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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 0517-10122018

10/12/2018

TO: Timothy Burch, Administrator - Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V - DCFS – District Offices
Amber Howell, Director - Washoe County Human Services Agency

FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

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

- 0517 Sealing of Records Located in the Central Registry

This policy is/was effective: 9/19/2018

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 was changed to incorporate preponderance of evidence and remove credible evidence. The definitions have also been updated to include this change and for unification of definitions. Updates also include IS and CCWIS name change.

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.

0517.0 Sealing of Records Located in the Central Registry

0517.1 Policy Approval Clearance Record

Check one only: <input checked="" type="checkbox"/> State Policy <input type="checkbox"/> Collaborative Policy	This policy supersedes: 517 Sealing of Records located in the Central Registry: (DMG approved 09/01/2011)	Number of pages in Policy: 5 Date Policy Effective: 09/19/2018
PART Recommendation Date:		Policy Lead: Hayley Jarolimek, SSCII
DMG Approval Date:	09/19/2018	Policy Lead: Hayley Jarolimek, SSCII
Review by Representative from the Office of the Attorney General:		Signature: N/A
DCFS Administrator Approval:	09/19/2018	Signature: None required

0517.2 Statement of Purpose

0517.2.1 Policy Statement: This policy establishes the procedures for sealing a child abuse and neglect record in the Central Registry system.

0517.2.2 Purpose: Identify and explain the process for sealing records located in the Central Registry in accordance with statutory requirements. In addition, to address DCFS' receipt of valid court orders or decisions from child welfare agency fair hearing officers that order removal of a record located in the Central Registry prior to the mandatory date of removal.

0515.3 Authority

[42 USC 5106a, section 106 \(b\)\(2\)\(A\)\(xi\)](#)
[NRS 432.0999 – NRS 432.120](#)
[NRS 432B.310](#)
[NAC 432B.170](#)

0517.4 Definitions

0517.4.1 Appeal: A procedure afforded to an individual who has a substantiated finding of abuse and/or neglect documented in the Central Registry which provides the individual with notice of the decision and an opportunity to have a higher authority hear their request to overturn the decision.

0517.4.2 CANS Check: A Child Abuse and Neglect Screening which consists of a thorough search of the UNITY system for information on any reports and/or investigations pursuant to [NRS 432B](#). CANS Checks are required to be conducted for all prospective foster/adoptive parent(s) and household members over the age of eighteen (18) prior to placement of children in foster/adoptive homes and/or licensure of foster/adoptive parent(s).

0517.4.3 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.

- 0517.4.4 DCFS:** The Division of Child and Family Services of the Department of Health and Human Services of the State of Nevada.
- 0517.4.5 IS:** The Information System where UNITY is housed and maintained by the DCFS IS unit.
- 0517.4.6 Record Retention Schedule:** Records Retention Schedules are policies that set forth the minimum length of time records are to be retained. The policies apply to the official records of all state agencies and local governmental entities. Official records can be disposed only in accordance with an approved Records Disposition Authorization (RDA) [NRS 239.080](#).
- 0517.4.7 Record Sealing:** Makes a report inaccessible through the Central Registry interface so that the record is considered removed from the Central Registry for all purposes.
- 0517.4.8 Substantiated:** A report made pursuant to [NRS 432B.220](#) was investigated and that 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.)
- 0517.4.9 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.
- 0517.4.10 Unsubstantiated:** A report made pursuant to [NRS 432B.220](#) was investigated and that the preponderance of evidence is not supportive of the abuse or neglect. The term includes 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.)

0517.5 Sealing Process

Background: Data and case record information is electronically entered into the Unified Nevada Information Technology for Youth (UNITY) system, which is also known as the Comprehensive Child Welfare Information System (CCWIS) that was created in accordance with federal requirements under Title IV-E of the Social Security Act. This data system collects and maintains reports of child abuse and neglect, investigations and findings, permanency goals, case plans, Title IV-E eligibility, placement and other information. UNITY is the dynamic case record that serves the child welfare juvenile justice and children's mental health programs.

Within this overarching data system DCFS maintains the statutorily mandated Central Registry for Child Abuse and Neglect, which is an automated program that selects and contains a subset of specific information about substantiated child abuse report findings. Information is maintained in the UNITY system as follows:

- The reports in the Central Registry have a limited time span of ten years after the subject child of such a report turns eighteen (18) years of age. The Central Registry monitors the birth date of the subject child and automatically seals those records from the program. The Central Registry contains limited information regarding the substantiation. This information may be provided to an employer when an appropriate formal request is received pursuant to [NRS 432.120](#).
- In UNITY the report resides in a specific case record and there is no time limit regarding the information except for case closure and maintaining the record in accordance with the Record Retention Schedule. The substantiated report is revealed as part of the case record when a child welfare agency conducts a case record search.

When a substantiated report is sealed from the Central Registry, it is no longer reportable to an employer pursuant to [NRS 432.100\(3\)](#). The substantiated report remains intact in the overarching UNITY system as part of the electronic case record and case history, and as statistical data. The substantiated report continues to be revealed when a child welfare agency conducts a case record search.

The passage of time does not alter the original child abuse determination and finding ([NRS 432B.300](#) – [NRS 432B.310](#)). The case record information remains available to those parties statutorily enumerated in [NRS 432B.290](#). Law enforcement/CPS investigations and foster home/child care licensing, in particular, use prior case history to establish whether a pattern of child abuse exists or may have existed and whether those factors have or may have the potential to influence the safety of a child.

0517.5.1 A record in the Central Registry may be sealed when one of the following situations occurs:

A. When a Record Exceeds the Time Limit - [NRS 432.120\(2\)](#)

Information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be sealed from the Central Registry not later than ten (10) years after the child who is the subject of the report reaches the age of eighteen (18) years.

B. Valid Court Order or Hearing Officer Decision

Substantiated findings of child abuse or neglect may affect an individual's ability to obtain a job in child care or a license to foster children. Pursuant to [NAC 432B.170](#), the State has a process for appealing a substantiated finding. Reversal of a substantiated finding removes the record from the Central Registry.

The State does not have a recognized or regulated process for granting hearings to seal a record in the Central Registry while maintaining a substantiated finding in the UNITY system. Pursuant to [NRS 432.100](#), DCFS must maintain the Central Registry and all substantiated findings of child abuse or neglect must be entered in the Central Registry.

If an individual obtains a valid court order, through either the child welfare agency fair hearing process or district court, DCFS may consider sealing the record in the Central Registry at the request of the child welfare agency. However, the information about the original finding remains in the UNITY system.

This policy does not waive any right of DCFS to appeal a court order or fair hearing officer decision.

If a child welfare agency receives a fair hearing officer decision or court order to remove a report in the Central Registry, then the child welfare agency must initiate the sealing of the record through notification of a supervisor.

0517.5.2. Guidelines to be used by the Child Welfare agencies AND the Hearing Officer prior to submitting a request to seal a record:

1. Types of cases acceptable for review: neglect or abuse that did not result in substantial bodily or emotional harm to a child;
2. Types of cases **not** acceptable for review: child sexual abuse, child sexual exploitation, severe physical abuse resulting in bodily harm, severe mental injury, severe neglect resulting in bodily harm, cases resulting in a criminal charge for child abuse or neglect.
3. Severity of the abuse and length of time that the abuse occurred;
4. Number of child(ren) involved in the abuse;
5. Length of time elapsed since the substantiated abuse or neglect;
6. Nature of the request for sealing:
 - a. Is the request for licensing purposes?

- b. Is the request due to employment with children or where children are regularly found?
- c. Is the request for placement of children?
- d. Why is the request being made now?
- e. Is there a reasonable explanation for the request?
- 7. Investigation information – if the information involves new evidence:
 - a. What is the new information?
 - b. Is the new information credible, i.e., from a reliable source?
 - c. Why was the information not available at the time of the investigation?
 - d. Does the new information change the investigative outcome? If so, how?
 - e. What safety factors were involved at the time of the abuse?
 - i. Have these safety factors been addressed and are they no longer a concern? (i.e., have the previous conditions been replaced with safe practices as evidenced over a period of time and have these been internalized?)
 - ii. Have there been any further child abuse reports with similar safety concerns?
 - f. What is the current living situation?
 - g. Are there children living in the home now?
 - h. If available, what were the risk factors? Were long term risk items identified? Does the new information impact risk?
- 8. Changes in household since report – if the request indicates the change involves personal improvement and documentation has been provided, consider:
 - a. Actions that have been taken for self-improvement, such as completing a psychological assessment, mental health counseling, individual/family counseling; parenting classes; anger management classes; substance abuse treatment, length of time being substance –abuse free, maintaining sobriety.
 - b. Other actions, such as finding and maintaining employment, stable and safe residence/home, transportation, obtaining and/or completing an education program.
 - c. Household membership is stable.
 - d. Health issues have been addressed.
- 9. Impact on children – what is the likelihood that abuse will re-occur?
- 10. Has this individual been involved in any other case and report of child abuse?

DCFS will not consider sealing a record if the above-listed information is not provided by the child welfare agency making the request for sealing a record or is not included in the fair hearing officer decision.

0517.6 Sealing of Records Procedure

Upon receipt of a valid hearing officer decision and request from a child welfare agency to seal a record in the Central Registry, the following procedure will seal the record:

1. The child welfare agency supervisor must complete the Central Registry Sealing of Records Request Form.
2. Submit the request to the Deputy Administrator or designee
3. The Deputy Administrator or designee will forward the request to IS/UNITY Helpdesk.
4. The information will be removed from the Central Registry within five (5) working days.
5. The child welfare agency will receive notification of completion within then (10) days of the request.

0517.6.1 Timeline

Table 1: Timeline for Sealing a Child Abuse Record in the Central Registry

Requirement	Deadline	Starting Date	Responsible	Action to
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			Party	to be Taken
Automatic sealing of record within the Central Registry	The record will be sealed no later than ten (10) years after the child, who is the subject of the report, becomes eighteen (18) years of age, or when the subject child attains the age of twenty-eight (28) years.	The subject child attains the age of twenty-eight (28) years.	IS	The record is sealed from the registry.
Sealing of a record from the Central Registry is based on valid court order or fair hearing decision and the request of a child welfare agency.	Within five (5) working days of receipt of request	Receipt of request	Supervisor	The record is sealed from the registry.

0517.6.2 Documentation: Case File Documentation (paper): Hard copy (paper) documentation of the request should be maintained in the permanent case file record, by case name.

Table 0517.6.3: Case File Documentation for Sealing a Child Abuse and Neglect Record in Central Registry

File Location	Data Required
A hard copy of the data request must be maintained in the permanent case file record.	The 28 th birth date of the subject child.
Automatic filter of case data sealing of the record review program.	The 28 th birth date of the subject child.

Table 0517.6.4: UNITY Documentation for Sealing a Child Abuse and Neglect Record in the Central Registry

Applicable UNITY Screen	Data Required
Automatic filter of case data sealing of the record review program.	The 28 th birth date of the subject child.

0517.6.5 Supervisory Responsibility: Supervisors are responsible for ensuring that all documentation related to the sealing of records is filled out correctly and supports the request prior to submitting to the Deputy Administrator or designee.

0517.6.6 Development of Internal Policies: The child welfare agencies will ensure that any agency sealing of records process policies are in compliance with state and federal law.

0517.6.7 Tools & Forms: Central Registry Sealing of Records Request Form

0517.6.7 State Responsibilities: The State will adhere to the requirements of the policy in its entirety.