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## POLICY DISTRIBUTION

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

0901 Investigating Child Abuse and Neglect in Residential institutions and Foster Care Licensing Violations

This policy is/was effective: 04/01/2021

This policy is new. Please review the policy in its entirety

This policy replaces the following policy(s):

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):

- Changes made to the Fair Hearing process starting on page 10; and
- The Licensing Violation for Institutions or Foster Homes Licensed by the Child Welfare Agency section starting on page 11 through page 13.

A policy form has been revised: (List form, page number and summary of change):

## 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.

**0901 Investigating Child Abuse and Neglect in Residential Institutions and Foster Care Licensing Violations**

**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 checked="" type="checkbox"/> <b>Modified Policy</b> <input type="checkbox"/> <b>This policy supersedes:</b>
<b>Date Policy Effective:</b>	04/01/2021
<b>Attorney General Representative Review:</b>	6/19/2020
<b>DCFS Deputy Administrator Approval</b>	04/01/2021
<b>DMG Original Approval</b>	06/18/2008
<b>DMG Approved Revisions</b>	04/01/2021

**STATEMENT OF PURPOSE**

**Policy Statement and Purpose:**

Institutional Investigations refers to the process of conducting a child abuse or neglect investigation of an alleged perpetrator at a residential institution which is defined as a facility that provides care to a child on a twenty-four (24) hour basis and which is operated by a public agency or private person, including facilities for the training and detention of youth, institutions for child care, facilities for mental health and intellectual disabilities, boarding schools, residential programs for alcohol and drug abuse, group and family foster homes, and nursing homes caring for a child.

This policy provides consistency among Nevada’s child welfare agencies in conducting child abuse and neglect investigations in institutions, including assessing the safety of the alleged child victim and other children in the institution, determining if child abuse or neglect has occurred, and if the institution is administratively responsible for the child abuse or neglect.

**AUTHORITY**

**NRS:** [NRS 392.4633](#); [NRS 239.080](#); [NRS 432B.020](#); [NRS 432B.030](#); [NRS 432B.170](#); [NRS 432B.190](#); [NRS 432B.260](#); [NRS 432B.270](#); [NRS 432B.315](#); [NRS 432B.350](#); [NRS 432B.360](#)

**NAC:** [NAC 432B.330](#); [NAC 432B.340](#); [NAC 432B.350](#); [NAC 432B.360](#); [NAC 432B.370](#); [NAC 424.200](#); [NAC 424.205](#)

**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 (NRS431B.030):** 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".

**Alleged Child Victim:** A child identified on an Intake Assessment which has been "screened-in" for Investigation AND the child is alleged to be the victim of at least one specific allegation.

**Authorizing entity:** The judicial district, board of governors or trustees, board of county commissioners, or other entity which authorizes the facility to operate.

**Child:** As defined by NRS 432B.040, a person under the age of 18 years or, if in school, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.

**Conflict of Interest:** A conflict of interest is defined as a "real or seeming incompatibility between one's private interests and one's public or fiduciary duties." Black's Law Dictionary, Eighth Edition.

**Face-to-face contact:** An in-person interaction between individuals that will allow the worker to observe and assess the child, parents and/or caregivers.

**Facility/Institution Operator:** The director, administrator, principal, or other individual in charge of the facility or the on-site foster parent who operates the foster home.

**Investigator:** The child protective services (CPS) investigator assigned by the responsible child welfare agency.

**Licensing Agency:** The entity that issues licensure to an institution indicating the facility meets minimum regulatory standards for the population it is licensed to serve.

**Mental Injury:** An injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the child's ability to function within the child's normal range of performance or behavior ([NRS 432B.070](#)).

**NAC:** Nevada Administrative Code (regulations promulgated by the Nevada Revised Statutes).

**NRS:** Nevada Revised Statutes (as enacted by the Nevada Legislature).

**Person Responsible for a Child's Welfare:** Any person responsible for a child's welfare including the child's parent, guardian, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, or a person directly responsible or serving as a volunteer for or employed in a public or private home, institution or facility where the child actually resides or is receiving child care outside of the home for a portion of the day ([NRS 432B.130](#)). *For the purposes of this policy this will be referred to as "caregiver."*

**Physical Injury:** Includes, without limitation ([NRS 432B.090](#)):

- A) A sprain or dislocation;
- B) Damage to cartilage;
- C) A fracture of a bone or the skull;
- D) An intracranial hemorrhage or injury to another internal organ;
- E) A burn or scalding;
- F) A cut, laceration, puncture, or bite;
- G) Permanent or temporary disfigurement; or

H) Permanent or temporary loss or impairment of a part or organ of the body.

A non-accidental physical injury to a child including but not limited to, sprains, dislocations, damage to cartilage, bone fractures, intracranial hemorrhage, injury to an internal organ, burns, cuts, lacerations, puncture wounds, bites, permanent or temporary disfigurement, and permanent or temporary loss or impairment of a part of a child's body.

**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 to be the fact to be proven is more probable than not.

**Priority Response Time:** The time frame required to initiate the investigation/assessment by attempting face-to-face contact with all alleged child victims. The time frame is determined by the urgency of the report and the type of intervention (NRS 432B.260).

**Residential Institution:** A facility which provides care to a child on a 24-hour basis and which is operated by a public agency or private person, including facilities for the training and detention of youth, institutions for child care, facilities for mental health and mental retardation, boarding schools, residential programs for alcohol and drug abuse group, family foster homes, and nursing homes caring for a child as used in NAC 432B.330 to .370.

**State:** An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

**Supervisor:** The supervisor of the CPS investigator.

**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.

## **STANDARDS/PROCEDURES**

### **Overview and Objectives**

1. The purpose of an institutional abuse investigation is to determine:
  - a. The immediate safety of the alleged child victim and the safety of other children in a residential institution involved in a report of the abuse or neglect of a child, if such issues are not addressed pursuant to [NRS 432B.360](#).
  - b. Whether the report of abuse or neglect is substantiated and, if so
    - i. Whether the perpetrator can be identified;
    - ii. Whether the facility is administratively responsible for the abuse or neglect; and
    - iii. Whether the underlying causes of the abuse or neglect can be corrected administratively and if so, to what extent.
2. The investigator shall ensure the licensing agency or authorizing entity of the facility is notified of the report. *Note: If the report involves a child welfare agency facility (not foster or group homes) or the staff of child welfare operated facilities, they must consult with their supervisor as the report should be forwarded to another child welfare agency for screening and possible assignment to avoid a conflict of interest. Agencies must exercise discretion and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.*
3. The investigator must assess the institution's role in the abuse or neglect of child victims throughout the investigation.
  - a. Pursuant to [NAC 432B.340](#) Residential institutions are responsible for:
    - i. Knowing the possible consequences of their actions or failure to act regarding children in their care, including the possible consequences to an individual child when, because of the child's circumstances, the possible consequences to him are greater than they would be to most children.
    - ii. Providing the resources needed to prevent foreseeable harm to children. Not having the resources needed to prevent harm or threatened harm does not make the consequences accidental for the purposes of abuse or neglect of a child ([NRS 432B.020](#)).
4. The investigator must consider the use of a team approach pursuant to [NRS 432B.350](#).

- a. The Child Welfare Agency may organize one or more teams for the protection of a child to assist the agency in the evaluation and investigation of reports of abuse or neglect of a child, diagnosis and treatment of abuse or neglect and the coordination of responsibilities. Members of the team serve at the invitation of the Child Welfare Agency and must include representatives of other organizations. Agencies are encouraged to include specialized team members to lend expertise to institutional investigations as required. Team members may participate on a consultation basis and need not be present at team meetings. Team members may include:
  - i. A representative of the institution's licensing agency or authorizing entity
  - ii. Law enforcement
  - iii. The District Attorney's office
  - iv. Subject matter experts, such as:
    - (1) A member of a discipline similar to the institution where the complaint occurred;
      - (a) A juvenile justice expert (e.g. DCFS Juvenile Justice Programs Office, County Juvenile Justice Administrative Staff, Facility Personnel)
      - (b) A mental health professional
      - (c) A substance abuse expert
    - (2) Expert in the use of restraints;
    - (3) Expert in the use of force, etc.
- b. Note: Subject matter experts should also be selected with conflict of interest in mind. For example, for an investigation of a county juvenile justice facility, the subject matter expert should be a state juvenile justice representative.

### **Types of Institutions**

Institutional Abuse Investigations refers to multiple types of institutions that children may reside in and the types are listed below, including the potential licensing agency or authorizing entity for each type. Complete definitions can be found at [FPO 0901A: Definitions of Residential Institutions](#).

1. **Residential Institutions** (licensed by local Child Welfare Agency)
  - Family Foster Home: [NRS 424.013](#)
  - Foster Home: [NRS 424.014](#)
  - Group Foster Home: [NRS 424.015](#)
  - Specialized Foster Home: [NRS 424.018](#)
2. **Child Care Institution** (licensed by HCQC, Child Care Licensing)
  - Outdoor youth program: [NRS 432A.028](#)
  - Child Care Institution: [NRS 432A.0245](#) (with sixteen (16) or more beds)
3. **Hospitals** (licensed by HCQC)
  - Hospital: [NRS 449.012](#)
  - Psychiatric hospital: [NRS 449.0165](#)
  - Residential facility for groups: [NRS 449.017](#)
  - *Note: Acute care hospitals which are not a child's place of residence are not considered residential institutions*
4. **Facilities for Mental Health and Developmental Services** (licensed by HCQC)
  - Division facility: [NRS 433.094](#) and [NRS 433B.70](#)
  - Mental health center: [NRS 433.144](#)
  - Designation of division facilities: [NRS 433.233](#) and [NRS 433B.110](#)
5. **Juvenile Detention Facilities** (not licensed)
  - Local facility for the detention of children: [NRS 62A.190](#)
  - Regional facility for the detention of children: [NRS 62A.280](#)
  - State facility: [NRS 62A.330](#)
6. **Convalescent Homes** (licensed by HCQC)
  - Facility for intermediate care: [NRS 654.025](#)
  - Facility for skilled nursing: [NRS 449.0039](#)
7. **Drug or Alcohol Abuse Treatment Facilities** (licensed by HCQC, possibly certified by SAPTA)
  - Treatment facility: [NRS 62A.340](#) and [NRS 62A.280](#)
  - Facility for the treatment of abuse of alcohol or drugs: [NRS 449.00455](#) and [NRS 458.010\(8\)](#)

## Investigation Initial Contact and Interview Protocol

**Priority Response Times for Initial Contact:** All screened-in reports for an Institutional Abuse investigation must be assigned a priority response time according to alleged maltreatment and present and/or impending danger.

1. The priority response time will be assigned by the Intake Supervisor or designee.
2. An initial decision will be made by Intake as to whether there are allegations by an individual perpetrator and/or whether the institution is administratively responsible for the abuse or neglect.
3. The response time is the maximum amount of time that is allowed to attempt face-to-face contact with all alleged child victims; however, it is best practice to attempt contact as soon as possible.
4. The priority response time starts the date and time the intake report is received by the agency or the contracted agency.
5. The Supervisor or designee may require the Investigator to respond more quickly than the timeframe assigned.

**Priority 1 (P1)** – Present danger identified – Response within six (6) business hours

**Priority 2 (P2)** – Impending Danger identified – Response within twenty-four (24) business hours

**Priority 3 (P3)** – No Safety Issues Identified, Alleged Maltreatment Only – Response within seventy-two (72) business hours

Refer to [0506 Intake and Priority Response Times Policy](#) for additional information about priority response times assignments.

**Preparing and Planning for the Investigation:** Once the investigator is assigned the case, they must review as much information as possible and staff with the Supervisor or designee prior to initial contact to ensure a successful initial contact and personal safety.

1. If the response time is immediate, the plan to initiate the investigation may be concerned with only the initial contact at the institution.
2. The plan and preparation must consider the following within response time contexts:
  - a. Review information and decisions within the Intake Assessment
    - i. Determine if the Licensing Agency has already been notified of this report by intake.
    - ii. Determine if the Intake Assessment provides indication as to whether there are allegations by an individual perpetrator and/or whether the institution is administratively responsible for the abuse or neglect.
    - iii. Determine if the Intake Assessment identifies a specific alleged child victim and/or broad allegations that may include multiple victim children (e.g. lack of necessities supervision, food, utilities, mental health or medical services or the institution is aware of the alleged abuse or neglect of child(ren) by a caregiver(s) and has taken no action).
  - b. Planning the approach to accessing children, caregivers, and administration of the institution.
  - c. Identifying the need to use a team approach with other professionals.
  - d. Identifying and reviewing any prior history for the caregiver and prior history of the institution that may be relevant to the current case.
  - e. Reviewing any collateral sources of information and how to best access them.
  - f. Identifying availability and accessibility of a supervisor once the initial contact commences.
  - g. Identifying the need for follow-up with the reporter including noting questions to be covered.
3. Documentation: Preparation and planning must be documented in a 'SPVSYCONTACT' UNITY case note.

**Notifications:** The investigator must contact the following:

1. Attempt contact with the Reporting Party to gather more information, if necessary.
2. Notify the assigned caseworker, if applicable.
  - a. If the caseworker is already aware of the allegation, the investigator must gather information from the caseworker about the allegation and the child's safety.
  - b. The investigator must attempt to involve the caseworker in a joint response.

3. The licensing agency or authorizing entity of the institution of the report.
  - a. Inquire if a joint initial response with the licensing agency is possible.
4. The licensing operator of the institution, that a report has been received regarding the abuse or neglect of a child in the institution's care and that an investigation will be conducted. During the notification the investigator must inquire if the licensing operator or other administration of the institution has knowledge of the alleged child abuse or neglect and if any action has been taken.

*Note: If this notification could compromise the child's safety, the investigator does not need to notify the licensing operator of the institution of the report prior to initiating the investigation. This decision and the rationale must be documented in a UNITY case note by the supervisor.*
5. The parents of all alleged child victims of the report and intent to interview the child.
  - a. The exception to this is if parental rights have been terminated.
  - b. If the child has a Child Welfare Agency caseworker, the investigator may coordinate the contact with the child's parents with the assigned caseworker.

**Initiating the investigation:** The investigation must be initiated by attempting face-to-face contact with all alleged child victims identified in the report within the assigned priority response time. (Note: The only exception to this is if there are no known locations where the child may be present, and it is not possible to attempt a face-to-face contact. In this circumstance the investigation may be initiated by collateral contacts and/or case review ([NAC 432B.155](#))).

1. Interviews with each child must be conducted individually, in-person, outside the presence of caregivers.
  - a. If the Intake Assessment does not identify a specific alleged child victim and/or identifies the institution may be administratively responsible for the abuse or neglect of multiple children a sufficient sample of children must be interviewed.
  - c. The sample size of children that must be interviewed may vary dependent upon the population size and the children's ability to provide information about the allegation. Examples of possible sample size:
    - i. Group home has ten (10) children and the investigator attempts to interview all ten (10) children.
    - ii. Institution has fifty (50) children and ten (10) children are interviewed. Investigator determines more information is needed to make a determination about child safety at the institution and understand the extent and circumstances of the maltreatment. The investigator interviews several more children to continue gathering information.
    - iii. Institution has seventy-five (75) children and thirteen (13) children are interviewed. Investigator determines they have a clear understanding of child safety issues at the institution and the extent and circumstances of the maltreatment.
2. Non-verbal children must be observed and assessed.
3. The investigator must attempt to gather information:
  - a. Surrounding the allegation of abuse or neglect;
  - b. Who the identified perpetrator(s) are;
  - c. If there are any witnesses or individuals who may have information about the allegation;
  - d. If other children may be child victims; and
  - e. the child's safety at the institution.
4. The investigator must attempt to interview all identified alleged perpetrators about the report of abuse or neglect. Introductions with the alleged perpetrator(s) must include:
  - a. Staff identification
  - b. Inform the caregiver of any allegation which is made against them (reporting party information must remain confidential);
  - c. The purpose of the investigation, to determine whether abuse or neglect has occurred and to assess child safety; and
  - d. Attempts to discuss and address the allegation of abuse or neglect.

**Determination about child safety:** Pursuant to [NAC 432B.360](#), the investigator shall ensure the safety of the alleged child victim and or any other child who may be threatened with harm at the institution.

1. Foster homes: If there is a determination that any child in the custody of a child welfare agency is unsafe, the child must be immediately removed from the home. A Present Danger Plan or Safety Plan must not be used with a foster home where a child is in custody of the child welfare agency.

*Note: If at any time during the investigation the investigator identified an allegation of maltreatment or pending or impending danger of children of the foster parents, the investigator must ensure a new Intake Assessment is completed. If screened for investigation, that report would follow the traditional NIA process.*

2. Institutions: If present danger is identified, the investigator must make alternate arrangements for the care of the child and consult with the licensing agency if a joint investigation is not being conducted. The investigator does not have authority to demand removal of an employee or otherwise direct the institution, however, the licensing agency may be permitted to take a direct approach with the institution and ensure the child's safety. Alternate arrangements to ensure the safety of the child could include:
  - a. The institution ensuring the alleged perpetrator does not have any contact with children at the institution.
  - b. The institution providing other caregivers for the child pending the outcome of the investigation.
  - c. The child changing placements.

**Documenting Present Danger Assessments (PDAs):** The investigator must document the PDA and, if applicable, any alternate arrangements in UNITY within one (1) business day after the investigator has completed assessing for present danger. The PDA must include:

1. The description of the initial contact;
2. A summary of results of present danger finding;
3. All decisions and supporting rationale;
4. Supervisor/designee consultation(s); and
5. If applicable, any alternate arrangements made.

**Supervisor Responsibility for PDAs:**

1. Be available or arrange for availability of supervisory consultation for emergency situations.
2. Review all information available relevant to the present danger of the child.
3. Approve alternate arrangements if they are necessary to protect the child.
4. Approve PDA in UNITY ensuring the PDA includes description of the PDA, supervisory consultation and supervisory approval of the alternate arrangements.

**Continuing the Investigation**

**Additional Information Collection:** During the investigation the investigator will need to collect additional information beyond interviews with the alleged child victim and alleged perpetrators to gather additional information about the allegation of abuse or neglect and to determine if the institution is administratively responsible for the abuse or neglect. The types of additional information may vary for each case and is dependent upon multiple factors of a case. Examples of additional sources may be:

1. Other caregivers: This includes any other caregivers in the group or foster home or other staff in the institution that are not identified as a perpetrator.
2. Other children in the institution: This may include other children identified as possible child victims, witnesses, or who may have knowledge about the abuse or neglect. Parental consent is required to be obtained prior to interviewing children who are not related to the alleged child victim(s) and are not a subject of the report.
3. Collateral contacts: Other individuals who have contact with the alleged child victim or alleged perpetrator. This may include, but is not limited to, educational, medical, or therapeutic professionals.
4. Law enforcement: If they are also investigating the child abuse or neglect, the investigator must attempt to work jointly with law enforcement and gather information from law enforcement about their investigation.
5. Institution records: This may include any documentation from the institution that may be pertinent to the alleged abuse or neglect (e.g. policies, procedures, child-specific records, daily log sheets, medical reports, staff training records, or incident reports).
6. Licensing Operator: This may include a director, operator, or administrator of the institution. The interview must include discussion about the allegation of child abuse or neglect, including whether the administration knew about the allegation and what action, if any, the institution has taken. If any information indicates there may be a regulatory or operational issue at the institution (e.g. staffing or training issues), this must also be addressed with the licensing operator.



7. Licensing records (if applicable): Review licensing and/or certification records including any corrective action plans. Confirm the facility is appropriately licensed by conducting a search at: [http://dpbh.nv.gov/Reg/HealthFacilities/dta/Media/Find\\_a\\_Health\\_Facility/](http://dpbh.nv.gov/Reg/HealthFacilities/dta/Media/Find_a_Health_Facility/)
8. Licensing agency or authorizing agency: They may elect to take action after receipt of the report from the child welfare agency or community. The investigator must attempt to gather information that includes:
  - a. Any information pertinent to the current investigation; and
  - b. History of reports or information on the alleged perpetrator and the institution relevant to the current case.
9. Photographing evidence:
  - a. The alleged child victims if there is physical evidence of such. Jurisdictions must follow the internal policy on viewing and documenting injuries and obtaining permission from the parent or caregiver.
  - b. Examining and photographing pertinent areas of the institution.

**Additional Allegations:** During the investigation, the investigator may be made aware of additional allegations. This could include additional alleged child victims, additional perpetrators, and/or information that indicates the institution is administratively responsible for the alleged abuse or neglect.

1. The investigator must staff all additional allegations with the supervisor to determine if an additional safety response needs to be made.
2. The investigator must staff all additional allegations with the supervisor to determine whether the institution could be considered administratively responsible for the abuse or neglect.
3. Additional allegations with the identified perpetrator must be added to the investigation in UNITY.

**Documentation:**

1. All contacts must be documented in UNITY case notes within five (5) business days of contact. This includes the date, time, and information learned and discussed during the contact.
2. Complete applicable sections of the Nevada Initial Assessment in UNITY: The Maltreatment, Nature, and Child Functioning.

**Maltreatment:** What is the extent of the maltreatment?

1. The standard for the decision to substantiate means that a report was assessed and there is a preponderance of evidence that abuse or neglect exists.
2. At minimum, such documentation should include:
  - a. The kind and specific description of the maltreatment
  - b. The severity of maltreatment
  - c. The specific of the events, injuries, and conditions present
  - d. Identification of all alleged perpetrators
  - e. Identification of institution staff who were or should have been aware of the maltreatment
  - f. Whether the institution is administratively responsible for the maltreatment
  - g. The conclusion reached by the worker confirming the maltreatment
3. If maltreatment was not found, the investigator justifies this conclusion after reviewing the conditions that existed and the situation associated with (or surrounding) the alleged maltreatment that was documented in the report.

**Nature:** What surrounding circumstances accompany the maltreatment?

1. This question requires an explanation from caregivers, children, and other witnesses to the circumstances. The circumstances surrounding the incident help the investigator determine whether the person responsible for the welfare of the child could reasonably have expected the child to have been harmed as a result of their conduct.
2. At minimum, the documentation should include:
  - a. The description of maltreatment and what was going on around the time the maltreatment occurred.
  - b. The caregiver's explanation of what happened.
  - c. The caregiver's acknowledgement, attitude, and intentions
  - d. Institution's explanation of what happened and any corrective actions taken
  - e. Frequency of maltreatment
  - f. History of maltreatment

- g. CPS history as it pertains to the alleged perpetrators or patterns occurring within the institution

**Child Functioning:** How does each child function on a daily basis?

1. Sufficient documentation exists when an investigator provides a convincing picture of the child from day to day. At a minimum, such documentation must include the following on the NIA document:
  - a. Physical health
  - b. Emotion and temperament
  - c. Intellectual functioning
  - d. Behavior
  - e. Ability to communicate
  - f. Self-control
  - g. Educational performance
  - h. Peer relations
  - i. Development
    - (1) Documentation about a child's development must determine whether the child is on target related to physical, mental, social and emotional characteristics.

**Concluding the investigation**

**Supervision:** Review and discuss information collected to determine:

1. If sufficient information has been collected to make a substantiation decision about the allegation of child abuse or neglect.
2. If additional allegations or underlying issues within the institution that may be contributing to the child abuse or neglect were identified.
3. If any regulatory or operational issues are identified. If so, the investigator must notify the licensing agency or authorizing entity of the issue.
4. What follow-up contacts are necessary to the facility, including any recommendations, and to the licensing agency or authorizing entity.

**Substantiation Decision:**

1. The investigator and supervisor must determine whether there will be a substantiation and whom the substantiation will be against. The substantiation may apply to:
  - a. An individual perpetrator;
  - b. Multiple perpetrators;
  - c. The institution; and/or
  - d. The operator, director, or administrator of the institution.
2. Decisions about a finding to substantiate or not substantiate must be made according to the [Statewide Policy 0513: Substantiation](#) and the [Substantiation Guidelines](#).
3. The decision on substantiation must be sufficiently documented in the maltreatment section of the NIA and include who the substantiation is against and the type or types of maltreatment substantiated or unsubstantiated
4. If the investigation was conducted by another Child Welfare Agency to avoid a conflict of interest (i.e., due to an allegation in a child welfare agency facility or by staff of a child welfare operated facility) then the child welfare agency that conducted the investigation shall make the substantiation decision and be responsible for conducting an Administrative Appeal of any substantiation made by the Child Welfare Agency.
  - a. Fair Hearing Jurisdiction:
    - I. If an individual was substantiated on, the Fair Hearing process will be conducted by the Child Welfare Agency in the jurisdiction where the incident occurred. The Child Welfare Agency that made the substantiation will be a party during the Fair Hearing.
    - II. If an Agency was substantiated on, the Fair Hearing process will be conducted by the Child Welfare Agency that made the substantiation.

**Notifications:** At the conclusion of an investigation, multiple individuals must be notified of the substantiation decision. All notifications must occur within three (3) business days of concluding the investigation and be documented in UNITY case notes. Written notice of the outcome of the investigation (whether the allegation is substantiated or unsubstantiated) must be provided to:

1. All perpetrators who have an identified allegation of child abuse or neglect against them.
  - a. If substantiating the maltreatment, the written notice must be the Notification of Substantiation and Right of Administrative Appeal to each individual that will receive a substantiated finding;
  - b. Child's parents or legal guardian;
  - c. The director, operator or administrator of the institution; and
  - d. The licensing agency or authorizing entity the institution or foster home.

**Additional follow-ups:**

1. The investigator must make recommendations and follow-up with the institution and licensing agency or authorizing entity of the institution if:
  - a. The allegation(s) is substantiated;
  - b. If the institution is administratively contributing to the underlying causes of the abuse and neglect; or
  - c. If any issues that may impact the safety of the children in the institution are identified.
2. Recommendations may be sent with the written notice of the substantiation, however, if they are not, they must be sent within seven (7) business days of concluding the investigation. Recommendations which must be approved by a supervisor may include:
  - a. Staff training
  - b. Revision of policy or procedure
3. Follow-up: The investigator must request information to understand if the institution and/or the Licensing agency are taking any action within ten (10) business days of sending the written recommendations.
  - a. For example, the Licensing agency or authorizing entity the institution could:
    - i. Establish a corrective action plan for the institution; and/or
    - ii. Make changes to the institution's licensure, such as provisional, suspension or revocation.
  - b. For example, the institution could:
    - i. Terminate the perpetrator;
    - ii. Make changes to policy and procedure; and/or
    - iii. Provide training to staff.
4. If the investigator learns no additional action is being taken to correct any administrative issues that contributed to the child abuse or neglect that were identified during the investigation, the investigator must staff this with their supervisor. This may result in additional notification to the licensing agency or authorizing entity and/or if a new allegation of child abuse or neglect is identified, a new Intake Assessment must be completed and screened.

**Licensing Violation for Institutions or Foster Homes Licensed by the Child Welfare Agency**

This provides the process for addressing a licensing violation in a foster home or other institution that is licensed by the child welfare agency. The reported information may include an allegation of abuse or neglect in which case an institutional investigation must also be completed. In instances where there is no allegation of abuse or neglect a licensing violation will still need to be investigated.

This process does not apply to licensed institutions that are not licensed by the child welfare agency. In this instance, the report must be forwarded to the licensing agency or authorizing entity.

**Licensing Supervisor Responsibilities**

1. Upon becoming aware of a potential licensing violation, the Licensing Supervisor must review the contents of the violation. If there is reason to believe that a foster home is operating without a license or a licensed foster home is not conforming to the conditions of the license or the requirements for foster home care, an investigation shall be conducted to determine the facts.
2. Once it is determined a licensing assessment must occur, the following must be completed:
  - a. Determine whether to place the home's beds on hold
  - b. Determine if the institution or foster home has had previous violations or concerns.
  - c. Notify the institution or foster home, as soon as appropriate, but within forty-eight (48) hours, if the beds are placed on hold.
    - i. Document notification in "Licensing Facility" case note in UNITY within forty-eight (48) hours.
  - d. Notify caseworker(s) of the foster home.
  - e. Notify placement team or Agency, if applicable.

**Worker assigned to the Licensing Investigation Responsibilities**

1. The assigned worker must consult with Licensing Supervisor to determine:
  - a. If the birth parents will be notified and who will be responsible to notify the birth parents of the licensing investigation if parental rights have not been terminated or relinquished.
  - b. The response time which time must occur within three (3) business days from date the report was received.
2. Attempt face-to-face-contact within the response time.
3. As determined through supervisory consultation, the worker assigned to the licensing investigation must complete the following:
  - a. Contact with the reporting party;
  - b. Contact with the foster children in the home;
  - c. Contact with the adoptive and biological children in the home, if appropriate and given permission by foster parent.
  - d. Contact with the foster parents, caregivers, and staff in the home.
  - e. Contact with the Child Welfare Agency
  - f. Juvenile Justice Case Manager, if applicable.
  - g. Observation of the foster home/facility.
  - h. Review of the history of reports and outcomes of reports regarding foster family/home/foster children.
  - i. Contact with any other parties that may have pertinent information (e.g., educational, medical, therapeutic, law enforcement or any witnesses).
4. As determined through supervisory consultation, the licensing investigation may complete the following:
  - a. Contact with the prior foster children in the home, if appropriate and available.
    - i. If a child is no longer under the jurisdiction of the court or has been reunified with a parent, permission must be obtained from the parent or caregiver prior to interview.
  - b. Contact with the child's parents.
  - c. Review of the child welfare case.
  - d. Review of records; educational, medical, therapeutic, police, etc.
  - e. Evaluation for the licensing violations and if a violation has been found recommendations may include:
    - i. Issue a written notice specifying the nature of the noncompliance and if needed issue a plan of corrective action and the time in which each corrective action must be taken;
      - If the noncompliance does not involve health or safety issues, continue the license conditioned on the foster home achieving full conformity by a date set forth in the issued written notice.
    - ii. Suspend the license;
    - iii. Revoke the license; or
    - iv. Refer the person to the legal counsel of the agency which provides child welfare services for appropriate action.
5. Document all the information collected in UNITY in a "Licensing Assessment Summary" document within five (5) business days of completed licensing investigation and submit findings to Supervisor for review and approval.
6. If at any time during the licensing investigation, an allegation of abuse or neglect is uncovered, the licensing worker must ensure an Intake Assessment is completed.

**Additional documentation for dual investigations (Institutional Investigations and Licensing Violation).**

1. In addition to the documentation requirements of an institutional investigation, the investigator must:
  - a. Enter a summary note under the Licensing Facility case note section in UNITY at the time of closure. The summary note includes:
    - i. Reporting party;
    - ii. Alleged victim;
    - iii. Name of foster home;
    - iv. Case and report number;
    - v. The allegations of abuse or neglect;
    - vi. Any alleged perpetrator name;

- vii. The finding as to the allegations;
  - viii. A brief summary of the investigation;
  - ix. The decision making as to the findings, and;
  - x. Whether or not any licensing violations were found during the investigation and how they were addressed.
- b. Document the entire investigation in a licensing assessment summary document (as determined by jurisdiction)

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

Requirement	Starting Date	Deadline	Responsible Party	Actions to be Taken
<b>Prepare for and plan for the investigation</b>	Date/time report is assigned to investigator	As soon as possible prior to initiating the investigation	Investigator or agency designee and Supervisor	-Consult with supervisor to discuss important facts and gaps in IA to plan for investigator's response - Conduct initial notifications
<b>Initiate investigation</b>	Date/time report is received	P1-6 business hours P2-24 business hours P3-72 business hours	Investigator or agency designee	-Attempt face-to-face contact with all alleged child victims - Attempt interviews with alleged perpetrators
<b>Staff Present Danger with Supervisor</b>	Date/time face-to-face contact is made with alleged child victims	If present danger or safety issues are identified	Investigator or agency designee and Supervisor	-Consult with Supervisor about existence of present danger. - If there is present danger, consult about possible alternate arrangements
<b>Complete PDA in UNITY</b>	Date/time face-to-face contact is made with alleged child victims	Within one (1) business day of initial contact	Investigator or agency designee	-Complete PDA in UNITY
<b>Conclude Investigation</b>	Date/time report is received	Within 45 calendar days	Investigator or agency designee and Supervisor	-Collect additional information to support investigation -Complete NIA sections -Consult with Supervisor about information collected and decision making
<b>Notification of substantiation decision</b>	Date/time investigation is concluded	Within three (3) business days	Investigator or agency designee	-Send written notifications
<b>Make Recommendations</b>	Date/time investigation is concluded	Within seven (7) business days	Investigator or agency designee and Supervisor	-Contact licensing agency or authorizing entity and/or institution to make recommendations
<b>Follow-Up</b>	Date/time recommendations are sent	Within ten (10) business days	Investigator or agency designee	-Conduct follow-up on any actions taken to correct any issues

**Licensing Violations:**

<b>Notify the institution or foster home</b>	Date/time licensing assessment is received	Within forty eight (48) business hours	Worker assigned	-Contact the institution or foster home about the licensing violation and notify if beds are placed on a hold
<b>Attempts face-to-face contact</b>	Date/time licensing assessment is received	Within three (3) business days	Worker assigned	-Contact with identified child and identified foster home or institution

<b>Corrective Action Plan, if necessary</b>	Date/time licensing assessment is received	Within forty-five (45) days	Worker assigned	-Complete Corrective Action Plan and submit to supervisor
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**Documentation:** This section outlines what documentation must be done in the case files and/or UNITY to be in compliance with the state policy.

**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>Intake Assessment</li> <li>Any paper documents collected during the investigation</li> <li>Nevada Initial Assessment</li> <li>Copies of written notifications</li> </ul>

**UNITY Documentation (electronic)**

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none"> <li>Case Notes</li> </ul>	<ul style="list-style-type: none"> <li>All contacts made during the investigation and all notifications</li> </ul>
<ul style="list-style-type: none"> <li>Present Danger Assessment (ASM100)</li> </ul>	<ul style="list-style-type: none"> <li>PDA</li> </ul>
<ul style="list-style-type: none"> <li>Nevada Initial Assessment (ASM200)</li> </ul>	<ul style="list-style-type: none"> <li>NIA document</li> </ul>
<ul style="list-style-type: none"> <li>CPS Report Detail (RP000)</li> </ul>	<ul style="list-style-type: none"> <li>Document initial response date/time</li> </ul>
<ul style="list-style-type: none"> <li>Investigation Approval (INVS003)</li> </ul>	<ul style="list-style-type: none"> <li>Supervisor approval of investigation</li> </ul>

**JURISDICTIONAL ACTION**

**Development of Internal Policies:** Agencies which provide child welfare services will follow this statewide collaborative policy as written. Agencies which provide child welfare services may develop internal policies and procedures as necessary to implement this policy.

Internal policies and/or operating procedures must be submitted to the Family Programs Office (FPO) for review and approval.

**Supervisory Responsibility:** Supervisors have the responsibility to consult and provide assistance to investigators to ensure policy compliance.

**STATE RESPONSIBILITIES**

The state will provide technical assistance regarding program development and implementation to the Child Welfare Agencies.

**POLICY CROSS REFERENCE**

**Policies:**

- [0506 Intake and Priority Response Times](#)
- [0508 Nevada Initial Assessment](#)
- [0513 Substantiation](#)

**History and Updates:** This Policy supersedes 0901 Institutional Abuse and Neglect Investigations effective 6/18/2008.

**ATTACHMENTS**

- FPO 0901A - Residential Institutions for Children in Nevada
- FPO 0901B - Subject Matter Experts