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# DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



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MTL #0516-12062024

TO: Jill Marano, Director – Clark County Family Services  
Laurie Jackson, Social Services Manager V – DCFS -District Offices  
Ryan Gustafson, Division Director – Washoe County Human Services Agency

FROM: Betsey Crumrine, Deputy Administrator, Division of Child and Family Services

## POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization:

### 0516 Overturning Child Maltreatment Findings in UNITY/Central Registry

This policy is/was effective: 12/06/2024

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # \_\_\_\_\_ - \_\_\_\_\_ Policy Name: \_\_\_\_\_
- This policy has been revised. Please see below for the type of revision:
  - This is a significant policy revision. Please review this policy in its entirety.
  - This is a minor policy revision: (List page number & summary of change): Policy moved to new policy format and adjusted accordingly. Several statements edited for clarity, but did not change instruction or guidance to child welfare agencies.
  - A policy form has been revised:
- This policy has been reviewed for statewide compliance.

## NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies>  
Please check the table of contents on this page for the link to the chapter you are interested in.

CC:  
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## 0516 Overturning Child Maltreatment Findings in UNITY/Central Registry

### Policy Approval Clearance Record

<input checked="" type="checkbox"/> <b>Statewide Policy</b> <input type="checkbox"/> <b>Administrative Policy</b> <input type="checkbox"/> <b>DCFS Rural Region Policy</b>	<input type="checkbox"/> <b>New Policy</b> <input type="checkbox"/> <b>Modified Policy</b> <input type="checkbox"/> <b>This policy supersedes:</b>
<b>Date Policy Effective:</b>	12/06/2024
<b>Attorney General Representative Review:</b>	
<b>DCFS Deputy Administrator Review:</b>	09/19/2018
<b>DMG Original Approval</b>	09/19/2018
<b>DMG Review:</b>	

### STATEMENT OF PURPOSE

**Policy Statement and Purpose:** To ensure that overturned child maltreatment findings and/or findings entered in error are documented and the appropriate steps are followed. To identify the person(s) responsible for and the process required to overturn a finding in UNITY, which in turn also removes the substantiated finding from the Central Registry. This process also establishes requirements to document the rationale needed to overturn the child maltreatment finding (agency appeal decision, court appeal or data entry error).

### AUTHORITY

**Federal:** 42 USC 5101, section 106 (b)(2)(xi)(II)

**NRS:** NRS432B.317

**NAC:** NAC 432B.170

### DEFINITIONS

**Abuse or Neglect of a Child: "Abuse or neglect of a child" means, as defined in NRS432B.020:**

1. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2:
  - a. Physical or mental injury of a nonaccidental nature;
  - b. Sexual abuse or sexual exploitation; or
  - c. Negligent treatment or maltreatment as set forth in NRS 432B.140, of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.
2. A child is not abused or neglected, nor is the health or welfare of the child harmed or threatened for the sole reason that:
  - a. The parent of the child delivers the child to a provider of emergency services pursuant to NRS 432B.630, if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
  - b. The parent or guardian of the child, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62E.280.
3. As used in this section, "allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected. (Added to NRS by 1985, 1368; A 2001, 1255; 2003, 1149)

**Agency which provides Child Welfare Services:** In a county whose population is less than 100,000, the agency is a local office of the Division of Child and Family Services; or in a county whose population

is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. May also be referred to as "Agency" or "Child Welfare Agency".

**Central Registry:** The Nevada Statewide Central Registry for the collection of information concerning the substantiated report of abuse or neglect of a child (NRS 432.100). The Central Registry is a time-limited program within the UNITY system that collects specific case information which may be released under certain circumstances to an employer or authorized individual. DCFS

**IS:** The Information System where UNITY is housed and maintained by the DCFS IS unit.

**Preponderance of evidence:** The standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not. **State:** An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

**Substantiated:** A report made pursuant to NRS 432B.220 was investigated and the preponderance of evidence is supportive of the abuse or neglect. NAC 432B.170(7)(a) requires credible evidence; however, agencies are maintaining a stricter guideline with preponderance of evidence.

**UNITY:** Unified Nevada Information Technology for Youth is Nevada's electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.

**Unsubstantiated:** A report made pursuant to NRS 432B.220 was investigated and the preponderance of evidence is not supportive of the abuse or neglect. The term includes, but is not limited to, efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child. NAC 432B.170(7)(b) requires credible evidence; however, agencies are maintaining a stricter guideline with preponderance of evidence.

## **STANDARDS/PROCEDURES**

### **Overturning Child Maltreatment Findings:**

There are three main reasons to overturn a finding from substantiated to unsubstantiated in the UNITY (Central Registry) system:

1. Overturn a substantiated finding due to an agency appeal decision.
2. Overturn a substantiated finding based on a Judicial decision.
3. Overturn a substantiated finding in UNITY due to a data entry error.

### **Overturn a Finding Due to an Agency Appeal:**

1. The child welfare designee assigned to hear the appeal must have the authority to overturn the finding, must document the decision and the rationale for that decision in the Investigation Appeal window, CFS026.
2. Upon completion of the appeal process, the following actions will be taken by the Child Welfare Agency:
  - a. Within five (5) days of rendering an appeal decision, the designee who heard the appeal will ensure that the case file documentation is completed to justify overturning the finding. The designee or another staff member designated by the Child Welfare Agency, will overturn the finding in UNITY and subsequently in the Central Registry and enter a case note that the approved change has occurred, noting where to find the documentation for the rationale for the decision.
  - b. The designee will ensure the documentation of the appeal demographic information in UNITY is completed in the "Investigation Appeal" window (CFS026).
  - c. The designee who rendered the decision will send a letter to the individual whose finding has been overturned notifying them of the change in the Central Registry. The same notification will be sent via email to the investigating caseworker and their supervisor.
  - d. If a Central Registry check occurred prior to the appeal decision being rendered, another Central Registry check can be requested to reflect the current finding.

**Overturning a Finding in UNITY due to a Judicial Appeal Decision:**

When a child welfare agency is notified that a finding has been overturned by a Judicial Review or a Fair Hearing, documentation of that decision and the rationale for the decision should be submitted to the designee responsible for overturning the finding in UNITY and the information documented in the Investigation Appeal window (CFS026). If at the same time the agency wishes to overturn their finding in response to a Judicial decision, it should be reflected as a Level 1 appeal in the Investigation Appeal Window (CFS026).

**Overturning a Finding in UNITY due to a Judicial Appeal Decision:**

Child welfare agency staff may use the Overturning Child Maltreatment Finding Request Form as a way to communicate such requests to the designee assigned to overturn the finding for approval. The form will be kept in the UNITY forms system. Overturning a finding due to data entry error is done in the Change the Finding window (CFS051).

**Overturning a Finding in the Legacy System:**

For all cases where findings were made prior to 2002, the DCFS HelpDesk will need to assist in order to overturn the finding as the Child Welfare Agencies do not have access to this system. In this circumstance, the Child Welfare Agency shall submit the Overturning Child Maltreatment Finding Request Form to the DCFS HelpDesk where the child in finding can be made.

**Timeline:** Policy/procedure development and implementation must adhere to any statewide policies when developing internal policy timelines.

**Documentation:**

**Case File Documentation (paper)**

File Location	Data Required
<ul style="list-style-type: none"> <li>Location in primary file</li> </ul>	<ul style="list-style-type: none"> <li>Any new documentation created or filed as part of the appeal process.</li> <li>Any communication sent to the appellant about the decision to overturn or not overturn their record.</li> </ul>

**UNITY Documentation (electronic)**

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none"> <li>Investigation Appeal Window (CFS026)</li> </ul>	<ul style="list-style-type: none"> <li>Ensure this window contains dates, level of appeal, appeal decision and rationale (explain box) for overturning or not overturning the substantiation.</li> </ul>
<ul style="list-style-type: none"> <li>Change the Finding Window (CFS051)</li> </ul>	<ul style="list-style-type: none"> <li>Used to change the finding due to overturning a substantiation by appeal process or due to data entry error.</li> </ul>

**JURISDICTIONAL ACTION**

**Development of Internal Policies:** Agencies which provide child welfare services shall develop internal policies and procedures as necessary to implement the provisions of Federal and State law and this policy.

**STATE RESPONSIBILITIES**

The State will provide technical assistance regarding program development and implementation to the child welfare agencies.

**POLICY CROSS REFERENCE**

**Policies:** [0513 Investigation Findings and Closure](#)

**History and Updates:** Policy originated 09/19/2018. Updated as of 10/04/2024.

**ATTACHMENTS**

0516A – Overturning Child Maltreatment Findings Form