



MEMORANDUM

DATE: March 17, 2020

TO: Tim Burch, Director, Clark County Department of Family Services
Amber Howell, Director, Washoe County Human Services Agencies
Alexis Tucey, Deputy Administrator, Division of Child and Family Services

FROM: Ross Armstrong, Administrator

RE: Instructional Memo: COVID-19 Guidance Memo #1

As the State of Nevada continues to respond to the unfolding COVID-19 emergency, the Division of Child and Family Services, Family Programs Office is releasing the following reminders and guidance for child welfare agencies operating in Nevada.

This guidance is not intended to address every scenario that may arise; as this event evolves, guidance may also arise. **With all of the below exceptions, it is critical for all staff to thoroughly document decisions made and the rationale for the decision.**

This guidance is being release absent guidance from our federal partners and may be superseded by guidance or directives from them as for federal requirements at any time. Child Welfare agencies are encouraged to consult their legal counsel and agency emergency management departments as the COVID-19 emergency continues.

DISASTER RESPONSE AND RECOVERY PLAN

Provided here are excerpts from the DCFS/CCDFS/WCHSA 2020-2024 Disaster Response and Recovery Plan, these are provided in italics to denote direct material from the Plan.

Essential Function: Identification and location process of children who may be displaced:

- *All social workers/caseworkers or designee with an assigned caseload will contact those youth living independently but still under the jurisdiction of the State via telephone and/or home visits to identify and locate youth who are displaced because of the disaster/emergency as well as assess needs (youth may call caseworkers first however needs assessment and location must still be ascertained).*

Essential Function: Staff assignment process

- *The restoration of child welfare services is prioritized and communicated to employees working during or after a disaster in the most expeditious manner possible.*
- *All available CPS staff will be placed on a 24/7 rotation and will continue to provide services based on assigned schedules.*
- *The specific manager of the state or county or designee will determine the CPS staff reporting stations based on direction from the DCFS Administrator, CCDFS Director, WCHSA Director, or designee.*

- *During a disaster or emergency, children's services workers are among the first responders. All employees are expected to report to their worksite or alternate site when safe and feasible to do so. The goal of DCFS, CCDFS, and WCHSA is to continue necessary services for the community we serve.*

Essential Function: Workload planning

All State and County Offices

- *Operations will return to regular work hours and functions as soon as possible. The priority for restoring services is as follows:*
 - *Hotline*
 - *Investigations-ability to investigate reports of abuse and neglect and place children in safe out of home living arrangements if needed.*
 - *Ensure safety of children who are wards placed out of home care and focus on children with special needs and dependent on technology (i.e. wheelchairs, respirators, sight impaired)*
 - *Execute consents for children in our care (i.e., emergency surgery)*
 - *Payment to caregivers*
- *As available and appropriate, supervisory staff will:*
 - *Provide backup to line staff;*
 - *Report to their respective manager or designee at least once a day if not more frequently depending on the situation;*
 - *Make sure staff working in the disaster/emergency area are debriefed regularly; and*
 - *Monitor extremely serious cases.*
- *Social workers/case workers will:*
 - *Provide on-going case management for current caseloads; and,*
 - *Respond to new cases on a prioritized basis with the assistance of workers from unaffected areas or other counties.*
- *Support staff can assist with many job functions such as:*
 - *Assist with phone calls to verify location of children or hotline coverage;*
 - *Assist with in person verification and location of children if phone lines are inoperable;*
 - *Emergency placements – assist in locating appropriate foster homes or facilities and;*
 - *Assist in coordinating background checks for available emergency placements.*

FPO Office

- *FPO staff will assist all offices as necessary and available to ensure services and functions are restored.*
- *As available and appropriate, supervisory staff will:*
 - *Provide backup to line staff;*
 - *Report to their respective manager or designee at least once a day if not more frequently depending on the situation;*
 - *Make sure staff working in the disaster/emergency area are debriefed regularly; and,*
 - *Monitor extremely serious cases.*
- *Social workers/case workers will:*
 - *Provide on-going case management for current caseloads; and,*
 - *Respond to new cases on a prioritized basis with the assistance of workers from unaffected areas or other counties.*
- *Support staff can assist with many job functions such as:*
 - *Assist with phone calls to verify location of children or hotline coverage*
 - *Assist with in person verification and location of children in the event that phone lines are inoperable;*
 - *Emergency placements – assist in locating appropriate foster homes or facilities and;*

- Assist in coordinating background checks for available emergency placements.
- In the event an agency which provides child welfare services is unable to continue to provide services to children in their custody due to being overwhelmed by a disaster or emergency, the DCFS Administrator, CCDFS Director, WCHSA Director, or designee will work with the affected jurisdiction and/or state emergency services to assist in the restoration of services and functions in a rank order of importance and as quickly as possible.

Note: The disaster plan focuses on situations while children and families may be missing and/or displaced. Child welfare agencies have an obligation to ascertain the status of youth in court jurisdiction or independent living programs that may be affected due to closures of college campuses or disruption to other placement situations.

RESPONSE TIMES

Priority response times are not dictated by federal law or state law. They are dictated by state policy. DCFS is allowing exceptions to the current response times due to predicted shortages in staff. These adjusted acceptable response times are effective for all referrals received after 12:00PM on March 17, 2020.

	State Policy	Modification
P1	3 hours 6 hours Rural Region	6 hours
P2	24 hours	24 hours
P3 (no present or impending danger)	72 hours	7 calendar days

Note: response times are measured from the receipt of the report.

Increased response times emphasize the need for prudent screening decisions and thorough documentation of decision-making.

CONTACT REQUIRED

Federal law, state regulations, and state policy require face-to-face contact in certain situations.

Federal Law - 42 U.S.C. § 624(4)

Federal Law requires that at least 95 percent of foster care cases receive visit each month and requires that 50 percent or more of those visits occur in the home where the child is living. 42 USC § 624(4)(1-2). These must in-person visits. The penalty for failing to meet this requirement includes penalties in IV-E eligibility up to 5% for each requirement. The penalties are as follows:

- Less than 10% deviation from requirement: 1% penalty
- 10% - 19% deviation from requirement: 3% penalty
- 20% or more deviation from requirement: 5% penalty

At this time we have not seen authorization to waive the face-to-face requirement associated with federal law and so child welfare agencies are encouraged to evaluate and weigh safety considerations of the child, the foster family, the worker, and the worker’s family when deciding whether or not to comply with this federal requirement. The Family Programs Office has reached out to the Children’s Bureau to see if this requirement may be waived or modified in light of the current COVID-19 emergency.

STATE REGULATION & POLICY

DCFS is providing the following guidance in terms of temporary interpretation of Nevada Administrative Code or waiver of policy:

Requirement	Interpretation or Policy Modification
Investigation/Present Danger Assessment	No deviation from in-person requirements
Nevada Initial Assessment	Phone or video permitted for additional information gathering IF after in person interview of children there are no safety issues identified
Monthly visit of a child subject to an in-home safety plan	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems.
NAC 432B.405 (Monthly visit for youth in foster care)	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems.
Home Visit for Foster Care License Renewal	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems for a 6 month extension of the license.
Post Adoption Visit	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems.
NRS 424.405 Home visit for foster care licensure	No deviation from in-person requirements
NRS 424.050 Investigation of unlicensed foster home	No deviation from in-person requirements
NAC 424.120 Investigation of applicant for foster care licensing, annual visit	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems.
NRS 424.230 Periodic and annual review of foster homes	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems except in cases where visit is required based on “critical incident”
NRS 127.2805 Investigation of Prospective Adoptive Parents	No deviation from in-person requirements
NAC 127.235 Home Study	No deviation from in-person requirements
NAC 127.256 Post-adoption visits	The term “visit” may include an electronic visit such as phone, tablet, or computer based video systems.

This guidance is effective at 12:00PM on March 17, 2020.

It is critical to maintain effective support for foster and other placements during this time. Professional discretion should be exercised to determine if an in-person visit is in the best interest of the child even when these exceptions allow for alternative means of contact. For all circumstances in which a video or phone contact

will be made in place of face-to-face contact, it must be clearly documented in UNITY the type of contact made and how it was determined that video or phone contact was appropriate to maintain the safety of the child(ren).

For effective use of video meetings, attempt to mirror an in person visit by requesting that family members show you the condition of the home, the condition of the children, and any other requests you would make if you were in the home in person.

Caseworker Contact

State policy 0205 already allows for a caseworker not assigned to the case to complete a monthly contact:

1. When the caseworker normally assigned to the child is unable to complete a monthly contact with a child, the supervisor must arrange for an alternate caseworker to complete the monthly contact with the child. The alternate caseworker must be assigned, in UNITY, outlined in FPO 0205A and FPO 0205B.

Having the assigned caseworker place the note in UNITY to include the name of the worker who conducted the visit is an acceptable practice so that the caseworker log can be pulled for review.

VISITS TO JUVENILE JUSTICE, MENTAL HEALTH, OR OTHER FACILITIES

Child welfare workers must follow the restrictions of the facility and make all efforts for some type of contact (e.g., video, telephone).

For contact occurring by phone or video that is normally required to take place in person, this must be clearly documented in UNITY. Documentation must include the type of visit that occurred (video/phone), and a justification of professional discretion that a video or phone contact was appropriate in that case. This may include that the facility had terminated all in-person visit in order to address the COVID-19 emergency.

EMERGENCY SHELTERS

In light of instruction to reduce large groups of individuals, emergency shelters with high census counts should take the following immediate actions

- Place youth in foster home settings as available. This may require temporary placements which deviate from statutory, policy, or best practice preferences to maintain sibling groups, have children residing in the same neighborhood as removal, or nearest to their school of origin.
- Make plans for enhanced health screening of incoming youth, visitors, and enhanced cleaning protocols consistent with Centers for Disease Control and Prevention Guidelines
- Make plans for isolation or alternative living quarters if a youth infected or suspected to be infected and not recovered from COVID-19 needs to live at the shelter.

ALTERNATIVE NEVADA INITIAL ASSESSMENT

The requirements for the use of an Alternative Nevada Initial Assessment (NIA) and requirements for tracking and evaluation are maintained. One additional qualifying criteria will be made for NIAs to account for predicted shortages in staffing.

- For child fatalities, if there is maltreatment or suspicion of maltreatment, but no other children in the home, an Alternative NIA may be conducted. Data collection and evaluation requirements for these Alternative NIAs are the same as the previously approved Alternative NIA pilot.

KEEPING STAFF SAFE

When in person contact is required, staff should still use social distancing and stay six feet away from all individuals when possible, refrain from touching anything in the home, and use personal protective equipment (e.g., mask, hand sanitizer, gloves). Consider talking to family members outside to minimize time spent inside the home.

The CDC has released many helpful documents on how to stay safe when contact with the public is required. Please see attachments.

Contact Before Contact: Screening Questions

For required home visits, staff should call the family before going to the home using screening questions before going to a home. Vermont is using the following:

Screening Questions

To protect public health, we respectfully request that if you answer yes to any one of the following questions, we will gladly make other arrangements to provide services to you and your family.

- In the past few days have you felt unwell, especially with respiratory symptoms (cough, fever, shortness of breath, difficulty breathing)?
- In the past 14 days have you:
 - Been in contact with a person infected with novel corona virus (COVID-19)?
 - Been to one of the affected countries or regions (listed at www.healthvermont.gov/covid19).
 - Been to a health care facility (hospital, walk-in clinic, emergency room) where people infected with COVID-19 are treated?

If someone answers “yes” to any of the questions:

1. They should be encouraged to contact their doctor and let them know about their symptoms and/or exposure.
2. Make alternate plans to accomplish the purpose of the contact. Skype, FaceTime, Safety Plan, huddle with your supervisor, director and/or operations manager for additional case specific ideas.

CONNECTING FAMILIES TO NEEDED ASSISTANCE

Child welfare teams have experience and skills in connecting families to needed resources. These skills may need sharpening or extra assistance as the economic effects of the COVID-19 emergency develop. The child welfare system should anticipate an increase in families, foster parents, and the families of your workforce needing unemployment, housing, nutrition, and other assistance. Each child welfare agency is encouraged to collaborate with their local teams from the Division of Welfare and Supportive Services for creative and effective assistance to your families. The Division can assist any child welfare agency in initiating that connection if needed.

RECOVERY AND POTENTIAL FISCAL CONSEQUENCES

While child welfare agencies are working through the immediate crisis, they should begin planning for recovery. Be thinking about how your agency is prepared to return to normal operations and be taking notes of lessons learned for enhanced planning and preparedness for future disasters. Due the integral part that tourism and sales plays in our Nevada economy, it is prudent to start planning for potential lingering negative budgetary effects on each Child Welfare Agency with minimal to substantial possible reductions in state and county fiscal resources.

REQUESTS FOR ADDITIONAL GUIDANCE

The Division of Child and Family Services, Family Programs Office understands that the COVID-19 emergency continues to be an evolving situation. Agency needs or abilities may change in the event of sharply increasing staff, placement, or provider shortages. Any agency experiencing difficulty in executing essential functions should coordinate with their local Public Health Preparedness team to coordinate with the State of Nevada Emergency Operations Center for resources. For statutory, regulatory, or policy concerns or deviations, please contact Kathryn Roose at the Family Programs Office by phone (775) 301-7141 or by email (kroose@dcs.nv.gov). Any child welfare agency may submit an emergency policy or procedure for review by the Family Programs Office for review.

In order for DCFS to track jurisdictional modifications to current practice through this crisis, the Family Programs Office requests copies of all policies, procedures, instructional memoranda, or other communications to child welfare staff, and requests jurisdiction permission to share modified operations with the other jurisdictions to facilitate practice improvement.

EXPIRATION OF MODIFICATIONS

The modifications to response times and interpretation of Nevada Administrative Code and policy expire at 11:59PM on April 19, 2020. The Division reserves to right to issue superseding guidance based on federal direction or changing circumstances within the State of Nevada; the Division also reserves the right to extend the modifications in this memo is circumstances so require.

CC: Kathryn Roose, Deputy Administrator, Division of Child and Family Services

Attachments: DCFS Disaster Response and Recovery Plan
Talking with Children
Social Distancing
Coping with Stress