse or neglect and there are other children in the home.
- All reports of serious physical abuse (abuse that, taking into account the child’s age, health and development, is likely to cause the child significant long-term harm) occurring at the time of the report.

- A child is reported to have injuries serious enough to cause **severe** pain or disability (temporary or permanent).
- A child is reportedly being caged, bound, or tortured, or is subjected to similar forms of severe or bizarre methods of discipline, punishment, or confinement.
- A child has allegedly been sexually abused and there is a reported physical injury **and** the alleged perpetrator has access to the child.
- A child is reported to have an untreated **serious** medical/mental health condition or injury that requires an **immediate** medical evaluation and/or intervention (e.g., a child is having a severe asthma attack or is **plausibly** suicidal, and the parent or caregiver has failed to obtain immediate medical care).
- A child is reportedly being physically threatened with a dangerous weapon (e.g., a gun or a knife) by a parent/caregiver.
- A child is under eight (8) years of age, **or** is significantly limited due to disability, and is reported to be currently alone or without adult supervision for a substantial period of time taking into account the child's age and development.
- A physician's office or law enforcement official is currently holding a child and is requesting immediate assistance (in accordance with interagency protocols).
- Current criminal activity involving a child and having a **direct** and immediate impact on the child's safety (e.g., manufacture of methamphetamines in the child's presence).
- High-level active/current household physical violence having a **direct** and immediate impact on the child's safety.
- Current severe caregiver impairment from alcohol or drugs when:
 - » No unimpaired caregiver is present, **and**
 - » The child is present, **and**
 - » The child is under eight (8) years of age, **or**
 - » Without regard to the child's age, an incident or set of circumstances defined as abuse/neglect is alleged (e.g., a father is intoxicated and is beating his ten [10] -year-old child).
- Caregiver is exhibiting acute mental health or physical health concerns when an incident or set of circumstances defined as abuse/neglect is alleged and (1) no unimpaired caregiver is present, and (2) the child is present.
- **Credible and recent** threats made to seriously harm the child made by a parent/caregiver.
- Caregiver's actions or threat to hide child or flee jurisdiction and concern for child's safety.
- A child has expressed **plausible and credible** fear of being seriously physically harmed by the parent/caregiver within four (4) hours of the report.

For the purpose of these examples, threats and fears are presumed to be credible when there is a documented history of similar actions.

NOTE: The situations listed above are examples of reports that must always be coded Priority 1 – Immediate Response. This list is not exhaustive. Other situations meeting the definitions of Immediate Danger and Impending Danger **must** also be coded Priority 1 – Immediate Response.

(ii) Priority 2 – Twenty-Four (24) -Hour Response

The CPS investigator must see, or make a good faith attempt to see, the child(ren) alleged to have been abused or neglected within **twenty four (24) hours** of the receipt of the report at the Hotline.

The Hotline will code all reports screened in for investigation that are not classified Priority 1 or Priority 3 as Priority 2 – Twenty-Four (24) -Hour Response.

(iii) Priority 3 – Seventy-Two (72) -Hour Response

The CPS investigator must see, or make a good faith attempt to see, the child(ren) alleged to have been abused or neglected within **seventy-two (72) hours** of the receipt of the report at the Hotline.

The Hotline will code the following situations as Priority 3:

- The only allegation is Educational Neglect.
- The only allegations are Inadequate Food, Inadequate Clothing, Inadequate Shelter, and/or Environmental Neglect, and the child is over eight (8) years of age.
- The only allegation is Lockout, the alleged victim is over the age of thirteen (13), and the child has a place to stay (e.g., a hospital, a detention facility, or the home of adult friends or relatives) for at least ninety-six (96) hours.
- The alleged victim is over the age of five (5) years and the information in the referral establishes a reasonable degree of certainty that the alleged perpetrator will not have access to the child for ninety-six (96) hours.
- The alleged victim is over the age of five (5) years and the child is, and will be, in the hospital for at least ninety-six (96) hours **and** hospital staff assures the Hotline worker that the Hotline will be contacted if there is a change in the hospital's discharge plans or if the efforts are made to discharge the child against medical advice.

(iv) Priority 3 – Differential Response

When referrals are coded Priority 3 and the Hotline supervisor will consider referral to a Family Resource Center (FRC) for differential response (DR). If the CPS supervisor identifies a report that meets the established criteria for DR – see *Section 1410.d: Differential Response* in the Hotline procedures – the CPS supervisor may refer the report to a FRC for DR. Such referrals must be made within twenty-four (24) hours of the report's receipt at the Hotline. If the report is accepted by

the DR program, the CPS supervisor will redispotion the report as a non-agency assessment and assign it to the FRC DR supervisor.

Documentation

b. Good Faith Attempt to Initiate an Investigation

The following circumstances constitute a “Good Faith Attempt” to initiate an investigation:

- The CPS investigator learns, upon proceeding to the location given for the alleged child victim(s) that the child(ren) has disappeared, that the family has fled, the address does not exist, no one is at the location, or the alleged child victim(s) is not at the location **and** the CPS investigator does not have information about other locations at which it is reasonably likely that the alleged child victim(s) may be found, **or**
- The CPS investigator learns, upon proceeding to the location given for the alleged child victim(s) that the alleged child victim(s) is not accessible or it is not possible to communicate with the alleged child victim(s) because an interpreter (foreign or sign language) is not available, **or**
- The CPS investigator learns, upon proceeding to the location given for the alleged child victim(s), that the adult caregiver refuses to allow the CPS investigator to see or speak with the alleged child victim(s).

CPS investigators shall document in, or cause to be documented in a UNITY case note, each good faith attempt to establish in-person contact with the alleged child victim(s), and the reason that each attempt was unsuccessful. This documentation must be completed within one (1) working day of the attempted contact and always before requesting an after-hours unit to attempt contact with alleged victim. If it is not possible to enter documentation in UNITY prior to request for case assist, the CPS investigator shall provide information about attempted contact of the alleged victim to the CPS supervisor and the after-hours supervisor in an e-mail.

Documentation

c. Continued Attempts to Contact the Child(ren) Following a Good Faith Attempt

If the CPS investigator is not successful in making contact with an alleged victim(s) on the first attempt, the CPS investigator must complete a safety assessment based on the credible information that is available. The safety assessment must be immediately updated when the CPS investigator has in-person contact with the alleged victim(s) and whenever credible new information related to the child(ren)'s safety is obtained; see *Section 2520: The Nevada Safety Assessment*. When, after a good faith attempt to have in-person contact with an alleged victim(s), the child(ren) has not been seen/interviewed, the CPS investigator shall staff the case with the CPS supervisor to

determine what efforts must be made to make contact. Determinations about such repeated attempts shall be made on the basis of identified safety threats.

Documentation

(i) Parent/Caregiver Denies the CPS Investigator Access to the Child(ren)

When the parent, caregiver, or another person denies the CPS investigator access to the child subject(s) required to be seen in accordance with the investigation procedures, the CPS investigator shall explain that NRS 432B gives the worker authority to see the child(ren).

If the CPS investigator is still denied access to the child(ren) and the report is coded Priority 1 or the CPS investigator has obtained information suggesting that a child(ren) is in present or impending danger, the CPS investigator shall immediately contact the police for assistance. Otherwise, the worker shall staff the case with the supervisor in order to consider other methods of contacting the child(ren). Other methods of contacting the child(ren) include, but are not limited to, seeing the child(ren) at another place (e.g., school or day care) or placing the matter before the Court to request Court-ordered access to the child(ren).

(ii) CPS Investigator Cannot Locate the Child(ren)/Family

If the reported child(ren), including any child[ren] who is in DFS custody/wardship, is not at the reported location or if the CPS investigator is otherwise unable to locate the child(ren) at any time during the investigation, the CPS investigator shall make whatever persistent efforts are reasonable to locate and establish in-person contact with the alleged child victim(s). These actions include, but are not limited to:

- Attempt to locate and meet with the child(ren) at school.
- Make persistent efforts, at different times of the day, to contact the child(ren) at the reported address (including requesting assistance from the Emergency Response Teams [ERT] to make attempts at contact).
- Contact the local school personnel, the school district, and pupil accounting for enrollment/address information.
- Contact the reporter or source of the report (if known).
- Contact individuals who may know the family including relatives, friends, landlords, employers, and neighbors of the family to request information to help locate the child(ren).
- If there is reason to suspect that the child(ren) has been abducted, immediately contact the respective law enforcement agency.

If the report is coded Priority 1 or the CPS investigator has obtained information suggesting that a child is in present or impending danger, the following additional efforts must be made to locate the child:

- Contact the local, county, and state law enforcement agencies to check their records for information to locate the child/family.
- If known, contact the child/family's medical provider.
- Contact agencies that may have provided services to the family (e.g., the Nevada State Division of Welfare and Supportive Services, Special Supplemental Nutrition Program for Women, Infants, and Children [WIC], and the Nevada Department of Motor Vehicles [if a license number is known]).
- Contact utility companies that may have provided service to the family (e.g., telephone, electric, water, and gas companies).
- Send a letter to the family's last known address with the notation "address correction requested" on the envelope.
- Contact the United States Postal Service to request a forwarding address.

CPS investigators shall document all persistent efforts to locate or otherwise make in-person contact with a child(ren) in a UNITY case note. This documentation must be completed within twenty-four (24) hours of attempted contact and always before requesting an after-hours unit to attempt to contact the alleged victim. If it is not possible to enter documentation in UNITY prior to a request for case assist, the CPS investigator shall provide information about efforts to locate the alleged victim to the CPS supervisor and the after-hours supervisor in an e-mail.

(iii) Alleged Victim(s) Is in Another Jurisdiction

When the CPS investigator learns that the alleged victim(s) is a Clark County child(ren) but is temporarily not in Nevada or is in another Nevada county that is sufficiently distant so that it is unreasonable for the CPS investigator to travel to that location, the CPS investigator shall contact the public child welfare agency in the respective county or state by telephone, to provide the agency with the information in the referral and request that the child be interviewed and observed as soon as possible.

2360. Initial In-Person Interview/Observation of the Alleged Child Victim(s)

The CPS investigator must conduct an in-person interview/observation of every child for whom an allegation of abuse or neglect has been identified by the Hotline and every child for whom information has been gathered in the course of the investigation that establishes reasonable cause to believe that the child may have been abused or neglected.

a. Initial Interview With the Alleged Victim(s)

- The CPS investigator must conduct the interview with the alleged victim(s) out of the presence of the child(ren)'s caregiver and the alleged perpetrator, if at all possible.
- The CPS investigator must interview all alleged victims individually.

- Another person whom the child trusts but who is not the alleged perpetrator or another alleged child victim (e.g., the child's teacher) may be present during the interview if the CPS investigator determines that it will make the child more comfortable.
- This contact may be made either in the child's home environment or at another location (e.g., the child's school). It is often preferable to interview the child in a setting other than the one in which the abuse/neglect allegedly occurred.

All interviews with children must be conducted taking the child's age, development level, culture, and emotional state into account. It is important, to the extent possible, to put the child at ease at the beginning of the interview. After greeting the child, the CPS investigator should, in age-appropriate language:

- Explain the purpose of the interview (i.e., to find out what may have happened and to be sure the child is safe).
- Establish a rapport with the child by gathering neutral but relevant information about the child, family, and environment (e.g., school, friends, and favorite activities).
- Make an observation of the child's behavior (i.e., whether the child's behavior is consistent with the child's age, developmental status, and circumstances). Identify any inconsistencies from expected behavior.
- Explore the circumstance surrounding the alleged maltreatment with the child:
 - » Determine **what** happened. Ask the child to explain what may have happened. Begin with very general questions (e.g., "When someone gets into trouble at your house, what happens?" or "What do you usually have for dinner?"). If the child is unable to respond to open questions, it may be necessary to make a statement or give the child a directive. Statements or directives must be made in a way that does not suggest any assumptions (e.g., "Who beat you?") or otherwise lead the child to a particular answer. A statement such as, "I need to find out how you got the bruises on your back" or a directive such as, "Tell me about the bruises on your back" gives the child greater latitude to respond. The CPS investigator may need to ascertain whether the child was threatened, tricked, bribed, or otherwise coerced to cooperate with a perpetrator (e.g., in a sexual abuse incident) or to maintain secrecy after any incident of abuse or neglect.
 - » Determine **who** was responsible. Allow the child to name the alleged perpetrator. Do not disclose the name of the alleged perpetrator until after the child says the name. It is important that the child disclose the name of the perpetrator without prompting.
 - » Determine whether there were any **witnesses** to the alleged abuse neglect (e.g., "Who was there?" or "Did you tell anyone?").

- » Determine **when** the alleged incident took place, when the most recent incident occurred, and the frequency and duration of the abuse or neglect. Peripheral details can be helpful in establishing a chronological context. For example, “When mommy left, what was on TV?” or “Did it happen before Christmas?” Gather as much detailed information as possible about what happened immediately before and after the incident.
 - » Determine the **location** of the alleged incident as well as the whereabouts of other family members at the time of the occurrence.
 - » **Summarize** what was said during the interview using the child’s own words to verify that the CPS investigator has understood the child and to clear up any misunderstanding.
 - » Provide the opportunity for child to ask questions and/or disclose additional information.
 - » Assure the child that he or she has done the right thing by telling the truth. It is important for this to be said to the child in simple, unconditional terms to counteract what may have been told to the child or what the child may think. Most children are understandably concerned about “telling on” an adult caregiver.
- Determine whether the child is fearful of anyone who lives in or visits the home.
 - Obtain the child’s description of how the parents/caregivers administer discipline.
 - Gather information about any other risk or safety concerns described by the child.

Documentation

b. Observation of the Alleged Child Victim(s) for Alleged Injuries

The CPS investigator shall observe the body of all alleged victims under five (5) years of age. For alleged victims age three (3) and older, the CPS investigator shall observe any part of the child’s body where:

- The child victim is alleged to have external marks/injuries (cuts, bruises, welts, burns, scratches, sores, etc.) as the result of the abuse or neglect, **and**
- Based on information gathered during the investigation, there is reasonable cause to suspect that an observation will reveal marks/injuries supporting the allegation.
- If a mark(s) is identified that is consistent with the alleged abuse or neglect, the remainder of the child’s body will be examined in a manner that is consistent with the procedures outlined below.

If a physician, nurse practitioner, or registered nurse has observed and documented an injury or other physical presentation allegedly caused by abuse or neglect **and** provides the CPS investiga-

tor with a written description of the presentation, this may be substituted for the CPS investigator's observation.

NOTE: Under **no circumstances** may a CPS investigator observe or attempt to observe any injury or other physical presentation related to alleged sexual abuse.

The following procedures must be followed whenever a CPS investigator undertakes to observe or photograph a child's injuries:

- There shall always be a parent/guardian or another professional person, preferably of the same sex as the child, present when a CPS investigator observes a child by lifting or removing clothing, regardless of the child's age.
- The CPS investigator shall not observe any part of a child's body which would normally be covered by a bikini bathing suit if the child is ten (10) years of age or above, unless the CPS investigator is of the same sex as the child.
- Children who are verbal shall be told the purpose of the observation and the necessity for it in words that they can understand. If the child is hearing-impaired or does not speak English, the mode of communication that the child uses shall be employed (sign language or foreign language interpreter, etc.).
- The CPS investigator shall **never** attempt to physically examine a child for alleged sexual abuse.

If the child's parent or guardian is present at the time that the child is being observed, the CPS investigator must ask the parent/guardian to assist with moving or removing any of the child's clothing. If the child's parent/guardian refuses to cooperate with or allow the CPS investigator to observe the child for external marks/injuries, the CPS investigator shall inform the parent that pursuant to NRS 432B, the CPS investigator has the responsibility to observe the child. If the parent/caregiver continues to be uncooperative, the CPS investigator shall then offer the parent/guardian the following options:

- The parent/guardian may give consent to allow the CPS investigator and another professional (a school nurse, school teacher, policeman, etc.) to observe the child, **or**
- The parent/guardian may take the child to a physician or hospital emergency room for a physical examination within a reasonable time, but always within twenty-four (24) hours. The CPS investigator will secure a written report from the examining physician. If the allegation is coded Priority 1, the CPS investigator must accompany the parent/caregiver to obtain the physical examination.

If the parent/guardian refuses to cooperate, **and** the CPS investigator determines that there is Present or Impending Danger to the child if left in the custody of the parent/guardian, the CPS investigator shall take the child into PC and proceed to have the child examined by a physician. For

the purpose of determining whether the child is in present or impending danger, the CPS investigator must assume that, if the child's body were to be observed, the alleged marks would be present.

Documentation

c. Photographing Observed Injuries

The CPS investigator must take or obtain color photographs of an alleged child victim's observable injuries when they will provide good physical evidence of abuse or neglect and will serve to substantiate an investigative finding. Each CPS Investigation Team has been supplied with equipment for this purpose. When photographs are being used to document a child's injuries, the investigator must ensure that the procedures required in *Section 2360.b: Observation of the Alleged Child Victim(s) for Alleged Injuries* are to be followed.

If the alleged child victim is at a medical facility, the CPS investigator shall request assistance from medical staff in obtaining photographs. If a law enforcement agency has photographed an alleged child victim's injuries, the CPS investigator may request copies of the law enforcement agency's photographs rather than making new ones.

Under no circumstances shall a CPS investigator photograph a child's genitals. If there are injuries to a child's genitals, the CPS investigator must request that they be photographed by a medical or law enforcement professional.

When photographs of an alleged child victim have been taken, they shall be labeled, individually or in a group, with the following information:

- The name of the child.
- The UNITY case name and case number.
- The date and time the photograph was taken.
- The place where the photograph was taken.
- The name(s) of the person who took the photograph. *NOTE:* Document in UNITY case note all the persons present when photographs were taken.

Documentation

d. Immediate Medical Attention Is Necessary

There are two (2) reasons that the CPS investigator may determine that, upon initial contact with an alleged victim or with another child living in the home, immediate medical attention is necessary: (1) the child appears to be seriously injured or ill and in need of medical treatment and (2) the child has marks or other physical presentations that may or may not be the result of maltreatment and a

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Effective

medical opinion is needed. See the CPS Investigation Protocols in the Nevada Child Abuse and Neglect Allegation System for more specific guidance about when to obtain medical attention for forensic reasons.

If the CPS investigator determines that immediate medical attention is necessary she/he shall attempt to secure the cooperation of the child's parent/guardian in arranging for examination and treatment. If the parent/guardian is not present, the CPS investigator shall attempt to contact the child's parent/guardian. Such attempts shall include calling the emergency telephone numbers the parent/guardian left and checking the local telephone books and directory assistance. **Such attempts shall not, however, delay the seeking of necessary emergency medical treatment for the child.**

If the CPS investigator is able to contact the child's parent/caregiver and/or the parent/caregiver is cooperative, the CPS investigator shall according to the circumstances:

- Call for EMT response (911), **or**
- Ask the parent/caregiver to take the child for an examination immediately. If the report is coded Priority 1, the CPS investigator shall accompany the parent/caregiver to the medical facility. The CPS investigator shall secure a written report of the examination from the physician, **or**
- Request immediate response from a DFS nurse.

If the CPS investigator concludes that a child is immediately in need of medical attention, and the parent/caregiver is either unavailable or uncooperative, the CPS investigator shall take immediate steps to assure that the child receives medical attention. The CPS investigator shall according to the circumstances:

- Call for EMT response (911), **or**
- Take PC of the child and transporting the child to the nearest hospital emergency department, **or**
- Take PC and take the child to Emergency Reception Center (ERC) to be seen by a DFS nurse.

Documentation

e. **Documentation of Initial In-Person Contact With the Alleged Child Victim(s)**

All interviews and observations of alleged victims, including attempted interviews, must be documented in UNITY case notes as soon as possible after they occur and always within one (1)

calendar day of the interview. UNITY case notes documenting any contact must include but are not limited to:

- The time of the contact, including the approximate length of time of the interview,
- The location of the interview,
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview,
- A description of any observed injuries or physical presentations, including size, location on the child's body, pattern, color, etc.,
- The child's explanation of any observed injuries (if the child is verbal),
- The child's description of alleged neglectful incidents (e.g., how or why was the child left without supervision, when did the child last eat),
- The child's description of previous injuries, incidents, or sets of circumstances similar to those currently being investigated,
- Whether the child expresses or evidences fear of any person residing in or visiting the home,
- A brief description of the child's development and whether the development appears appropriate for the child's age,
- The child's description of how discipline is administered by parents and others in the home, **and**
- The child's description of any other safety or risk factors.

NOTE: Within twenty-four (24) hours of contact, the CPS investigator must complete and document a safety assessment of the alleged victim and all other children residing in the household of any alleged victim, using the Nevada Safety Assessment.

Documentation

2370. Contact With All Siblings of the Alleged Victim(s) and Any Other Children Living in the Same Home

The purposes of interviewing children residing in the household of any alleged victim are:

- To determine whether there is reasonable cause to believe that they have been abused or neglected.
- To obtain any information they may have about the reported abuse/neglect of the identified alleged victim (e.g., did they witness abuse/neglect or did the alleged victim talk about it).

- To gather information about child and family functioning to be considered in the NIA safety and risk assessments.

a. Interviewing/Observing All Siblings of the Alleged Victim(s) and Any Other Children Living in the Same Home

The CPS investigator shall interview all children residing in the household of any alleged victim, in person and individually. They must be interviewed out of the presence of the child's caregiver and the alleged perpetrator, if at all possible. A supportive person whom the child trusts but who is not the alleged perpetrator may be present during the interview if in the CPS investigator's judgment it will make the child more comfortable.

It is recognized that some children, by virtue of their age or physical/emotional condition, are nonverbal or are otherwise incapable of being interviewed. Such children must, however, be seen by the CPS investigator.

During the interview with siblings and other children living in the same home as the alleged victim(s) the CPS investigator must:

- Explain the purpose of the interview (i.e., to find out what happened with regard to the alleged victim(s) and to keep all the children safe).
- Establish a rapport with the child by gathering neutral but relevant information about the child, family, and environment (e.g., school, friends, and favorite activities).
- Make an observation of the child's behavior (i.e., whether the child's behavior is consistent with the child's age, developmental status, and circumstances). Identify any inconsistencies from expected behavior.
- Explore the circumstance surrounding the alleged maltreatment with the child's sibling:
 - » Get the sibling's description of what occurred including an explanation for any injuries,
 - » Gather any information about who was/is responsible for the alleged maltreatment,
 - » Gather any information about the frequency/duration of the maltreatment, **and**
 - » Determine whether there is reasonable cause to believe that the child has been abused or neglected.
- Determine whether the child is fearful of anyone who lives in or visits the home.
- Obtain the child's description of how the parents/caregivers administer discipline.
- Gather information about any other risk or safety concerns described by the child.

If the CPS investigator obtains information leading to a reasonable suspicion that a child other than the reported alleged victim has been abused or neglected, that child shall be considered to be an alleged victim and must be interviewed/observed according to the requirements in *Section 2360.b: Observation of the Alleged Child Victim(s) for Alleged Injuries* and *Section 2360.c: Photographing Observed Injuries* and must be added to the current investigation as alleged victim(s).

b. Documentation of the Interview/Observation of All Siblings of the Alleged Victim(s) and Any Other Children Living in the Same Home

All interviews and observations of siblings of the alleged victim(s) and of other children living in the same home must be documented in UNITY case notes as soon as possible after they occur and always within one (1) calendar day of the interview. UNITY case notes documenting the contact must include but are not limited to:

- The time of the contact including the approximate length of time of the interview.
- The location of the interview.
- The names and identities/roles (e.g., mother's friend or police officer) of all others present during the interview.
- The sibling's explanation of any observed injuries (if the child is verbal).
- The sibling's description of alleged neglectful incidents (e.g., how or why was the child left without supervision or when did the child last eat?).
- The sibling's description of previous injuries, incidents, or sets of circumstances similar to those currently being investigated involving the alleged victim.
- Whether the sibling expresses or evidences fear of any person residing in or visiting the home.
- A brief description of the sibling's development and whether the development appears appropriate for the child's age.
- The sibling's description of how discipline is administered by parents and others in the home.
- The sibling's description of any other safety or risk factors.

NOTE: Within twenty-four (24) hours of contact, the CPS investigator must complete and document a safety assessment of **all** children residing in the household of any alleged victim, using the Nevada Safety Assessment.

Documentation

2380. Contact With Parents/Caregivers

If possible, the CPS investigator must attempt to establish in-person contact with the parents or caregivers of the alleged child victims the same day that the children are interviewed. If same-day contact is not possible, contact must be attempted no later than twenty-four (24) hours after the CPS investigator sees the children. The CPS investigator must document all good faith attempts to see the parents or caregivers in a UNITY case note.

a. Interview With Parents/Caregivers

Under no circumstances may the CPS investigator reveal any information about the identity of the reporting source.

Whether or not a parent/caregiver is the alleged perpetrator or a potential perpetrator, the purposes of the interview are to:

- Gather information to be used to assess whether the behavior of any parent/caregiver poses a safety threat to the child(ren).
- Gather evidence to be used to determine whether child maltreatment has occurred.
- Engage the parent/caregiver in a collaborative effort with the Department to keep his/her child(ren) safe.

When a parent/caregiver is also the alleged perpetrator, or the identity of the perpetrator is unknown and he/she may be the parent/caregiver, the parent/caregiver must be interviewed individually if it is at all possible. While the parent/caregiver may be confronted with implausible or refuted statements, the CPS investigator must remain calm and avoid combative behavior during the interview.

Without regard to whether the parent/caregiver is or may be an alleged perpetrator, during the interview with the CPS investigator must:

- Explain the purpose of the interview and the role of the CPS investigator and the Department in being sure the child(ren) is safe.
- Describe the allegations.
- Describe the investigative process in general terms.
- Elicit the parent/caregiver's response to the allegations, including the parent/caregiver's explanation for any injuries or conditions related to the allegations.
- Get the parent/caregiver's descriptions of the circumstances leading to the alleged maltreatment.
- Explore any use of alcohol or drugs on the part of any parent/caregiver, including the nature of any substance used, the amount, and the frequency of use.

- Explore whether any parent/caregiver has any history of mental health issues, including any history of treatment (i.e., diagnoses, medication, outpatient treatment, or hospitalization).
- Get the parent/caregiver's description of the relationships and interactions between adults living in and frequenting the home, including any history of domestic violence.
- Get the parent/caregiver's description of the usual disciplinary techniques used by the family.
- Have the parent/caregiver identify the family's source of economic support (e.g., employment, public assistance, child support), including the amount of income received by the family.

In addition, at the first in-person contact with the alleged child victim's parent or caregiver, the CPS investigator must:

- Provide the parent(s) with the agency brochure: *A Child Protective Services Guide for Parents and Guardians*.
- Assist the parent in completing the *Department of Family Services Application for Federal Benefits*.
- Complete the questionnaire concerning the family's tribal affiliation in relation to ICWA. (See *Section 23110: Indian Child Welfare Act*.)
- Request that the parent/caregiver sign any necessary *Release of Information* forms pertinent to the investigation (e.g., medical or mental health records) concerning the alleged victim or the parent/guardian.

Documentation

b. Interview With the Parent/Caregiver Who Is, or May Be, an Alleged Perpetrator

When conducting CPS investigations of sexual or serious physical abuse and other forms of maltreatment, it is likely that law enforcement will also be conducting criminal investigations. When the police are investigating, it remains imperative that the CPS investigation be conducted thoroughly and in a timely manner, because the law enforcement investigation serves a different purpose, and it seeks to establish a higher level of evidence. **Whether or not a law enforcement investigation is conducted, the Department CPS investigator is responsible for assuring the safety of the involved children.**

When it is determined that law enforcement is concurrently conducting an investigation into allegations of child abuse/neglect, the CPS investigator must make a good faith effort to contact the law enforcement agency before interviewing an alleged perpetrator.

The CPS investigator must suggest that the interview of an alleged perpetrator be conducted jointly by CPS and law enforcement. If conducting a joint interview with an alleged perpetrator will delay the CPS interview, and the alleged perpetrator is also the parent/caregiver of a child with whom the child will be in contact before the proposed joint interview, the CPS investigator will staff the situation with the CPS supervisor. The decision about whether to delay the interview must be made based on the potential safety threats to involved children.

c. Documentation of the Interview With the Parent/Caregiver Who Is, or May Be, an Alleged Perpetrator

The CPS investigator must document interviews, and attempted interviews, with the alleged perpetrator in UNITY case notes as soon as possible after they occur and always within one (1) calendar day of the interview. UNITY case notes documenting the contact must include but are not limited to:

- The time of the contact, including the approximate length of time of the interview.
- The location of the interview.
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview.
- A statement that the alleged perpetrator was informed of the allegation(s).
- A statement that the alleged perpetrator was informed of his/her rights and was given an agency brochure.
- The alleged perpetrator's explanation of any observed or diagnosed injuries to the alleged victim(s).
- The alleged perpetrator's explanation for any circumstances leading to the child(ren)'s endangerment or maltreatment.
- The alleged perpetrator's statement about any use of alcohol and/or other drugs, including the type of substance, the frequency and amount used, and any history of substance abuse treatment.
- Information about any history of mental health issues affecting the alleged perpetrator, including the diagnosis if known, any related medication, and any history of mental health hospitalization or treatment.
- The alleged perpetrator's description of domestic relations with any other adults in the home, including any history of domestic or interpersonal violence.
- The alleged perpetrator's description of discipline methods used with the child(ren).

Documentation

d. Documentation of the Interview With the Parent/Caregiver Who Is Not an Alleged Perpetrator (Non-Offending Caregiver)

The CPS investigator must document interviews, and attempted interviews, with the non-offending Caregiver in UNITY case notes as soon as possible after they occur and always within one (1) calendar day of the interview. UNITY case notes documenting the contact must include but are not limited to:

- The time of the contact, including the approximate length of time of the interview.
- The location of the interview.
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview.
- A statement that the non-offending caregiver was informed of the allegation(s).
- A statement that the non-offending caregiver was informed of his/her rights and was given an agency brochure.
- The non-offending caregiver's explanation of any observed or diagnosed injuries to the alleged victim(s).
- The non-offending caregiver's statement concerning any knowledge of the role of the alleged perpetrator in causing any injury to or endangerment of the child(ren).
- The non-offending caregiver's explanation of any circumstance that led to the child(ren)'s endangerment.
- The non-offending caregiver's statement about his/her use of alcohol and/or other drugs, including the type of substance, the frequency and amount used, and any history of substance abuse treatment.
- The non-offending caregiver's statement about any use of alcohol and/or other drugs by the alleged perpetrator, including the type of substance, the frequency and amount used, and any history of substance abuse treatment.
- The non-offending caregiver's personal history of mental health issues, including the diagnosis if known, any related medication, and any history of mental health hospitalization or treatment.
- The non-offending caregiver's description of domestic relations with any other adults in the home, including any history of domestic or interpersonal violence.
- The non-offending caregiver's description of discipline methods used with the child(ren).
- The non-offending caregiver's personal knowledge about any history of mental health issues affecting the alleged victim(s) or siblings, including the diagnosis if known, any related medication, and any history of mental health hospitalization or treatment.

- The non-offending caregiver's personal knowledge about any history of medical conditions affecting the alleged victim(s) or siblings, including the diagnosis if known, any related medication, and any history of mental health hospitalization or treatment.

Documentation

e. Parent/Caregiver Refuses to Be Interviewed

If a parent or caregiver refuses to be contacted or interviewed by the CPS investigator, the CPS investigator shall inform the parent that the interview is the parent's opportunity to work with the Department to keep children safe and to refute the allegation(s). If the parent/caregiver continues to refuse to be interviewed, the CPS investigator must assess the safety of the child in light of the information obtained and staff the case with the CPS supervisor to identify continued efforts to gain cooperation. Consideration shall be given to enlisting the authority of law enforcement and of the Court. The CPS investigator will be considered to have made a good faith attempt in the required time frame; however, the investigator must continue to make persistent efforts to contact parents/caregivers.

Documentation

f. Client Confidentiality When Interviewing Parents, Caregivers, and Alleged Perpetrators

During the course of the investigation, the CPS investigator may need to contact subjects of the investigation by telephone or by leaving written letters or notes, messages, or business cards. It is important that the privacy of the subjects of the report be protected to the extent reasonable, taking into account the fact that NRS 432B gives the Department the authority and the responsibility to conduct investigations to protect children. When contacting subjects of reports, the CPS investigator must:

- Give careful consideration to leaving letters, notes, or business cards when subjects of investigations are unavailable. As a rule, letters or business cards should be left only after repeated (at least two [2]) attempts have been made to contact a subject of a report. If a letter or business card is left, it must be in an unmarked sealed envelope addressed to the intended recipient.
- Give careful consideration to leaving telephone or voice mail messages when subjects of investigations are unavailable. As a general rule, the CPS investigator is to leave only his/her name and the telephone number to which the call is to be returned. Additional information may be left only when there is an urgent need that is related to child safety.

2390. Observation of the Home/Environment

If CPS has reasonable cause to believe that an area of the child's home will reveal evidence supporting or refuting the child abuse/neglect allegation, the CPS investigator must observe those specific areas of the home reasonably related to the allegation. The environment must always be observed during an investigation.

a. Documentation of Observation of the Home/Environment

The CPS investigator must document the observation of the alleged victim's home and/or the environment where the alleged maltreatment occurred in a UNITY case note within three (3) working days of the occurrence and not later than the end of the CPS investigator/supervisor's workweek. Documentation must include:

- A brief general description of the home/environment,
- A detailed description of any part of the home with special relevance to the investigation (e.g., any part of the home reported to be dangerously unsanitary, the kitchen cabinets and refrigerator when the allegation is inadequate food), **and**
- A detailed description of any aspect of the home related to a safety threat (drug paraphernalia lying around or dangerously exposed wiring).

The CPS investigator must take or obtain color photographs of an alleged child victim's home or environment only when they are relevant to allegations being investigated, will provide good physical evidence of abuse or neglect, and will serve to substantiate an investigative finding. Each CPS Investigation Team has been supplied with equipment for this purpose. When photographs are being used to document a child's home or environment, the investigator must ensure that the procedures required in *Section 2390: Observation of the Home/Environment* are followed.

If a law enforcement agency has photographed an alleged child victim's injuries, the CPS investigator may request copies of the law enforcement agency's photographs. The investigator will consult with the supervisor regarding whether new ones need to be taken by CPS.

When photographs of an alleged child victim's home/environment have been taken by the CPS investigator, each photograph or set of photographs shall be labeled with the following information:

- The name of the child,
- The UNITY case name and the case number,
- The date and time the photograph was taken,
- The place where the photograph was taken, **and**
- The name(s) of the person(s) who took the photograph. *NOTE:* Document in a UNITY case note all of the persons present when photographs were taken.

Documentation

23100. Conduct The Nevada Safety Assessment and Risk Assessment

NOTE: See Section 2500: The Nevada Initial Assessment for detailed direction.

At the initiation of the CPS investigation, the Nevada Safety Assessment must be completed within twenty-four (24) hours of the initial contact with the alleged victim(s) and all other children living in the home. If some children are not present when the CPS investigator makes his/her initial contact, a safety assessment must be completed that considers the children who are present using the hard copy of the Nevada Safety Assessment. The safety assessment must be immediately updated when the CPS investigator has in-person contact with the children who were not initially present. See *Section 2350.c: Continued Attempts to Contact the Child(ren) Following a Good Faith Attempt.*

The Risk Assessment must be completed within two (2) working days of the CPS investigator's contact with the child(ren)'s parent(s)/caregiver(s).

23110. Indian Child Welfare Act

The ICWA provides special protections to American Indians and Alaska Native villagers. ICWA covers the provision of service when an American Indian child is involved with CPS, foster care, institutional care, and adoptions. **While ICWA covers only proceedings handled by Nevada state Courts, including the Family Court, the CPS investigator must identify tribal affiliations of children who are alleged victims or who reside with alleged perpetrators in every CPS investigation.**

Proceedings requiring additional action in compliance with ICWA include:

- Out-of-home care placements,
- Termination of parental rights,
- Pre-adoption placements, and
- Adoption placements.

ICWA establishes regulations to be followed in any child custody proceeding in the Nevada Courts involving an American Indian child.

a. Key Provisions of the Indian Child Welfare Act

ICWA provisions for tribes include:

- The right of the tribe to receive notice of Family Court hearings involving an American Indian child of the tribe.
- The right of the tribe to be a party to the Family Court proceedings or petition for transfer of jurisdiction to tribal Court.
- The right of the tribe to exercise exclusive jurisdiction in cases involving American Indian children who reside, or are domiciled, on an Indian reservation or are wards of the tribal Court.

ICWA provisions for families include:

- The right of the family to petition for the transfer of cases to the tribal Court.
- If a child is placed in out-of-home care, the right of the family to have the child placed with extended family members, other members of the child's tribe, or other American Indian families.

NOTE: When placing American Indian children with extended family members, the CPS investigator must consider placement with an expanded list of eligible caregivers, including:

- » Grandparents.
- » Aunts or uncles.
- » Adult brothers and sisters.
- » Brothers-in-law.
- » Sisters-in-law.
- » Adult nieces and nephews.
- » First and second cousins.
- » Stepparents.

American Indian children are:

- Not married and under the age of eighteen (18), and
- Members of an Indian tribe as determined by the tribe, or
- Not members of a tribe but are eligible for membership and are the biological children of a member of an Indian tribe.

b. Placement Preferences for American Indian Children

In the event that it becomes necessary to remove American Indian children, the CPS investigator must ensure that the following placement preferences are observed:

- Extended family.
- Foster home licensed by the tribe.
- American Indian foster home licensed by the state/county.
- Institution approved by the tribe.
- Foster home licensed by the state/county.

The Family Court may make an exception to placement preferences based upon:

- The request of biological parents or of the child if he/she is of sufficient age.
- Any extraordinary physical or emotional needs of the child, as established by testimony of an expert witness.
- The unavailability of suitable homes within placement preferences.

c. Indian Child Welfare Act Procedures

(i) Identification of American Indian Children

During the initial contact(s) with involved children and parents, the CPS investigator must assess ICWA eligibility. The CPS investigator must explore any tribal affiliation that the family may have. This exploration must involve asking family members if the child(ren) has a relative in the past three (3) generations (i.e., the child[ren]'s parent, grandparent, or great-grandparent) who was American Indian.

(ii) Removal of American Indian Children

In the event that American Indian children are placed in the custody/wardship of the Department and placed in out-of-home care, certain notifications must be made. Failure to make these notifications may result in the invalidation of any Family Court orders. As soon as possible, and always within three (3) working days, whenever children placed in out-of-home care are identified as having a tribal affiliation, the CPS investigator must:

- Notify the Department's ICWA coordinator of the removal of a child from a family that may have rights under ICWA or the subsequent discovery that child may be American Indian. This notification must be made electronically and must include the following information:
 - » UNITY case number,
 - » Case name,
 - » Name of tribe,

- » Family bloodline – maternal, paternal, or both,
 - » Names of grandparents and dates of birth if available,
 - » Names of great-grandparents if known, and
 - » Enrollment number (if the child is enrolled or a family member is enrolled with a tribe).
- The Department's ICWA coordinator will:
 - » Process the ICWA referral to notify the tribe or the U.S. Bureau of Indian Affairs (if the tribe is unknown),
 - » Receive any responses from eligible tribes and forward the responses to the assigned CPS investigator, and
 - » Act as a liaison between the Department and eligible tribes by assisting the CPS investigator with any communications with an eligible tribe.
 - The tribe or American Indian custodian can intervene at any point in a dependency proceeding covered by ICWA. This intervention may include:
 - » The tribe taking jurisdiction,
 - » The Family Court/DFS maintaining jurisdiction and the tribe monitoring the provision of permanency services, or
 - » The tribe declining involvement.
 - Notify the DA of any identified family status that confers rights under ICWA.
 - Notify the Family Court. The Family Court must apply a higher legal standard of proof when it makes determinations concerning eligible American Indian children. These standards include:
 - » Clear and convincing evidence for removal to out-of-home care, and
 - » Proof, beyond a reasonable doubt, sufficient to terminate an American Indian parent's parental rights.

Either of these Family Court determinations requires expert testimony demonstrating that the parent's parental rights to the child or the American Indian custodian's continued custody of the child is likely to result in serious emotional or physical damage to the American Indian child. This testimony must be given by an expert qualified to speak specifically to the issue of whether the parent's continued/resumed custody will place the child at risk. Any of the following are likely to qualify as expert witnesses:

- » A member of the child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices.

- » A lay expert witness with substantial experience in the delivery of child and family services to American Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the child's tribe.
- » A professional person with substantial education and experience in his/her area of specialty.

Until the case is transferred to permanency services, the CPS investigator must make an **active** effort to work with the family to prevent placement and, if placement cannot be safely prevented, to reunify the American Indian family. These efforts must take into account the prevailing social and cultural conditions and way of life of the child's tribe. **All** available resources must be used, including the extended family, the tribe, Indian social service agencies, Indian caregivers, and medicine people.

In addition, the CPS investigator must make an **active** effort to engage the tribe in the collaborative provision of permanency service.

23120. Collateral Contacts

In addition to interviews and observation of subjects of the investigation, CPS investigations include interviews with others who may have information about the allegations being investigated and about family functioning as it relates to child safety and risk factors.

Some collateral sources are professionals (e.g., police, teachers, healthcare providers, mental health professionals) who are involved with the family in a professional or official capacity. In addition to supplying information, the expertise of professional collateral sources is often critical to decision making. For example, physicians are often consulted to render medical opinions about the plausibility of explanations for injuries. Other, nonprofessional collateral sources include relatives, friends, and neighbors. Both types of collateral sources can provide important information. Information from collateral contacts is used to:

- Support or refute allegations,
- Identify safety threats to the involved children,
- Identify factors affecting the family that create risk of future maltreatment,
- Verify or refute statements made by the subjects of investigations, **and**
- Begin to develop or mobilize a support system to help the family protect its children.

a. Client Confidentiality When Making Collateral Contacts

During the course of the investigation, the CPS investigator may interview friends, neighbors, and other collateral sources. It is important that the privacy of the subjects of the report be protected to the extent reasonable, taking into account the fact that NRS 432B gives the Department the

authority and the responsibility to conduct investigations to protect children. When interviewing collateral sources of information, the CPS investigator must adhere to the following guidelines:

- Collateral contacts are to be made as necessary to assist the CPS investigator in determining whether child abuse or neglect has occurred and to gather information to be used to assess child and family functioning.
- Especially when interviewing nonprofessional collaterals, remember that the investigator's job is to gather and **not** disclose information.
- Avoid leaving letters, notes, or business cards when collateral contacts are unavailable.

When leaving telephone or voice mail messages for collateral sources, the CPS investigator is to leave only his/her name and the telephone number to which the call is to be returned. Additional information may be left only when there is an urgent need that is related to child safety.

b. Contact With Law Enforcement Sources

Whenever the CPS investigator obtains information that the police are or have been involved in investigating the child abuse/neglect allegations that are the subject of the CPS investigation, the CPS investigator shall contact the police, either in person, by telephone, or by e-mail.

Information gathered from a law enforcement source must be documented in a UNITY case note and must include:

- The time of the contact, including the approximate length of time of the interview,
- The location of the interview,
- The names and identities/roles of all others present during the interview,
- A summary of the information that has been gathered in the police investigation,
- A statement indicating that the CPS investigator has provided the law enforcement investigator with the information the CPS investigator has gathered to date, **and**
- Information about any determinations made or actions taken by law enforcement with regard to the allegations. This may require multiple contacts with the law enforcement officer.

NOTE: The CPS investigator may fully disclose information that he/she has gathered to a law enforcement officer who is investigating the reported incident of child abuse/neglect.

Documentation

c. Contact With Healthcare Providers

Documentation

(i) Treating Physician

If the report is based wholly or in part on information from an injury, medical condition, or other medical presentation in relationship to which the child has been examined or treated by a professional healthcare provider (i.e., physician, nurse practitioner, or registered nurse), the CPS investigator must contact the medical professional to gather any information the physician has about the cause of the injury or medical presentation. Contact with the physician must also be made when medical expertise is necessary to determine whether an injury or physical presentation is the result of maltreatment. The CPS investigator may fully disclose information that he/she has gathered to healthcare providers who are involved in assessing the reported incident of child abuse/neglect.

See the CPS Investigation Protocols for detailed direction for specific allegations.

As the CPS investigator gathers information about explanations for injuries or other physical presentations, it is often necessary to make repeated contact with the physician. For example, after a parent reenacts an incident in which a child was scalded allegedly while bathing, the CPS investigator will need to consult with the physician to determine the degree to which the parent's explanation is plausible in light of the medical evidence. Information about potential causes for injuries or medical presentations received from physicians is to be considered factual scientific information. A CPS investigator may not disregard any opinion rendered by a physician unless it is refuted by a more experienced or specialized physician.

(ii) Primary Care Pediatrician

In addition to the treating physician, the child's primary care pediatrician or the physician who most recently treated or examined the child can be a valuable source of information. See the CPS Investigation Protocols for detailed direction for specific allegations.

(iii) Consulting Physician

The CPS investigator must seek consultation for an additional medical opinion when:

- The treating physicians are unable or unwilling to offer an opinion regarding the cause of the injury, **or**
- There are conflicting opinions among treating physicians, **or**
- The case has been staffed with the CPS supervisor and, based on the totality of the information gathered, a second opinion is determined to be necessary to make a well-supported finding.

The consulting physician must have a higher level of relevant specialization and/or experience than the treating physician. For example, a pediatric radiologist may be utilized as a consultant to clarify an opinion rendered by a general practitioner about the cause of a spiral fracture.

Contact with all healthcare providers may be made in person or by telephone.

Information gathered from healthcare providers must be documented in a UNITY case note and must include:

- The time of the contact, including the approximate length of time of the interview,
- The location of the interview,
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview,
- The length of time that the healthcare provider has known the family,
- A description of any relevant injury or medical presentation,
- A plausible and implausible explanations for the injury/presentation,
- Any prior concerns about the family related to possible maltreatment,
- Any special medical need or follow-up required by the child, **and**
- The request and documentation of the receipt of any relevant medical records.

d. Contact With Educational Professionals

Teachers and other educational professionals are important sources of information about allegations, the functioning of reported children, and the overall care that they receive from their parents/caregivers.

Interviews with educational professionals may be conducted in person or by telephone and must be documented in UNITY case notes. Documentation must include:

- The time of the contact, including the approximate length of time of the interview,
- The location of the interview,
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview,
- The length of time that the educational professional has known the family,
- Any concerns about the child or family relevant to the allegations, child safety threats, or risk factors, **and**
- Information about the child's attendance, performance, and any special needs.

Documentation

e. Contact With Mental Health Professionals

Mental health professionals are important sources of information about allegations, the functioning of reported children, and the overall care that they receive from their parents/caregivers.

Interviews with mental health professionals may be conducted in person or by telephone and must be documented in UNITY case notes. Documentation must include:

- The time of the contact, including the approximate length of time of the interview,
- The location of the interview,
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview,
- The length of time that the mental health provider has known the family,
- Who in the family is receiving or has received mental health treatment,
- Information about diagnoses and treatment, including medication and hospitalization history,
- The mental health professional's opinion about the role that the mental health issues play in the current maltreatment,
- The mental health professional's opinion about the level of risk of future maltreatment that the mental health issues suggest,
- The mental health professional's opinion about the role that the mental health issues play in the family's ability to maintain the child's safety,
- Recommendations for current treatment, **and**
- The request and documentation of the receipt of any relevant mental health records.

Documentation

f. Contact With Nonprofessional Collaterals

Nonprofessional collateral sources (e.g., other adults living in the home, relatives, neighbors, friends) are often important sources of information about allegations, the functioning of reported children, and the overall care that they receive from their parents/caregivers.

Interviews with nonprofessional sources may be conducted in person or by telephone and must be documented in UNITY case notes. Documentation must include:

- The time of the contact, including the approximate length of time of the interview,

- The location of the interview,
- The names and identities/roles (e.g., mother's friend, police officer) of all others present during the interview,
- The relationship of the source to the family (e.g., aunt, friend, neighbor),
- The length of time that the source has known the family,
- The frequency of the source's contact with family members and presence in the home,
- Whether the source has been a witness to any maltreatment incidents and, if so, a detailed description of what was witnessed,
- Any concerns about substance abuse, domestic violence, or mental illness, **and**
- Criminal history.

g. Other Collateral Contacts

Other collateral contacts will be required, according to the allegation(s) that are being investigated. These contacts are identified in the Clark County CPS Investigation Protocols, which are included as part of the Nevada Child Abuse and Neglect Allegation System. The CPS Investigation Protocols follow the definitions of each of the abuse/neglect allegations.

Documentation

23130. Waiver of Required Investigative Contacts and Time Frames

In some instances it is permissible to waive required investigative activities or to extend required time frames within which investigative activities must be conducted. All waivers must be approved and documented in a UNITY case note by the CPS supervisor approving the waiver. Investigative activities required during the investigation may only be waived by the CPS supervisor. **Under no circumstances is it permissible to extend the time frames for initiating CPS investigations.**

Other investigative activities or time frames may be waived because they can not reasonably be accomplished due to circumstances pertaining to the case and **not** due to circumstances pertaining to the CPS investigator. Such situations include:

- *An Adult Subject of the Investigation Refuses to Cooperate* – The requirement regarding in-person contact with any subject of a report who refuses to cooperate (i.e., who refuses to meet or speak with the CPS investigator) shall only be waived when the following steps have been taken and the subject(s) still refuses to cooperate:
 - » The CPS investigator has attempted to notify the non-cooperative subject of the Department's responsibility and authority, under Nevada law, to investigate the report,

- » The CPS investigator has staffed the case with the CPS supervisor to consider alternative means of gaining the subject's cooperation, **and**
- » The local law enforcement agency and/or the DA's Office have either exhausted their authority in attempts to get the subject to cooperate, have declined to become involved, or the CPS supervisor has determined that, because of the nature of the report, law enforcement intervention is not necessary.

The CPS supervisor shall document the rationale for approving the waiver of contact or required time frame in a UNITY case note.

- *An Adult Subject of the Investigation Is Inaccessible (e.g., is out of state or is unavailable for medical reasons)* – In-person contact may be waived when a subject is inaccessible by reasonable or ordinary means and will remain inaccessible for at least two (2) weeks. The CPS investigator shall verify that the subject is, and remains, inaccessible. If the CPS investigator, in consultation with the CPS supervisor, determines that failure to contact the subject poses any safety threat to involved children, the CPS investigator shall continue to attempt to establish in-person contact with the subject for a length of time determined by the CPS supervisor.

If contact with the subject is waived, the CPS supervisor shall document, in a UNITY case note, the facts surrounding the subject's inaccessibility and the steps which have been taken to gain access.

- *An Adult Subject of the Investigation Cannot Be Located* – In-person contact may be waived when the investigative worker has taken all of the following steps to locate a subject, and is still unable to locate the subject:
 - » Make repeated visits to the family's last known address at different times of day and communicate with neighbors in the area to inquire about the family's new location.
 - » Request the local, county, and state law enforcement agencies to check their records for information which would locate the subject.
 - » Contact agencies that may have provided services to the family (e.g., Nevada State Welfare Division, Housing Authority, electric company).
 - » Ask the reporter (if identity known) to provide as much additional information as possible to help locate the subject.
 - » Ask relatives and friends of the subject (if known) to provide information to help locate the subject.
 - » Request a diligent search.

The CPS supervisor shall document, in a UNITY case note, the facts surrounding the subject's inaccessibility and the steps which have been taken to locate the subject.

- *An Alleged Child Victim Cannot Be Located* – In-person contact may be waived when the investigative worker has taken all of the following steps to locate a subject, and is still unable to locate the subject:
 - » Attempt to locate and meet with the child at school.
 - » Make persistent efforts, at different times of the day, to contact the child at the reported address (including requesting assistance from the ERT to make attempts at contact).
 - » Contact the local school personnel, the school district, and pupil accounting for enrollment/address information.
 - » Contact the reporter or source of the report (if known).
 - » Contact individuals who may know the family including relatives, friends, landlords, employers, and neighbors of the family to request information to help locate the child(ren).

If the report is coded Priority 1 or the CPS investigator has obtained information suggesting that a child is in present or impending danger, the following additional efforts must be made to locate the child.

- Contact the local, county, and state law enforcement agencies to check their records for information to locate the child/family.
- If known, contact the child/family's medical provider.
- Contact agencies that may have provided services to the family (e.g., the Nevada State Division of Welfare and Supportive Services, WIC, and the Nevada Department of Motor Vehicles [if a license number is known]).
- Contact utility companies that may have provided service to the family (e.g., telephone, electric, water, and gas companies).
- Send a letter to the family's last known address with the notation "address correction requested" on the envelope.
- Contact the United States Postal Service to request a forwarding address.

The CPS supervisor shall document, in a UNITY case note, the facts surrounding the subject's inaccessibility and the steps that have been taken to locate the child subject.

Other investigative activities or time frames may be waived because, in the totality of the case related circumstances, they are **unreasonable**. Any such activities normally required as part of the CPS investigation may only be waived by the CPS supervisor according to the requirements in the CPS Investigation Protocols.

The CPS supervisor shall document, in a UNITY case note, the facts surrounding the waiver and the rationale for approving it.

NOTE: If an investigative activity is waived because it is impossible to conduct or is unreasonable and, during the course of the investigation, the activity becomes possible or reasonable to complete (e.g., the subject is located or agrees to be interviewed), the CPS investigator must complete the activity.

Documentation

2400. Investigative Findings

Investigative findings are decisions about whether reports are substantiated or unsubstantiated. Findings include which, if any, allegation(s) are to be substantiated. A report can comprise one or many allegations, and each allegation may have a different finding. Investigative findings also include the identity of the perpetrator(s) for specific allegations that are substantiated. Investigative findings are made by the CPS investigator and supervisor on the basis of the evidence that has been gathered during the investigation.

An allegation is **substantiated** when, consistent with the substantiation criteria included in the CPS Investigation Protocols, there is reasonable cause to believe that child abuse or neglect has occurred.

An allegation is **unsubstantiated** when there is not reasonable cause to believe that child abuse or neglect has occurred.

When the investigative worker has completed all required investigative contacts, has observed relevant physical evidence (e.g., any marks on the alleged victim, the environment where the abuse/neglect allegedly took place, any objects used), and has obtained relevant documentation, (e.g., police or medical reports) the CPS investigator shall make a finding of substantiated or unsubstantiated. This finding shall be based upon whether the information gathered during the investigation and from the direct observations made by the CPS investigator constitutes reasonable cause to believe that child abuse or neglect has occurred.

Documentation

2410. Time Frame for Making the Investigative Finding

The time frame for completing the CPS investigation, making a recommended investigative finding, and submitting the complete file to the CPS supervisor is thirty (30) calendar days from the receipt of the report at the Hotline. The CPS supervisor must approve or disapprove the recommended finding within two (2) working days of receipt of the investigation from the CPS investigator. If the CPS supervisor requires that the CPS investigator conduct additional investigative activities, the

supervisor will establish reasonable time frame for their completion. The CPS supervisor will document the additional activities and the time frame for their completion in a UNITY case note.

At times, **for reasons related to the investigation**, it will not be possible to complete an investigation or close the case out in UNITY within the usually required time frame. When this is the case, the CPS supervisor must document the reason(s) for the delay in a UNITY case note. This documentation of justifications for extending the investigation must be completed every seven (7) days until the investigative finding has been made.

Examples of situations in which such extensions are permissible include:

- Medical reports/records, autopsy reports, or clinical evaluation needed to make a determination are still pending after the initial thirty (30) -day period.
- The report involves an out-of-county/-state investigation and the delay is beyond the Department's control.
- Multiple alleged perpetrators or victims are involved, and more time is needed to gather evidence and conduct interviews.

NOTE: For cases pending adjudication in the Family Court, the CPS supervisor cannot approve the determination of investigation status screen until adjudication occurs. This shall not, however, delay the transfer of the case to permanency. In such cases, the permanency supervisor must approve the determination screen immediately upon adjudication. An unsubstantiated letter would need to be sent at the close of the case by the CPS supervisor; see *Section 2440: Notifications of the Investigative Finding*. According to policy, the case may be transferred prior to adjudication; following adjudication, the permanency supervisor must approve the determination of investigation status screen. If the Court dismisses the petition, then the decision would need to be made by the CPS supervisor to uphold it as substantiated, and he/she would be required to send a letter.

Documentation

2420. Credibility of Evidence

In making the investigative finding, the CPS investigator and supervisor must evaluate evidence. "Evidence" is that information that proves or disproves the allegation at issue. Information that does not prove or disprove the allegation may be relevant to the safety assessment/risk assessment, but is irrelevant to the investigative finding. Not all evidence is given the same weight. The credibility of each piece of evidence used to make a determination must be assessed. For purposes of making child abuse and neglect investigation determinations, "credibility of evidence" means the likelihood that the information is accurate.

The CPS investigator/supervisor will use two (2) types of evidence to support an investigative finding.

- The first type is direct evidence. An example of direct evidence is a statement taken from an eyewitness.
- The second type of evidence is indirect or circumstantial. This type of evidence infers the existence or nonexistence of certain facts. For example, circumstances infer that a child's caregiver is the perpetrator of abuse when a child diagnosed with shaken baby syndrome has not been out of the care and custody of the caregiver.

The CPS investigator/supervisor must evaluate the value and relevancy of case information to determine which information will be used as evidence, and which evidence is more or less credible. The CPS investigator/supervisor must assess the credibility of evidence using the following factors. This assessment process must be documented on the Clark County CPS *Investigation Finding Worksheet*.

a. Factors Affecting the Credibility of Evidence Obtained From All Sources

Factors affecting the credibility of all evidence include, but are not limited to, the following:

- *Corroborating Evidence* – This is evidence that supports a statement or other evidence. Corroborating evidence is more credible than information that has not been verified or supported by independent sources. For example, a mother's statement that a physician has seen her child is made far more credible when the physician (corroborating witness) verifies that he/she has seen the child. Another example is a child's statement that he/she was hit by an extension cord. If, by examining the child's back, the investigator observes linear loop marks, these marks are considered corroborating physical evidence.
- *Direct Versus Indirect Source of Information* – The more direct the source of the information is, the more credible the source's opinion may be. For example, a physician rendering an opinion based on a review of medical records is more credible than one rendering an opinion based on a caseworker's description of an injury. A physician rendering an opinion based on his/her direct physical evaluation is more credible still. Similarly, information that a child directly tells a teacher may be more credible than information that a child tells his/her friend, who tells another friend, who tells the teacher.
- *Direct Interest* – Information from a source who has something to lose or gain from a particular investigative outcome may be less credible than information from one who has no direct interest in providing an account that may not be accurate. For example, a neighbor who has had no previous relationship with the family and who reports that the young children have been left alone is more credible than a neighbor who has been feuding with the family and makes the same report.

Adults named as alleged perpetrators of abuse or neglect often want to present themselves in the best possible light during the investigation. Self reports concerning possible safety/risk concerns are likely to be denied or minimized by alleged perpetrators such as:

- Alleged perpetrators' use of alcohol/drugs.
- The extent to which a parent/caregiver uses corporal punishment objects when disciplining children.
- Involvement in domestic violence.
- The extent and nature of a relationship with a paramour/convicted sexual offender.

In addition, alleged perpetrators may give inaccurate characterizations of why they and their children are not regularly in contact with extended family members, when in fact these adults are estranged from their family because extended family members have concern about the adult's child care practices.

It is imperative that the CPS investigator seek objective corroboration of self-reports made by all sources of information.

b. Factors Affecting the Credibility of Evidence Obtained From Professional Sources

Those individuals classified as "professionals" may be viewed as credible witnesses. However, not all professionals are equal in terms of the credibility of the information they provide in specific situations. Factors influencing the degree to which a professional's information is credible include:

- *Training* – A professional who has more training is more credible than one who has less. For example, information about the mental state of a parent obtained from a psychiatrist is more credible than information obtained from a social work counselor with a bachelor of social work degree.
- *Experience* – A medical professional with more training/experience is more credible than one with less training/experience. For example, a pediatrician who is a member of the hospital staff is more credible than a pediatric resident.
- *Specialization* – An opinion provided by a professional may be considered more credible when he/she has a specialization relevant to the issue being considered. For example, a radiologist's opinion about the cause of a bone fracture is more credible than an opinion provided by a pediatrician, and an opinion provided by a pediatric radiologist with a specialization in the identification of child abuse is more credible than an opinion provided by a radiologist without that specialization.

c. Factors Affecting the Credibility of Evidence Obtained From Nonprofessional Sources (Adult)

The credibility of information obtained from nonprofessional sources, especially subjects of investigations, must be carefully evaluated. Particular consideration must be given to any direct

interest nonprofessional sources may have in the outcome of an investigation. **When weighing the credibility of nonprofessional sources of evidence, there is no substitute for independent verification of the evidence with additional sources.** Factors influencing the degree of credibility of information provided by nonprofessional sources include:

- *Consistency* – Information reported in a consistent manner is more credible than information reported inconsistently. For example, a nonprofessional source that provides a **significantly** different description of an incident to a police officer or a physician from that given to the CPS investigator is less credible than a person whose description of the incident remains constant. **In order to verify the consistency of the previously obtained statements, it is crucial that the CPS investigator not share information obtained from other sources with a source being interviewed.**
- *Plausibility* – A plausible statement is one that is seemingly true based on the facts and circumstances. For example, the statement that a hand-shaped bruise on a child's face was caused by a fall is obviously implausible.

d. Factors Affecting the Credibility of Evidence Obtained From Nonprofessional Sources (Children)

In addition to the following factors, the factors above in *Section 2420.c: Factors Affecting the Credibility of Evidence Obtained From Nonprofessional Sources (Adult)* should be applied to evidence obtained from children.

- *Child's Age and Developmental State* – Information provided by an older child is usually, **but not always**, more credible than information obtained from a younger child with less developed cognitive abilities. For example, a detailed description of a complex chain of events given by a twelve (12) -year-old is generally more credible than a description of the same series of events verbally given by a three (3) -year-old. However, the opposite is true when a young child is able to give a plausible and specific description of situations that would normally be beyond his/her experiences (e.g., sexual acts). Furthermore, the CPS investigator must consider whether a child may have a direct interest in steering an investigative outcome in one direction or another.
- *Plausibility* – The plausibility of information gathered from children should generally be evaluated in the same manner as information gathered from adults. However, the evaluation must take into consideration the development of the child's communication skills and abilities. A young child may tell a true story in a way that would make the information seem implausible. For example, the child may describe ejaculation as a snake spitting.
- *Evidence That an Account of the Facts Has Been Influenced by Others* – A child's information is more credible when the child is interviewed out of the presence of adults with the ability and motivation to coerce, pressure, or otherwise influence the child's statement, and when the child has not been in the care of those same adults since the incident. For example, information about abuse allegedly committed by a father obtained from a young child who has been in the custody of the mother involved in a bitter divorce with the father

may be less credible because the mother may have intentionally or unwittingly pressured the child into giving inaccurate information. A child who has been coached is likely to provide statements that lack detail and context. The CPS investigator must consider that the child's statements may be influenced by his/her perceived need to please adults (be it his/her parents or the investigator).

When making investigative findings, the credibility of each piece of evidence must be evaluated according to the above factors. The more credible the information, the more weight it is to receive in reaching a decision.

2430. Using Evidence to Reach an Investigative Finding

The final step in determining whether child abuse/neglect reports will be substantiated or unsubstantiated is to consider all information obtained during the investigation and determine which information is relevant to be used as evidence to make a finding. It is important that all evidence suggesting that an incident of abuse or neglect **did not occur** be given the same consideration as evidence suggesting that an incident of abuse or neglect **did occur**.

All investigative findings require the approval of the CPS supervisor. All investigative findings in investigations in which an alleged perpetrator has been named in three (3) or more prior CPS investigations during the preceding two (2) years require the approval of the assistant manager.

a. The Clark County CPS *Investigation Finding Worksheet*

The Clark County CPS *Investigation Finding Worksheet* must be used by the CPS investigator to document the assessment of each piece of information to determine its relevance, its credibility, and its degree of importance in proving or disproving the allegations investigated. The CPS supervisor must review the worksheet to determine whether the evidence is **sufficient to lead a reasonable person to believe** that the incident occurred or that the set of circumstances is or was present. Equal consideration shall be given to information entered in both columns.

Documentation

(i) Unsubstantiated Finding

If it is determined that the evidence is **not** sufficient to lead a reasonable person to believe that the alleged incident occurred or that the alleged set of circumstances is or was present, the report **must** be unsubstantiated.

The following may **never** be used as the basis for determining a report to be unsubstantiated:

- *Intent to Harm the Child* – The alleged perpetrator's intent to hurt a child, leave a mark, or endanger him by leaving him alone in a car is not a factor to be considered in making a finding. Abuse/neglect occurs when a child is significantly harmed by non-accidental means without regard to the perpetrator's intent. In reviewing the specific circumstances surround-

ing the allegation, the focus must be on whether the caregiver failed to exercise the care that circumstances required. The question should be, “What happened to the child?” rather than, “What was the adult’s intent?”

- *Onetime Incident* – While the chronic nature of an incident or set of circumstances is a factor to be considered in some allegations, the fact that an act of abuse or neglect was an “isolated incident” is not a basis for making a finding that the report is unsubstantiated. The incident must be evaluated giving greater weight to the other factors.
- *Agreement to Accept Services* – The fact that a perpetrator agrees to receive services (or is already receiving them) has no bearing on the decision to substantiate or unsubstantiate an allegation. The investigative finding must be based upon the incident that occurred. Treatment is relevant to the safety and risk assessments, but not to the investigative finding. For example, a report involving a mother who hit a two (2) -year-old in the face with a belt should not be unsubstantiated simply because she is getting anger-management counseling.
- *Economic Status or Neighborhood* – Investigative decisions must **never** be influenced in any way by a family’s economic status or by the condition of the neighborhood in which they live. The fact that a family is wealthy or that they live in an affluent neighborhood plays no part in decisions to indicate or unsubstantiate reports.
- *Attitude Toward the Worker* – The attitude family members express toward the CPS investigator must not influence any investigative decisions. Reports must never be unsubstantiated because the family is compliant, agreeable, or cooperative with the worker.

(ii) **Substantiated Finding**

If it is determined that the evidence **is** sufficient to lead a reasonable person to believe that the incident(s) occurred or that the set(s) of circumstances is, or was, present, the incident(s) or set(s) of circumstances must be compared to the definitions of all relevant allegations and the standards for substantiation. Relevant factors must be considered for applicable “factored” allegations (see the Nevada Child Abuse and Neglect Allegation System).

If the incident or set of circumstances fits the definition (taking the factors to be considered into account, where relevant), the report **must** be substantiated.

The following may **never** be used as the sole basis for determining a report to be substantiated:

- *The Family’s Need for Services* – The decision to substantiate must be based on evidence and not used as a way to get services to a family. Services can be provided to families whose reports are unsubstantiated.
- *Failure to Accept Services* – Again, decisions about investigative findings are separate from those concerning service provision. A family’s refusal to accept services may be related to decisions about Court intervention but not to the decision about substantiation.

- *Economic Status or Neighborhood* – Investigative decisions must never be influenced in any way by a family's economic status or by the condition of the neighborhood in which they live. The fact that a family is poor or that they live in a disadvantaged neighborhood plays no part in decisions to substantiate or unsubstantiate reports.
- *Attitude Toward the Worker* – The attitude family members express toward the worker must not influence investigative findings. Reports must never be substantiated because the family is argumentative, hostile, or uncooperative with the worker.

2440. Notifications of the Investigative Finding

The CPS supervisor is responsible for officially closing the case and sending notifications of the investigative finding, including appeals, to each of the following parties:

- The alleged perpetrator(s).
- The alleged victim's custodial parent(s) if different from the perpetrator(s).
- The alleged victim's noncustodial legal parent (i.e., the noncustodial parent was married to the custodial parent at the time the child was born or a Court has made a finding that the noncustodial parent is the child's parent).
- Any mandated reporter who made the report.
- If the report involves a facility licensed by the Department, the responsible licensing supervisor.
- If any of the subjects of the report are members of an open DFS case, the responsible supervisor.

The notifications are based on the finding as follows:

- *For Cases That Are Substantiated* – The *Substantiation Letter with Fact Sheet* in UNITY must be completed.
- *For Cases That Are Unsubstantiated* – The *Notice of CPS Report Disposition* in UNITY must be completed. *NOTE:* For Institutionals, the *Institutional Closure Letter* in UNITY must be used.

These notifications must be sent within 24 hours of the CPS supervisor's approval of the investigative finding.

Documentation

2500. The Nevada Initial Assessment

Together with gathering evidence to support the investigative finding, the CPS investigator collects information in order to complete the Nevada Initial Assessment (NIA). The NIA has three (3) components:

- The Nevada Safety Assessment,
- The Nevada Risk Assessment, and
- The NIA Summary.

The Nevada Safety and Risk Assessments are completed at the beginning of the investigation. The NIA Summary is completed at the conclusion of the investigative process.

See Nevada Cooperative Policies 200 (NIA), 225 (Safety Assessment), and 250 (Risk Assessment) for additional guidance about the NIA.

2510. Safety and Risk

Safety is best understood when it is compared to risk. Safety is a subset of the broader concept of risk. A threat to a child's safety is a specific type of risk. All safety factors are also risk factors. However, not all risk factors are safety factors because safety is a form of risk that is more precisely defined or specialized.

a. Similarities Between Safety and Risk

Safety and risk are similar in some very important ways.

- In child welfare, they are both used to predict future harm to children.
- Safety and risk both relate to the conditions of the home environment, the behavior or the physical/mental condition of a family member, or an interaction in the family.
- Safety and risk elements can change quickly.
- In many cases, both safety and risk can often be controlled or reduced by utilizing family strengths or other mitigating factors and circumstances. In some cases, it may be necessary to address the problems with specific interventions designed to protect the child.

b. Differences Between Safety and Risk

The essential differences between safety and risk concern time, severity, and the purpose of the child welfare response.

- During the investigation, safety threats refer to danger **now (present danger)** or in the **immediate future (impending danger)**. Risk refers to potential maltreatment sometime in the future.

- A safety threat suggests that a child will be **seriously** harmed. Risk is concerned with a full range of severity of harm, from minor to severe.
- Safety and risk may both require intervention in order to prevent maltreatment to children. In the case of threats to child safety, the purpose of intervention is to **control** the situation to prevent harm from occurring immediately or in the short term. The primary purpose of child welfare response to risk is to reduce or resolve the problems that lead to risk.

2520. The Nevada Safety Assessment

The Nevada Safety Assessment is a process designed to provide a mechanism for quickly assessing whether or not a child involved with the Department is safe. A child is **unsafe** when, because of behaviors of the child's parent/caregiver or because of conditions in the home, it is likely that, without quick intervention, the child will be seriously harmed immediately or in the near future. The safety assessment is used to help focus decision making about whether a child is safe or unsafe. If a child is assessed as being unsafe, the safety assessment guides decisions about the measures or actions that will best assure the safety of the child.

The safety assessment is to be considered a process rather than a required form. Nevertheless, the CPS investigator is required to:

- Complete a hard-copy version of the Nevada Safety Assessment as the assessment is conducted in the field.
- Following the completion of the hard copy of the assessment, enter the assessment in UNITY within one (1) working day.

a. When the Nevada Safety Assessment Must Be Completed During CPS Investigations – Part A

The Nevada Safety Assessment of all children living in the home must be completed at the following "milestone" during the investigation:

- Within twenty-four (24) hours of the initial face-to-face contact with the alleged child victim.

NOTE: If the CPS investigator is not successful in making contact with an alleged victim on the first attempt, the CPS investigator must complete a safety assessment based on the credible information that is available. The safety assessment must be updated when the CPS investigator has in-person contact with the alleged victim and whenever credible new information related to the child(ren)'s safety is obtained:

- If circumstances do not allow for contact with caregiver(s) and all other children in the home prior to the completion of the initial safety assessment, within twenty-four (24) hours of contact with caregiver(s) and remaining children in the home.
- Any time the CPS investigator/supervisor is considering removal of the child from the custody of his/her parent(s).
- Any time, as determined by the CPS investigator/supervisor, there is an indication that the safety of the child may be jeopardized.
- Any time a significant event or change occurs that affects the household of a parent of the child including, without limitation, a birth, marriage, death, or major illness.
- Recertify or complete a safety assessment at the conclusion of the NIA.

b. Steps for Completing the Nevada Safety Assessment

The Nevada Safety Assessment must be completed in five (5) sequential steps:

Documentation

(i) Safety Threat Identification – Part B

The Nevada Safety Assessment includes twelve (12) caregiver behaviors or conditions of the child(ren)'s environment that may constitute threats to child safety. As result of the presence of one (1) or more of the twelve (12) safety concerns, one (1) or more children may be in immediate or impending danger of serious harm. When assessing the child(ren)'s safety, consider the effects that any adults or members of the household who have access to him/her could have on his/her safety, taking into account the child(ren)'s vulnerability and the caregiver's protective capacity. When considering identifying a safety factor as threatening the child(ren), two (2) factors must be evaluated.

- The behavior or condition must be serious enough to pose a plausible danger of serious harm to the child in the near future. For example, a parent of a fourteen (14) -year-old who smokes marijuana while caring for the child probably does not pose a safety threat to his child. A mother who is addicted to methamphetamine and caring for an infant probably does pose a safety threat.
- There must be a substantial reason to believe that the behavior or condition exists. Suspicions, rumors, gut feelings, or hunches do not constitute safety threats. The safety threat must be observable, and there must be credible information supporting the conclusion that it exists.

When there are no safety factors that are checked "Yes," the investigator is to summarize the available information by indicating that no child is likely to be in immediate danger of serious harm.

(ii) Assessment of the Vulnerability of Involved Children to Identified Safety Threats – Part C

An identified safety concern may present a threat to some vulnerable children but not to other, less-vulnerable children. A vulnerable child is one who cannot protect himself/herself from an identified safety threat and is dependent on others for protection. For example, an infant whose parent has a moderately serious drinking problem is vulnerable because an infant cannot self-protect against inadequate supervision. In the same case, a healthy sixteen (16) -year-old is probably not vulnerable. Children with developmental, behavioral, physical, and/or emotional disabilities are generally considered more vulnerable.

- If a safety concern is identified but the CPS investigator determines that any child(ren) in the home is not vulnerable to the concern, the reason(s) that the child(ren) is not vulnerable must be documented on the Safety Assessment.
- If, following the completion of Part C, no safety threats are identified, the conclusion that the child(ren) is safe is documented in Part E.

(iii) Assessment of Caregiver Protective Capacities – Part D

If safety threat(s) are identified after completing Parts B and C, the CPS investigator must assess whether any caregiver protective capacities mitigate the identified safety threat(s). Caregiver protective capacity is defined as the ability and willingness of a caregiver **other than the caregiver causing the safety threat** to protect the child from the identified threat. In order for the CPS investigator to determine that a caregiver can and will protect a child from a safety threat, the protective caregiver must have demonstrated protective capacity through his/her behavior. A caregiver simply saying that he/she will take protective action is not sufficient to mitigate concern for the child's safety. The caregiver must have credibly acknowledged the safety threat and demonstrated reliability through his/her behavior. For example, the mother of a sexual abuse victim who files for a protective order to prevent the perpetrator from returning to the home has demonstrated protective capacity.

(iv) Safety Conclusion – Part E

The safety conclusion is the determination that the child(ren) is either safe or unsafe.

- If no safety threats are identified or all identified safety threats are mitigated by caregiver protective capacity, the child(ren) is assessed as safe.
- If safety threats are identified and no caregiver demonstrates the capacity to protect the child(ren) from the safety threats, the child(ren) is assessed as unsafe.
- If all children are assessed as safe, the safety assessment is complete.

(v) **Safety Intervention Analysis – Part F**

If any child is assessed as unsafe, the CPS investigator must make an immediate safety intervention. There are two (2) possible safety interventions:

- Establish a safety plan, **or**
- Take PC and remove the child.

To determine which intervention is appropriate, the CPS investigator must consider the following questions:

- Is it reasonably likely that the behaviors or conditions causing the safety threats can be controlled while the safety threat(s) is resolved or reduced so that the child(ren) is safe with the caregiver(s)?
- Is there sufficient stability within the home to realistically permit an in-home safety intervention to protect the child(ren)?
- Does the caregiver(s) plausibly express the willingness to cooperate with a safety intervention?
- Are the resources (within the family and/or community) necessary for the safety intervention realistically and immediately available?

If the answer to all of the questions is yes, a **safety plan** must be established. If the answer to any of these questions is no, the unsafe child(ren) must be taken into **PC** and removed.

c. **Safety Planning**

Safety plans are voluntary, temporary, and usually short-term measures designed to control threats that suggest that a child is likely to be seriously harmed in the near future. They are implemented **only** when a child has been assessed as being **unsafe**. Safety plans must be adequate to assure the child's safety, while being as minimally disruptive to the child and family as is reasonably possible. Since children who are unsafe are likely to be harmed in the near future, safety plans **must** be put into place immediately after the CPS investigator assesses children to be unsafe (i.e., the CPS investigator must implement the safety plan before the children are left with the caregiver responsible for the conditions that rendered them unsafe).

It is important that safety plans be crafted to control specific threats. There must be a mechanism for ending each safety plan. Every safety plan must specify the conditions under which the plan is to be terminated and an estimated time frame within which this can be expected to occur. For example, a safety plan in which the family moves in with friends while dangerous exposed wiring is repaired in the home can end when the wiring is safely repaired. Another example is a safety plan in which a father who has allegedly sexually abused his daughter and has moved out of the home can end when he is either unsubstantiated or when it is determined that he committed the sexual

abuse and concrete steps have been taken to prevent him from having unsupervised access to his daughter. In addition, the safety plan must explain the consequences if the caregiver does not agree to implement the safety plan or fails to carry out the terms of the plan. Failure to agree to the plan or to carry out the plan may result in a reassessment of the home and possible PC and/or referral to the Court.

Many safety plan components involve a provider or an individual who is responsible for carrying out the terms of the safety plan. The safety plan provider may be a professional (e.g., a mental health professional, substance abuse treatment provider) or a nonprofessional (e.g., a non-offending caregiver, an extended family member who moves in to the home to control a safety threat).

- The CPS investigator must develop a safety plan to control specific threats.
- The CPS investigator must then assure the safety plan provider of the safety intervention is:
 - » Fully aware of and acknowledges the issues giving rise to the assessment that the child(ren) is unsafe.
 - » Equipped with the requisite skill(s), competencies, and commitment to fulfill her/his designated role.
 - » Realistically capable of ensuring that the terms of the safety plan are met.
- Finally, the CPS investigator must ensure that each element of the safety plan includes a monitoring plan to assure that the family is complying with the plan, to verify that it is effectively controlling the related safety threat, and to determine whether it continues to be necessary to keep the child(ren) safe.

Documentation

(i) Developing the Safety Plan

The CPS investigator must engage the parent/caregiver in the process of creating the safety plan, because the safety plan is voluntary on the part of the parent(s)/caregiver(s) and is a collaboration between the Department and the family. The parent(s)/caregiver(s) must be specifically aware of the safety concerns giving rise to the need for the safety plan and must be allowed to offer suggestions about potential safety interventions.

Together with the family, the CPS investigator must consider each identified safety concern. One (1) or more safety interventions that will control each safety threat and to which the family agrees must be identified. To be effective, each of the safety interventions must meet the following criteria:

- Be immediately accessible and available at the level required to assure safety.
- Have an immediate impact on controlling safety threats.
- Be the least intrusive response while effectively assuring the child(ren)'s safety.

- Be specific about the frequency, intensity, and duration of the intervention.
- Identify each person participating in specific activities.
- Identify a safety provider.

In order to have these elements serve as safety plan interventions, it is imperative that the elements of the safety plan **directly** respond to one (1) or more of the identified safety threats. For example, while having a protective grandmother move in with a family to care for children while their parent is in inpatient drug treatment may be an effective safety intervention; it does no good to have the same grandmother move into a home that has dangerously exposed electrical wiring.

Some examples of interventions that – if they are responsive to the identified safety threat(s) – may be effective as safety plan components include:

- An alleged perpetrator agreeing to move out of the home until the investigation is complete.
- A family moving in with friends or an extended family or to a hotel while dangerous home conditions are corrected.
- A protective adult family member moving into the home to assume primary child care responsibilities and to monitor the child(ren)'s safety.
- A parent whose substance abuse poses a safety threat may enter inpatient substance abuse treatment.
- The child(ren) being enrolled in protective day care during the time he/she would be alone with a potentially dangerous caregiver in the home.

Some service interventions that may be useful in reducing risk may not, by themselves, be components of safety plans. These include:

- An alleged perpetrator promising that he/she will stop engaging in a dangerous behavior.
- Counseling.
- Parenting training.
- Homemaker services.

(ii) Monitoring the Safety Plan

Every safety plan must include a strategy for monitoring each safety intervention that is part of the plan. The monitoring plan must include, at minimum:

- Weekly in-person contact with all children assessed to be unsafe who remain at home.

- Weekly in-person contact with any parent/caregiver whose behavior has caused the child to be assessed as unsafe.
- Weekly in-person contact with the non-offending parent/caregiver.
- Weekly in-person and/or telephone contact with any nonprofessional safety plan provider.
- Weekly in-person or telephone contact with any professional safety plan provider.

The CPS investigator is responsible for monitoring the safety plan until the case is transferred to a permanency case manager or until the safety plan is no longer necessary because all children are safe without it.

Documentation

(iii) Safety Plan Review

The CPS supervisor must review and approve every safety plan within twenty-four (24) hours of its inception and on a weekly basis thereafter. The purposes of the review are:

- To assure that the safety interventions are adequate.
- To assure that the safety interventions are not unnecessarily intrusive.
- To assure that the monitoring plan and its implementation by the CPS investigator are adequate.
- To determine whether the safety plan continues to be necessary.

Documentation

(iv) Ending the Safety Plan

- *Successful Outcome* – When it is determined that the child(ren) will be safe without the safety plan, the safety plan must be immediately terminated. The decision to terminate a safety plan must be based on the completion of a new safety assessment, considering the child(ren)'s safety as if there was no safety plan, in which the child(ren) is found to be safe. The decision to end the safety plan requires the approval of the CPS supervisor.
 - » The CPS investigator must inform the family and any safety plan providers that the safety plan is being terminated immediately upon the CPS supervisor's determination that the child will be safe without it. The family may be informed of the decision in person or by telephone. If the family is informed by telephone, the CPS investigator must have in-person contact with the child(ren) and the parent(s)/caregiver(s) within forty-eight (48) hours of the safety plan termination.
- *Unsuccessful Outcome* – Because safety plans are voluntary agreements between the Department and parent(s)/caregiver(s), the decision to terminate them may be made unilaterally by the parent(s)/caregiver(s). When the CPS investigator/supervisor learns that a

family has unilaterally terminated a safety plan, an immediate safety assessment of the involved child(ren) must be completed. If the child(ren) is found to be unsafe and the family declines to accept a new safety plan, the CPS investigator, in consultation with the CPS supervisor, must take PC of all unsafe children.

- » Some safety plans are used to protect children while it is determined whether or not maltreatment has occurred. For example, an alleged perpetrator may be asked to leave the home pending the results of a CPS investigation. When the result of the investigation is that the allegation is substantiated, and the allegation is serious enough that unsupervised contact with the alleged perpetrator will render the child unsafe, a long-term plan to protect the child must be developed. For example, the non-offending caregiver may obtain and be willing to abide by an order of protection keeping the alleged perpetrator away from the home/child. If no long-term plan is available, or the non-offending caregiver declines to make one, the CPS investigator, in consultation with the CPS supervisor, must take PC of all children who would be unsafe if allowed to be with the perpetrator.

NOTE: Under no circumstances can a CPS investigation be closed while a safety plan is in effect. A case can be transferred to Permanency with a safety plan in place if necessary.

d. Risk Assessment

The risk assessment is conducted to determine the likelihood that children in the family will be abused or neglected at some time in the foreseeable future. During CPS investigations, it is used to help the CPS investigators and supervisors decide whether families will receive in-home protective services from the Department and to guide other child protection interventions. The Risk Assessment must be completed within two (2) working days of the CPS investigator's contact with the child(ren)'s parents/caregivers. See *Section 2600: Child Protection Decisions* and Nevada Collaborative Policy 250 (Risk Assessment) for additional direction.

Documentation

e. NIA Summary

The NIA Summary is used to document the information gathered during the investigation. It includes information related to the occurrence of maltreatment, the safety of an involved child, and the risk that he/she will be abused or neglected in the future. The NIA Summary is structured around six (6) questions:

- What are the circumstances surrounding the child maltreatment?
- How does the child function on a daily basis?
- How do the adults (primary caregivers) function on a daily basis?
- What are the general parenting practices in this family?

- What are the disciplinary practices in this family?
- What is the extent of child maltreatment?

The NIA Summary must be completed at the conclusion of the investigation.

Documentation

2600. Child Protection Decisions

Child protection decisions are made in conjunction with investigative findings. They are decisions about what, if any, action the CPS investigator must take to assure the safety of the children involved in the investigation. The analysis of safety and risk is the primary basis for child protection decisions. Unlike investigative findings, which are always made at the end of the CPS investigation, child protection decisions are made at any time the CPS investigator identifies their necessity. Potential child protection decisions are listed below.

- No child protection action is necessary/possible – end department involvement.
- Work with the community and the extended family to develop an informal child protection plan.
- Open a voluntary in-home protective services case.
- Open a Court-ordered in-home protective services case.
- Establish a safety plan.
- Remove the child from his/her caregivers' custody.

These actions are not always mutually exclusive. For example, when safety plans are established, permanency cases may be necessary.

2610. No Child Protection Action Is Necessary/Possible – End Department Involvement

Many families do not need CPS intervention. Furthermore, some families for which relevant service needs are identified chose not to accept them. Unless the parents/caregivers are ordered by the Court to accept child protection services, they are not obligated to accept them. It is important that, in these situations, the Department end its involvement quickly to minimize unwarranted intrusion into family life and to preserve DFS resources for children and families who need them.

The CPS investigator/supervisor must terminate DFS involvement with families when:

- All maltreatment allegations are unsubstantiated, **or**

- The allegation is substantiated or unsubstantiated, the children are assessed as being **safe** using the Nevada Safety Assessment, and the family risk is **low to moderate** according to the Nevada Risk Assessment, **or**
- Either no service needs relevant to child safety or risk have been identified during the investigation or the family declines to accept services, and there is an insufficient basis for Court involvement.

2620. Referrals to Community Services Without Department Oversight

Many families who pose limited risk to their children can benefit from informal services intended to reduce or eliminate the risk to their children. Often services responsive to such families' problems are available from agencies in the community. Extended family members are among the best resources for informal services.

The CPS investigator/supervisor may attempt to locate relevant services in the community and/or work with extended family members to develop an informal child protection plan when:

- Children are assessed as being **safe** using the Nevada Safety Assessment, **and**
- Family risk is **low to moderate** according to the Nevada Risk Assessment, **and**
- Service needs relevant to child safety or risk have been identified during the investigation, and the family agrees to accept services.

Community services will be provided to such families without continued Department involvement.

2630. Open a Voluntary In-Home Protective Services Case

Children who are deemed unsafe and/or at high to very high risk of maltreatment require active Department intervention. In-home protective services are an assertive intervention focused on controlling any child safety threats and mitigating any child risk factors presented by the family. Some families are able to recognize their need for in-home protective services and will indicate to the CPS investigator that they will accept them. Cases must be opened for voluntary in-home protective services when:

- At least one maltreatment allegation has been substantiated, **and**
- Children are assessed as either **safe or unsafe** using the Nevada Safety Assessment (*NOTE: If any child is unsafe, the CPS investigator must immediately establish a safety plan addressing the identified safety concerns*), **and/or**
- Family risk is **high to very high** according to the Nevada Risk Assessment, **and**

- The parents/caregivers acknowledge the identified safety concerns and risk factors and demonstrate their ability and willingness to participate in in-home protective services.

2640. Open a Court-Ordered In-Home Protective Services Case

Families who have abused or neglected their children, who pose a high to very high risk of maltreatment to their children, and who are unable to acknowledge that they subject their children to unacceptable risk require the authority of the Court in order to reduce the risk to an acceptable level. Cases must be referred to the Court with the recommendation of Court-ordered in-home protective services and immediately opened for in-home protective services when:

- At least one maltreatment allegation has been substantiated, **and**
- Children are assessed as **safe** using the Nevada Safety Assessment, **or**
- Children are assessed as **unsafe** with an in-home safety plan, **or**
- Family risk is **high to very high** according to the Nevada Risk Assessment, **and**
- The parents/caregivers refuse to acknowledge the identified risk factors and demonstrate that they are unwilling to participate in voluntary in-home protective services.

2650. Establish a Safety Plan

Safety plans are short-term interventions designed to control immediate threats to the safety of children. They must be established whenever a child is found to be unsafe using the Nevada Safety Assessment unless the child(ren) are taken into PC. Under **no circumstances** may a case be closed while a safety plan is in effect. See *Section 2520: The Nevada Safety Assessment* for direction in establishing safety plans.

2660. Remove the Child From His/Her Caregivers' Custody

Some children cannot remain in the care of their parents/caregivers safely and must be taken into PC. **PC may only be taken – and must be taken – of children who are unsafe and for whom no reasonable safety plan will adequately control the identified safety concerns.** PC must be taken when:

- The child(ren) are found to be **unsafe** using the Nevada Safety Assessment, **and**
- The parent(s)/caregiver(s) is unable or unwilling to accept an in-home safety plan, **or**
- The nature of the safety threat is such that no reasonable in-home safety plan will control it.

2700. Taking Protective Custody

State law gives designated Department staff the authority to take PC of a child when it is determined that there is reasonable cause to believe that doing so is necessary to protect the child from serious harm. Only CPS investigators and CPS supervisors are designated to take children into PC.

PC is the most intrusive among child protective actions. PC may be taken **only** when it has been determined that the child is unsafe **and** when no safety plan will adequately control the relevant safety threats. The CPS investigator **must** consult with the CPS supervisor before taking a child into PC unless the circumstances of the situation suggest extreme immediate danger to the child.

When taking children into PC, the CPS investigator must:

- Assure the safety of all children in the home or facility.
- Enlist the assistance of a law enforcement officer to assist in the removal of a child if there is reason to believe there is a threat of bodily harm against either the child or the CPS investigator, or if there is reason to believe the child has been substantially harmed and/or the parents will flee with him/her.
- Show his/her identification to any person who is responsible for the child and is present at the time the child is taken into custody. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child must show his/her identification to any other person upon request.
- Immediately make every reasonable effort to inform the parent/caregiver that the child has been placed in PC.
- Obtain as much information as possible about any medical problems, health issues, or special dietary needs affecting the child.
- Attempt to identify and locate family members within the third degree of consanguinity to the child (noncustodial parents, grandparents, great-grandparents, aunts, uncles, adult siblings) who may be suitable and able to care for the child.
- Notify the Receiving Team of the removal.

2710. Minimizing the Effects of Separation and Loss When Entering Substitute Care

When taking children into protective custody (PC), the CPS investigator **must** remember the potentially traumatic effect removal has on children. When appropriate given the circumstances, the CPS investigator may decide to minimize this trauma by:

- Explaining in language the child can understand that the purpose of PC is to keep the child safe, and providing the child with as much information as is honestly possible about what will happen next.
- Telling the child where they are going (e.g., to ERC for a medical exam, to a relative's home if the CPS investigator knows this to be true).
- Encouraging the child to ask questions and express her/his feelings about the separation and placement.
- Helping the child to select a favorite possession(s) to take with her/him.
- Encouraging and helping the child to pack her/his own belongings.
- Reassuring the child that he/she is safe.
- If true, explaining to the child that she/or will be able to see her/his parent(s).

2720. Medical Screening

All children must receive a medical examination **before** they are placed. If the CPS investigator has reason to believe that the child is affected by a significant acute medical issue or if the child exhibits significant or unusual suspicious marks, the CPS investigator must take the child to a hospital emergency department. The CPS investigator may consult with the ERC nurse to determine whether and when a child needs to be taken to a hospital. Otherwise, the child must be taken to the ERC where the child will be medically screened by the ERC nurse. If the ERC nurse determines that the child requires medical attention from a hospital, the CPS investigator must take the child to a hospital emergency department. The CPS investigator must stay with the child while the child is receiving outpatient medical attention at the ERC or at a hospital.

If the CPS investigator or ERC nurse determines that the child may be presenting with symptoms of an acute serious psychiatric disorder, the CPS investigator must inform the Receiving Team to notify it that the child coming is in need of mental health assessment. The Receiving Team is responsible for contacting the DFS clinical personnel.

2730. Placement

a. Placement With Relatives

As soon as the CPS investigator and supervisor decide that PC is necessary, the CPS investigator must ask the child(ren), the child(ren)'s parents/caregivers, and others likely to have information about whether there are relatives who may be willing and able to provide care for the child(ren).

(i) Relatives Who May Provide Unlicensed Relative Foster Care

Nevada law gives DFS the authority to place children with relatives who fall within the fifth degree of consanguinity. This includes the child(ren)'s:

- Grandparents.
- Great-grandparents.
- Aunts and uncles, including spouses of aunts and uncles.
- Adult siblings.

(ii) Background Check

If relatives willing to provide care are identified, all members of the relative family home eighteen (18) years of age and over are to be instructed to go to the DFS Administrative Office at 701 North Pecos Road. They must be instructed to bring government-issued photograph identification. All adult members of the relative household will be fingerprinted and will undergo UNITY, CANS, and NCIC checks at the DFS Administrative Office. *NOTE:* Whenever anyone over eighteen (18) years of age moves into the house, it is required that he/she immediately obtain criminal background and child maltreatment checks.

The results of the criminal background and child maltreatment checks may prohibit placement with a relative according to licensing regulations. See *Section 8000: Licensing Procedures* for the types of offenses that preclude placement with a relative.

(iii) Relative Placement Assessment

If the prospective relative caregiver is not found to have criminal background or child maltreatment history precluding placement, the CPS investigator must go to the relative's home to further assess his/her ability to safely provide care. As part of this assessment, the CPS investigator must, by personal observation and brief interviews with family members, evaluate any indications that:

- The prospective relative caregiver is unwilling or unable to understand the danger necessitating the child(ren)'s removal from his/her parent's (parents') care and is incapable of assuring the child(ren)'s safety.
- The prospective relative caregiver is mentally or physically incapable of meeting the child(ren)'s immediate and long-term needs for safety and well-being.
- The prospective relative caregiver is unable or unwilling to meet the child(ren)'s permanency needs (e.g., parental and sibling visitation).
- The prospective relative caregiver evidences impairments such as drug or alcohol abuse, unresolved child welfare issues, and/or serious criminal history that preclude him/her from raising a child/children.
- Caregiver does not have an appropriate support system needed to care for the child(ren) and does not appear to have the capacity or desire to develop one.
- The relative has the sufficient financial income/stability to provide care for the family including the prospective relative foster child(ren).

This information, including any reason that the relative home is not approved for placement, must be documented in a UNITY case note.

In addition, the CPS investigator must complete an assessment of the safety of the relative's home and document its safety on the *Emergency Placement Safety Checklist*. In order to complete the checklist, the worker must conduct initial walk-through to inspect all parts of the home, and the CPS investigator must discuss the Department's expectations of relative foster care providers with the relative. This includes:

- **No** corporal punishment of child(ren) in DFS custody or guardianship is permitted.
- The Department is responsible for all important decision making concerning the child(ren). The relative may not allow the child(ren) to have contact with her/his parents without Department approval. Only the Department may move the child(ren) to the care of another caregiver.
- The relative caregiver is expected to work with the Department and the child(ren)'s family according to the terms of the service plan and including participation in visitation and Child and Family Team (CFT) meetings.
- The relative caregiver must inform the Department of any plan to change the composition of the family (i.e., people moving in or moving out of the home) before the change takes place.

If, at the end of the relative placement assessment, the CPS investigator determines that there is a **short-term** concrete need posing an obstacle to placement (e.g., cribs diapers, baby formula, or car seats) the CPS investigator will contact ERC to arrange for immediate resolution of the issue.

Documentation

(iv) Placement With the Relative(s)

If the CPS investigator, in conjunction with the CPS supervisor, determines that the relative can safely care for the child(ren), the CPS investigator must make arrangements for the child(ren) to be brought to the relative's home. The CPS investigator may:

- Pick the child(ren) up from ERC and bring him/her to the relative's home, **or**
- Accompany the relative caregiver to ERC so that the relative caregiver can pick up the child(ren), **or**
- Provide the relative caregiver with a *Yellow Card* authorizing the relative to pick up the child(ren) from ERC. If the placement takes place after the PC Hearing, the CPS investigator must give the relative caregiver documentation of a judicial electronic release, **or**

- If it is decided that the relative will pick the child(ren) up using a *Yellow Card*, the CPS investigator must call to inform ERC that this is the case and to provide ERC with an approximate time that the child(ren) will be picked up.

The CPS investigator must provide the relative caregiver with his/her telephone number and with the telephone numbers for the CPS supervisor and for ERC. ERC staff will give the relative caregiver the *Kinship Caregiver Resource Guide* brochure, provide information about medical care, and begin the licensing application process when the relative is at ERC for fingerprinting. No later than the business day following placement, a CPS investigator must contact the relative caregiver in person or by telephone to inquire about the child(ren)'s adjustment and to determine whether there is anything needed pertaining to the child(ren)'s adjustment/placement.

Documentation

b. Fictive Kin Placements

Fictive kin placements are **not** authorized by NRS prior to disposition. Nevada law gives the Department the authority to place children in licensed foster homes or facilities and in the home of relatives **only**. Children in DFS PC may not be placed with "fictive kin." The CPS investigator must explore with children, parents, and others whether there are non-relatives with whom the child(ren) has a significant and positive relationship. This will enable permanency staff to consider the possibility of licensing them.

If, prior to the Dispositional Hearing, the Court asks about the possibility of placement with an unlicensed non-relative, the CPS investigator must inform the Court that DFS has no authority to make such placements. If the Court orders the placement with the unlicensed non-relative, DFS must comply. The CPS investigator must conduct an emergency background check (NCIC, CANS, and UNITY). If a record that would normally preclude placement – see *Section 2730.a.ii: Background Check* – is identified, the CPS investigator must immediately inform the DA and request that the case be placed on the calendar so that the Court can be informed of the record.

c. Non-Relative Placement

If no suitable relative is located, the CPS investigator must inform the Receiving Team.

The placement specialist at the Receiving Team will locate a licensed foster care placement, be responsible for the child's transportation to the identified placement, and provide informational materials to the caregiver(s) (see *Section 3490: Placement Approved* in Placement in Substitute Care Policies and Procedures). The placement specialist at the Receiving Team will notify the CPS investigator and supervisor where and when the child was placed immediately upon placement.

No later than the day following placement, the CPS investigator must contact the foster parent in person or by telephone to inquire about the child's adjustment and to determine whether there is anything needed pertaining to the child's adjustment/placement.

d. Child(ren) Hospitalized at Protective Custody

When children are hospitalized and are not ready for discharge at the time they are taken into PC, the CPS investigator will complete the *Placement Request and Disclosure* (PRD) form and forward it to the Placement Team. The PRD must be forwarded to the Placement Team within twenty-four (24) hours of PC. Placement Team staff will contact social work staff from the hospital to make placement arrangements and so that ERC medical staff can participate in discharge decision making.

The Placement Team will identify a placement for the child. The CPS investigator must contact the foster parent before placement to discuss the child's situation and any special needs, and to plan for placement. Unless the case has been transferred to permanency, when the child is ready for discharge, the CPS investigator must accompany the foster parent to the hospital so that the foster parent can receive any medical instruction related to the child's care. Unless the case has been transferred to a permanency case manager, the CPS investigator must either transport the child to the foster home or see the child in the foster home within the next two (2) business days.

Documentation

2740. Child and Family Team Meeting

Within two (2) working days of taking PC, the CPS investigator must convene a CFT meeting.

The CFT is a gathering of family members, friends, fictive kin, community members, service providers, and other interested parties who join together to strengthen the family's capacity to provide for the safety, well-being, and permanency of its children. In addition to participating in key case decisions, the CFT serves as an important support for families.

a. CFT Membership

CFT members include people who are committed to the family and child(ren) and who are invested in helping the family improve its capacity to assure the safety and well-being of its children. The members of the family play an important role in identifying members of the CFT. The CPS investigator must help the family identify potential members by asking who the family turns to when it needs help. Most often, members of the CFT include:

- The child(ren)'s parent(s)/caregiver(s).
NOTE: It is important that both parents/caregivers are included in the CFT if two (2) parents/caregivers live in the home.
- The assigned CPS investigator.
- The CPS supervisor or senior case manager in exceptionally complex case situations.
- Providers of services relevant to the issues concerning the safety of the child(ren) (e.g., mental health service providers, substance abuse service providers) as applicable.

- Any other people identified by the family in conjunction with the CPS investigator who are committed to the family and child(ren) and who are invested in helping them change.

The child(ren) may participate for all or some of the meeting as agreed to by the parent(s)/caregiver(s) and the CPS investigator.

b. CFT Meeting Process

The CPS investigator takes the lead in facilitating the CFT meeting. The CFT meeting is a structured, guided discussion with the family about its strengths, needs, and problems, and the impact they have on the health, safety, permanency, and well-being of the child(ren). Generally, the primary purposes of this CFT meeting are to:

- Identify any immediate steps that the family can take toward resolving the issues leading to placement,
- If necessary, identify family members who may serve as relative caregivers,
- Identify and plan for the resolution of any needs or problems affecting the child(ren) or the placement, **and**
- Arrange an initial visitation plan.

NOTE: The initial visit between the child(ren) and the parent(s)/caregiver(s) must occur as soon as possible and always within five (5) calendar days of placement. The CPS investigator must arrange and facilitate this visit and all subsequent visits until the case is assigned to a permanency case manager.

It is the CPS investigator's role to elicit information and input relevant to the purpose of the CFT from all participants. Each participant's opinion regarding decisions being considered at the CFT meeting must be considered seriously and with respect. Since it is the Department's responsibility to assure the child(ren)'s safety, the CPS investigator must maintain final authority for decisions that concern safety and are within the Department's authority.

The CFT meeting must be documented in a UNITY case note under "CFT" within five (5) business days. Documentation must identify the participants and the purpose of the meeting, summarize the discussion, and list the recommendations made. In addition, The CPS investigator must complete the NIA Summary during the CFT meeting and distribute copies to attendees.

2750. Efforts to Achieve Early Reunification

The CPS investigator must assertively exert all reasonable efforts to return the child(ren) to his/her parent/caregiver as quickly as this can be safely accomplished. These efforts must include, but are not limited to, consideration of:

- The establishment of a safety plan.
- Expediting investigative activities in order to make the most informed safety decision.
- The use of emergency social services to mitigate certain safety threats to the child(ren).
- If the family is identified as having rights conferred by the ICWA, the CPS investigator must make a reasonable effort to work with the applicable tribe to effect early reunification.

If the CPS investigator and supervisor determine that the child(ren) can be returned before the PC Hearing, the child(ren) can be returned without judicial approval. If reunification occurs after the PC Hearing, judicial approval is necessary. **All decisions to return children require supervisory approval.**

2800. Initial Family Court Process

The Department derives its authority to maintain children in its custody following PC and for providing involuntary in-home protective services from orders issued by the Family Court.

2810. Initiation of the Court Process After Protective Custody Has Been Taken (Removals)

Keeping a child in PC beyond seventy-two (72) hours, exclusive of weekends and holidays requires an order from a judge or from a Hearing master appointed by the judge before the seventy-two (72) hours has elapsed.

a. Submit Affidavit and Set Hearing

The CPS investigator must prepare the *Clark County Department of Family Services Affidavit* describing the facts, including the specific safety threats leading to the removal of the involved child(ren). The affidavit is a legally binding document that must be prepared with precision and accuracy.

The investigator shall prepare the affidavit by completing the following information in UNITY:

- Indicate the referring agency as DFS.
- Enter the name of the child and the allegation, including the location of where the alleged incident occurred.
- Enter the date and time of the alleged incident.
 - » If the exact time is not known, the investigator shall make the best time estimate based on the available information regarding the alleged incident.
 - » If there are multiple times that the alleged incident occurred, the investigator shall document the time as "ongoing."

- Indicate who the child is in the current care of.
- Enter the name of the parent(s)/caregiver(s) of the child.
- Provide precise detail surrounding the incident of child abuse/neglect. Document the following specifics:
 - » The severity of the abuse/neglect.
 - » The vulnerability of the child.
 - » The lack of protective capacities of the caregiver(s)/parent(s).
 - » The detailed observable characteristics surrounding the abuse/neglect.
 - » The severe, imminent, and observable behavior of the parent(s)/caregiver(s).

Once the affidavit is fully completed, the investigator must print and sign it.

If applicable and at the same time the affidavit is submitted, the CPS investigator must notify the Department's ICWA coordinator of the removal of a child from a family who may have rights under ICWA. (See *Section 23110: Indian Child Welfare Act.*)

At the same time that the affidavit is submitted to the Court, the CPS investigator must set the Court date in UNITY. The affidavit must be entered and the Court date set in UNITY no later than the close of business on the day before the seventy-two (72) hours from removal elapses. The CPS investigator must staff the case with the CPS supervisor to determine the exact timing of these steps.

Immediately upon determining the date/time of the Hearing, the CPS investigator must generate the *Court Hearing Notification*. The *Court Hearing Notification* must be mailed from the Business Center to the parent(s); by regular and by certified mail. In addition, the CPS investigator must make every reasonable effort to verbally (in person or by telephone) notify the parent(s) of the date, time, and location of the Hearing.

Documentation

b. Reunification Before the Protective Custody Hearing

If the CPS investigator is successful in reunifying the child(ren) with the parent/caregiver before the PC Hearing, the Court date can be vacated in UNITY.

Documentation

c. Protective Custody Hearing

The CPS investigator must attend the PC Hearing to provide the Court with evidence related to the need for PC and to present the Department's recommendation. If applicable, the CPS investigator

must notify the DA of any identified family status that confers rights under ICWA. (See *Section 23110: Indian Child Welfare Act.*) The Court may dismiss the case, set it for PC review (if additional investigative information is needed), or set the case for the Plea Hearing (usually in ten [10] days from the PC Hearing).

- If the judge dismisses the petition, the CPS supervisor must determine whether the family is offered voluntary in-home services. (See *Section 2630: Open a Voluntary In-Home Protective Services Case.*)
- If the family accepts voluntary in-home protective services, the CPS investigator/supervisor must immediately begin the process of transferring the case to an in-home case manager. (See *Section 21320: Transfer Process.*)
- If the judge returns the child(ren) to the care of the parent/caregiver but orders the family into in-home protective services, the CPS investigator/supervisor must immediately begin the process of transferring the case to an in-home case manager. (See *Section 2640: Open a Court-Ordered In-Home Protective Services Case.*)
- If the judge places the child(ren) in Department PC, the CPS investigator/supervisor must immediately begin the process of transferring the case to a permanency case manager. (See *Section 21320: Transfer Process.*)

If the case is set for Plea or for PC Review, the CPS investigator must assure that *Court Hearing Notification* is mailed from the Business Center to the parent(s); by regular and by certified mail. In addition, if the parent(s) did not attend the PC Hearing, the CPS investigator must make every reasonable effort to verbally (in person or by telephone) notify the parent(s) of the date, time, and location of the next Hearing.

Documentation

d. Reunification After the Protective Custody Hearing

If, after the PC Hearing, the CPS investigator and family are successful in sufficiently resolving the safety issues so that reunification of the child(ren) with the parent/caregiver is possible, the CPS investigator must obtain judicial approval before returning the children. Approval may be obtained at the PC Hearing, at any subsequent PC Review Hearings, or electronically. In order to obtain electronic approval, the CPS investigator, with the approval of the CPS supervisor, must send an electronic release request explaining the reasons that reunification is possible. If the child(ren) is a ward of the Court, all notification requirements regarding placement must be met. The child(ren) may not be returned to the parent/caregiver until the judge responds in writing, providing the CPS investigator with an electronic release.

Documentation

e. **Plea Hearing**

The CPS investigator must attend the Plea Hearing to provide the Court with information related to the continued need for PC, to:

- Update the Court about the child(ren)'s adjustment to placement,
- Provide information about any progress the family has made toward reunification, **and**
- Present the Department's recommendation.

At the Plea Hearing:

- The parent(s) will be formally presented with the allegations leading to placement,
- The parent(s) will enter a plea (admission, denial, or no contest), **and**
- The Court will determine whether the Department made a reasonable effort to avoid removing the children.

At the Plea Hearing, the CPS investigator may request that the Court make any orders that are applicable (e.g., no contact, visitation, drug testing, any special evaluations, and paternity tests). If the Court sets the case for an Evidentiary Hearing, the CPS investigator must assure that the *Court Hearing Notification* is mailed from the Business Center to the parent(s) by regular and by certified mail. In addition, if the parent(s) did not attend the Plea Hearing, the CPS investigator must make every reasonable effort to verbally (in person or by telephone) notify the parent(s) of the date, time, and location of the Evidentiary Hearing.

Documentation

f. **Evidentiary Hearing**

If the parents deny the allegations, the case will be set for an Evidentiary Hearing, which will be scheduled approximately three (3) weeks following the Plea Hearing. The CPS investigator must plan to testify to the facts and safety concerns leading to the child(ren)'s placement.

Documentation

2820. Initiation of the Court Process When Protective Custody Has Not Been Taken

In some instances, Court intervention is necessary when the Department provides in-home protective services. These cases are described in *Section 2640: Open a Court-Ordered In-Home Protective Services Case*.

a. Submit Affidavit and Set Hearing

The CPS investigator must prepare the affidavit, describing the facts leading to the need for involuntary in-home protective services. At the same time that the affidavit is submitted, the CPS investigator must set the Court date in UNITY. The affidavit must be entered and the Court date set in UNITY no later than one (1) business day following the CPS investigator's/supervisor's decision that involuntary in-home protective services are needed. The CPS investigator must staff the case with the CPS supervisor to determine the exact timing of these steps.

Immediately upon determining the date/time of the Hearing, the CPS investigator must generate the *Court Hearing Notification* and mail it to the parent(s). The CPS investigator must make every reasonable effort to verbally (in person or by telephone) notify the parent(s) of the date, time, and location of the Hearing.

Documentation

b. Plea Hearing

The CPS investigator must attend the Plea Hearing:

- To provide the Court with information related to the need for involuntary in-home protective services,
- To inform the Court about what services the family will receive and about the Department's plan to monitor the child's safety, **and**
- To present the Department's recommendation.

If the Court agrees to involuntary in-home protective services, the Court will set a review date to report the progress of the parent(s), **and** the CPS investigator will recommend that the child(ren) **not** be placed in the custody or guardianship of the Department.

Documentation

c. Evidentiary Hearing

If the parent(s) deny the allegations at the Plea Hearing, the case will be set for an Evidentiary Hearing which will be scheduled approximately three (3) weeks following the Plea Hearing. The CPS investigator must plan to testify to the facts and safety concerns leading to the need for involuntary in-home protective services.

2900. Special Types of Investigations

2910. Child Abuse/Neglect Reports Involving Foster Homes and Relative Care Providers

Investigations of allegations that children have been abused or neglected in foster homes or in the homes of licensed or unlicensed relative care providers must be conducted according to the same procedures as all other investigations. The exception to this is that the Risk Assessment and the NIA Summary are not completed in foster home or relative care provider investigations.

Documentation

a. Concurrent CPS and Licensing Investigations

When allegations are made that children have been abused in foster or licensed relative homes, a Department licensing investigation must be conducted in addition to the CPS investigation. The licensing investigation is conducted by licensing staff. The purposes of the licensing investigation are:

- To determine whether any licensing rules have been violated, **and**
- To take licensing action in response to any identified violations.

CPS investigators must conduct investigative activities jointly with licensing staff to **the extent that doing so will not delay, interfere with, or otherwise compromise the CPS investigation**. At the beginning of the CPS investigation, the CPS supervisor must contact the licensing supervisor (or assigned designee) to discuss planning a concurrent investigation. When investigative activities cannot be conducted jointly, the CPS investigator must make case note documentation available to the licensing investigator as it is completed. Activities conducted by licensing staff may not be substituted for activities required for CPS investigations. The CPS investigator is responsible for assuring the safety of all children involved in the CPS investigation.

b. Investigative Findings for Investigations Involving Foster Homes and Relative Caregivers

Decisions about investigative findings (i.e., substantiation or unsubstantiation) **must** be made according to **exactly** the same standard that applies to all other cases.

c. Child Protective Actions During Investigations Involving Foster Homes or Relative Care Providers

Safety plans may **not** be used when children have allegedly been abused or neglected in foster homes or in the homes of relative care providers.

- When, in consultation with the CPS supervisor, the CPS investigator determines that any child in DFS custody or guardianship is unsafe in a foster home or in the home of a relative care provider, the CPS investigator will **immediately** remove the unsafe child(ren) from the home.
- When, in consultation with the CPS supervisor, the CPS investigator determines that there is reasonable cause to believe that any child in DFS custody or guardianship will be abused or neglected in the home, the CPS investigator must:
 - » During regular working hours, attempt to contact the assigned permanency case manager/supervisor to arrange immediate response by the permanency case manager. If the permanency case manager is able to respond, the CPS investigator will arrange to meet the permanency case manager with the child(ren). The permanency case manager must remove the child(ren) and place him/her in another suitable placement location. If the permanency case manager is unable to respond, the CPS investigator must remove and replace the child(ren).
 - » Outside regular working hours, the CPS investigator must remove the child(ren) and place him/her in another suitable placement location.

d. Notification Related to Reports Involving Foster Homes or Relative Care Providers

(i) Notification to Permanency Staff

The CPS investigator or supervisor must notify the permanency case manager and permanency supervisor assigned to the cases of the alleged victims and to any other children in DFS custody or guardianship placed in the home via e-mail immediately upon receiving the report or, if the report is received during non-working hours, at the start of the next business day. If the CPS investigator takes any child protection action on behalf of any child in DFS custody or guardianship during the course of the investigation (e.g., removes any child from the home), the CPS investigator must immediately (or at the start of the next business day if the action is taken during off-hours) notify the permanency case manager and permanency supervisor by e-mail. At the conclusion of the investigation, the CPS supervisor must notify the permanency case manager and permanency supervisor of the investigative finding via e-mail.

Documentation

(ii) Notification to Licensing Staff

When reports alleging abuse and/or neglect in foster homes and licensed relative homes are received, the CPS supervisor must immediately notify the respective licensing supervisor (or assigned designee) responsible for the home via e-mail. If the report is received during non-working hours, the licensing supervisor must be notified at the start of the next business day. If reasonably possible, the CPS supervisor and the licensing supervisor must make a plan for a joint CPS/licensing investigation, including regular communication between licensing and CPS.

Investigative activities shall not be delayed to accommodate a joint investigation. At the conclusion of the CPS investigation, the CPS supervisor must notify the licensing worker and supervisor of the investigative finding via e-mail.

(iii) Notification to the Parent(s) or Guardian(s) of Child Victim(s)

If the report is substantiated, the parent/guardian of any children who have been identified as victims must be notified verbally (in person or by telephone) by the CPS supervisor and by letter.

Documentation

2920. Child Abuse and Neglect Investigations Involving Group Child Care Residential Facilities

The Department is responsible for conducting investigations of abuse neglect allegations involving children placed in certain group child care facilities. These facilities include:

- Youth correctional facilities.
- Residential treatment centers serving children.
- Inpatient drug facilities serving children.

a. Requirements for Investigation of Group Child Care Residential Facilities

All of the procedural requirements for CPS investigations are applicable to investigations of abuse and/or neglect allegedly occurring in group child care facilities. Group child care investigations must be conducted with special sensitivity because the alleged victims often have special needs, and because of the complex dynamics of facilities and the employment implications for alleged perpetrators. All reasonable efforts must be made to a minimize disruption to the facility and its program.

In addition to the standard requirements, the following procedures must be followed:

- Wherever reasonable, interviews with any alleged victims and the alleged perpetrator(s) will be conducted away from the facility.
- Whenever interviews must be conducted at the facility, they must be conducted in a private room where confidentiality can be assured. The timing of interviews conducted at the facility shall be coordinated with the facility administrator.
- It is preferred practice that the alleged perpetrator be interviewed alone. This does not, however, preclude the presence of a representative requested by the alleged perpetrator during the interview. Such representation shall not unreasonably delay the interview or otherwise compromise the investigation.

- Facility staff members who may have information about the alleged maltreatment must be interviewed as collateral sources of information.
- A reasonable sample of children currently or previously residing at the facility and who may have information about the allegations shall be interviewed to:
 - » Determine whether they have information about the allegations, **and**
 - » Determine whether they have been abused or neglected. *NOTE:* A CPS supervisor is to be consulted to determine what is a reasonable sample of children.
- If it is determined that any child who is not in the custody/guardianship of the Department requires medical attention for treatment or for forensic reasons, the child's parent/guardian must consent to the medical attention.

b. Requirements for Investigative Findings Concerning Group Child Care Facilities

Investigative findings about abuse/neglect allegations in group child care facilities shall be made according to the same standards as apply to all other allegations. The investigative finding requires the approval of the manager.

c. Child Protection Actions During Investigations of Group Child Care Facilities

(i) Children in the Department's Custody/Guardianship

Any child(ren) who are in the Department's custody or guardianship for whom the CPS investigator assesses immediate or impending danger, must be **immediately** removed from the facility by the CPS investigator. Such children shall be taken to ERC by the CPS investigator. If (1) the facility causes the alleged perpetrator(s) to be removed from **all** contact with children at the facility, (2) there is no reason to suspect that a different staff person may pose a safety threat to children at the facility, and (3) there are no safety threats unrelated to the alleged perpetrator, the CPS investigator shall not assess immediate or impending danger. All other child protection actions are the responsibility of the assigned permanency case manager(s)/supervisor(s).

(v) Children Not in the Department's Custody/Guardianship

Any child(ren) who are not in the Department's custody or guardianship and for whom the CPS investigator assesses immediate or impending danger, must be immediately taken into PC by the CPS investigator. The CPS investigator must **immediately** make all reasonable efforts to contact the parents/guardians of children taken into PC from group child care facilities. Immediately upon making contact, the children shall be turned over to the parent(s)/guardian(s) unless doing so would place the children in immediate or impending danger. If (1) returning the child(ren) to the parent(s)/guardian(s) would subject the child(ren) to immediate or impending danger, (2) the parent(s)/guardian(s) cannot be located, or (3) the parent(s)/guardian(s) refuses to take responsibility for the child(ren), the CPS investigator will take the child(ren) to ERC.

If (1) the facility causes the alleged perpetrator(s) to be removed from **all** contact with children at the facility, (2) there is no reason to suspect that a different staff person may pose a safety threat to children at the facility, and (3) there are no safety threats unrelated to the alleged perpetrator, the CPS investigator shall not assess immediate or impending danger. All other child protective actions are the responsibility of the child(ren)'s parent(s)/guardian(s) and the facility administrator.

Documentation

d. Notifications Related to Reports Involving Group Care Facilities

The following notifications must be made in relation to all investigations of group child care facilities:

- Upon receipt of the report, the facility administrator must be notified of the allegations. Unless the administrator is the alleged perpetrator, the CPS investigator is to discuss coordinating investigative activities (e.g., interviews with residents, interviews with staff, review of any relevant facility records/documents, and observation of the facility) with the administrator of the facility.
- Upon receipt of the report, the CPS investigator or supervisor must make all reasonable efforts to notify the parent(s)/guardian(s) (for whom parental rights are intact) of any alleged victim of the allegation(s) without regard to whether the child(ren) is in the custody/guardianship of the Department.
- Upon removing any child(ren) not in the custody/guardianship of the Department, the CPS investigator shall **immediately** make all reasonable efforts to notify the child(ren)'s parent(s)/guardian(s).
- Upon removing any child(ren) who is in the custody/guardianship of the Department, the CPS investigator shall immediately notify the assigned permanency case manager(s) and supervisor(s).
- Upon making an investigative finding, the CPS supervisor shall make written notification of the finding (substantiated or unsubstantiated):
 - » To the child(ren)'s parent(s)/guardian(s) (for whom parental rights are intact) without regard to whether the child(ren) is in the custody/guardianship of the Department (by letter).
 - » To the facility administrator (by letter).
 - » To the applicable licensing/regulatory authority (by letter).
 - » For children for whom there is an active case, any assigned permanency supervisor and worker (by e-mail).

Documentation

2930. Reports Involving Department Employees

For investigations involving DFS employees, the Hotline will create, disposition and consult management on who the investigation should be assigned to, (Please see Hotline Policy and Procedures regarding this process).

a. Requirements for Investigation of Reports Involving Department Employees

For employee reports investigated by Department CPS staff, all of the procedural requirements for CPS investigations are applicable. Special care must be taken to protect the privacy of the involved Department employee and the integrity of the Department's investigation and of its records. For these reasons, the following procedures must be followed:

- The assigned worker will find the employees demographic, address and telephone information in the narrative of the referral. Please do not attempt to enter such information in the Person Detail, Address or Phone Number screens due to UNITY being set up to not display this information,. The assigned investigator or entity shall only complete the Report Detail screen after first contact. All other investigation and case information shall be maintained as hard-copy case notes.
 - » Note: No case notes are to be entered into UNITY during the investigation.
- When the investigator or entity has decided on a finding, this must be staffed with a DFS Manager, before any information can be entered into UNITY. Once approval has been given, all investigation detail is to be entered into UNITY. All hand-written documentation must be maintained inside the case file.
- If a removal occurs, all investigation detail information is to be entered into UNITY and the case must be treated as any other investigation.

Documentation

b. Requirements for Investigative Findings for Reports Involving Department Employees

Investigative findings about abuse/neglect allegations involving Department employees shall be made according to the same standards as apply to all other allegations. Investigative findings require the approval of the manager.

c. Child Protection Actions During Investigations of Reports Involving Department Employees

Child protective actions taken on behalf of children with whom the Department employee is involved in his/her private capacity **must** be made according to the same standards and procedures as protective actions that are taken in any other case.

Depending on (1) the employee's role in the reported allegations, (2) the nature of the allegations, and (3) the nature of the employee's contact with children in his/her job at the Department, the manager must determine whether to restrict the employee's at-work contact with children, or whether to take other administrative protective action.

d. Notifications Required Related to Investigations Involving Department Employees

Immediately upon receipt or identification of any report in which a Department employee or the immediate family member of a Department employee is an alleged perpetrator or victim, the Hotline supervisor or CPS supervisor who is first aware of the employee report must immediately notify the manager. If the report involves the manager, the notification must be made to the assistant director. The manager or assistant director will determine what, if any other notifications, are necessary.

21000. Non-Abuse/-Neglect Situations Requiring Department Intervention

Some referrals that do not meet the criteria to be screened in for investigation require other Department child welfare intervention. The Hotline worker will document them as Agency Assessment without including an abuse/neglect allegation and forward them to CPS for intervention.

Documentation

21100. Children in Need of Temporary Care or Legal Protection

Children in need of temporary care or legal protection are those for whom both parents and/or usual caregiver – for reasons other than abuse/neglect as defined by the Nevada Child Abuse and Neglect Allegation System – are physically unavailable to provide care **and** the parents/caregiver are unable to identify an alternative caregiver. This includes but is not limited to the situations listed below.

- Child whose parent(s)/caregiver(s) has died **and** no other parent or members of the child's extended family is available to provide care.
- Child whose parent(s)/caregiver(s) is hospitalized for medical or psychiatric reasons **and** the parent(s)/caregiver(s) are unable to identify an alternative caregiver.
- Child whose parent(s)/caregiver(s) suffers from a chronic long-term medical, developmental, or psychiatric disability that precludes the ability to care for the child **and** no other parent or member of the child's extended family is available.
- Child whose parent(s)/caregiver(s) have been incarcerated for reasons other than child abuse or neglect **and** the parent(s)/caregiver(s) are unable to identify an alternative caregiver.
- Child who requires temporary housing because he/she is found in Clark County as the result of parental abduction or has run away from another jurisdiction **and** immediate arrangements for his/her return to his/her parents' (parents')/caregiver's (caregivers') usual jurisdiction cannot be made.

a. CPS Assessment of Referrals

The overall focus of the CPS intervention for children in need of temporary care or legal protection is to assist the parent(s)/caregiver(s) as he/she attempts to make child care plans for his/her children. Generally the CPS response is less assertive than is the response to allegations that parents have abused or neglected their children.

The CPS response to children in need of temporary care or legal protection is similar to the response to abuse/neglect allegations.

- The CPS investigator must gather and evaluate information about the family and the reported situation.
- The safety threats and risk suggested by the situation must be assessed.
- The CPS investigator must take action to assure the safety of the involved child(ren).

Since there are not allegations that the parent(s) caregivers have abused or neglected their children, the CPS response to children in need of temporary care or legal protection is different from the response to abuse/neglect allegations in several important ways:

- The names of family members must not be maintained on the Central Registry because there are no allegations of child abuse or neglect.
- There is not an investigation into allegations.
- There is no investigative finding.
- Parents must be allowed comparative freedom in making plans for their children.

b. Required CPS Assessment Activities

The Hotline will assign a response priority to the referral according to the immediacy of the need for response. See *Section 2350.a.iv: Priority 3 – Differential Response*. The required time frames for the initial response to children in need of temporary care or legal protection are the same as those for initiating abuse/neglect investigations.

If, at any time during the response to a referral involving children in need of temporary care or legal protection, the CPS investigator obtains information sufficient to cause a reasonable person to believe that a child has been abused or neglected, the CPS investigator will contact the Hotline and will proceed according to the requirements for a CPS investigation.

(i) Contact With the Involved Child(ren)

The CPS investigator must have in-person contact, or make a good faith attempt to make in-person contact, with the involved child(ren) within the time frame for the applicable response priority. The purpose of contacting the child(ren) involved in a referral or child(ren) in need of temporary care or legal protection is to gather information necessary to complete the Safety Assessment and other parts of the NIA. The child(ren) may be interviewed in the presence of the parent/caregiver. There is no need to observe the child(ren)'s body.

Documentation

(ii) Contact With the Parent(s)/Caregiver(s)

Depending on the circumstances of the referral, it may be preferable to contact the parent(s)/caregiver(s) before contacting the child(ren). For referrals coded Priority 1, the CPS investigator must have in-person contact, or make a good faith attempt to make in-person contact, with the parent(s)/caregiver(s) on the same day that contact is made with the involved child(ren). For other referrals, the CPS investigator must contact the parent(s)/caregiver(s) no later than twenty-four (24) hours after contacting the involved child(ren).

The purposes of the interview with the parent(s)/caregiver(s) are:

- To gather information necessary to complete the safety assessment.
- To gather information related to the circumstance leading to the referral, including:
 - » The nature of the issue.
 - » The anticipated duration of the issue.
- To get information about the identities of and contact information for any relatives, friends, or other supportive persons who may be available to provide care for the child(ren).
- To get information about the identities of and contact information for any professionals involved in the situation (e.g., physician, social worker).

At the first in-person contact with the parent/caregiver, the CPS investigator must:

- Provide the parent(s)/caregiver(s) with the agency brochure: *The Parent's Rights*.
- Assist the parent(s)/caregiver(s) in completing the *Common TANF Application*.
- Complete the questionnaire concerning the family's tribal affiliation in relation to ICWA. (See *Section 23110: Indian Child Welfare Act*.)
- Request that the parent(s)/caregiver(s) sign any necessary *Release of Information* forms pertinent to the investigation (e.g., medical or mental health records) concerning the alleged victim(s) or the parent(s)/caregiver(s).

Documentation

(iii) Contact With Collateral Sources

Collateral contacts in referrals of children in need of temporary care or legal protection may be made in person or by telephone.

- *Contact With the Referral Source* – If different from the parent/caregiver, the CPS investigator must contact the referral source to verify the information documented by the Hotline, to gather any other relevant information, and to identify any potential caregivers and involved professionals known to the referral source.
- *Contact With Any Professionals Involved in the Situation* – The CPS investigator must contact any professionals identified by the parent(s)/caregiver(s) as being involved in the situation. The purpose of this contact is to verify information provided by the parent(s)/caregiver(s) and to gather the most authoritative information about the nature and likely duration of the issue leading to the referral.
- *Contact With Potential Caregivers* – The CPS investigator must contact all relatives, friends and other supportive persons who may be available to provide care for the child(ren) that are identified by the parent(s)/caregiver(s). The purposes of this contact are to assess whether the potential caregiver(s) is willing and realistically able to provide child care and to assist the parent(s)/caregiver(s) in making any necessary arrangements. *NOTE:* If additional potential caregivers are identified, the CPS investigator must contact them.

Documentation

c. Required CPS Action

The goal of the Department's involvement with children in need of temporary care or legal protection is to help involved families make their own decisions and arrangements for child care.

(i) The Family Identifies a Child Care Plan

If the family is successful in making arrangements for child care, the CPS investigator must respect the family's right to plan for its child(ren). If the need for child care is likely to be long-term, the CPS investigator must, at the family's request assist the family with the process for obtaining legal guardianship through the Family Court. The CPS investigator may also, at the family's request, make referrals for services provided by other agencies. The CPS investigator must end the Department's involvement.

Documentation

(ii) The Family Is Unable to Establish a Child Care Plan

If the family is not successful in making arrangements for child care, the CPS investigator must staff the case with the CPS supervisor to determine whether PC should be taken. If so, the process for taking custody in *Section 2700: Taking Protective Custody* must be followed.

Documentation

d. Documentation of the Response

All activities conducted as part of the assessment of referrals of children in need of temporary care or legal protection must be documented in UNITY case notes. In addition, the Nevada Safety Assessment, the Risk Assessment, and the NIA Summary must be completed according to the direction in *Section 2500: The Nevada Initial Assessment*.

Documentation

21110. Court-Requested Home Studies: Children in Legal Guardianship

The Department receives requests from the Clark County Courts requesting assessments of a parent(s)/caregiver(s) whose child(ren) has been placed in the legal guardianship of relatives or other caregivers as the result of previous CPS investigations. The purpose of such home studies is to assist the Court's determination related to the return of a child(ren) to his/her parent(s)/caregiver(s). The CPS investigator must assess whether the parent(s)/caregiver(s) has resolved the CPS issues leading to the child(ren)'s removal. In addition, an assessment of any new issues threatening the child(ren)'s safety or subjecting the child(ren) to significant risk must be conducted.

a. Required CPS Assessment Activities

The Hotline will assign Court-Requested Home Studies as Priority 3 response. The time frame requirements for the initial response to Court-Requested Home Studies are the same as those for initiating abuse/neglect investigations.

If, at any time during a Court-Requested Home Study, the CPS investigator obtains information sufficient to cause a reasonable person to believe that a child has been abused or neglected, the

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