



MTL # 0513-10012021
10/01/2021

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POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization: 0513 Investigation Findings and Closure Policy

This policy is/was effective: 10/01/2021

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policies: 0513 Substantiation Policy
- 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):
 - A policy form has been revised: (List form, page number and summary of change):

NOTE:

- 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.

0513 Investigation Findings and Closure Policy

Policy Approval Clearance Record

| | |
|--|--|
| <input type="checkbox"/> Statewide Policy | <input type="checkbox"/> New Policy |
| <input type="checkbox"/> Administrative Policy | <input checked="" type="checkbox"/> Modified Policy |
| <input type="checkbox"/> DCFS Rural Region Policy | <input type="checkbox"/> This policy supersedes: |
| Date Policy Effective: | 10/01/2021 |
| Attorney General Representative Review: | 09/21/2021 |
| DCFS Deputy Administrator Approval | |
| DMG Original Approval | 08/30/2005 |
| DMG Approved Revisions | |

STATEMENT OF PURPOSE

Policy Statement and Purpose:

The purpose of this policy is to provide a consistent statewide framework for findings made at the conclusion of an investigation, including allegation finding(s) and closure reason.

AUTHORITY

NRS: 432B.150, .300, .330, .340, .370

NAC: 432B.150, .160, .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: (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”.

Child: 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.

1. An Alleged Child Victim is 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.

Corporal Punishment: NRS 392.4633 defines and prohibits corporal punishment in public school for all pupils:

1. Corporal punishment must not be administered upon a pupil in any public school.
2. Subsection (1) does not prohibit any person from defending himself or herself if attacked by a pupil.
3. As used in this section, "corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:
 - a. To quell a disturbance that threatens physical injury to any person or the destruction of property;
 - b. To obtain possession of a weapon or other dangerous object within a pupil's control;
 - c. For the purpose of self-defense or the defense of another person; or
 - d. To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

NRS 394.366 defines corporal punishment in private schools: "Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching, or striking.

NRS 394.354 defines aversive intervention to include corporal punishment, and NRS 394.366 prohibits aversive interventions in private schools on a pupil with a disability.

Credibility: The quality that makes something (as a witness or some evidence) worthy of belief.

Dispositions of a Report: An Agency which provides child welfare services, shall, upon determining that an investigation is not warranted, or upon the conclusion of an investigation of a report concerning the possible abuse or neglect of a child, assign one of these four dispositions to the report:

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

2. Unsubstantiated: A report made pursuant to NRS 432B.220 was investigated and it was determined by a preponderance of the evidence that the alleged abuse or neglect did not occur, or was not committed by the person named in the report as allegedly causing the abuse or neglect.

3. Unable to Locate or Contact: The agency which provides child welfare services received a report of suspected abuse or neglect of a child pursuant to NRS 432B.220, but the agency was unable to complete an investigation for various reasons, including, but not limited to the agency having insufficient information to discern the address of the child or the parent or legal guardian, the parent or legal guardian was initially contacted but then relocated and could not be located, and/or the agency could not make subsequent contact with a parent or legal guardian after making persistent efforts to do so.

4. Administrative Closure – The agency which provides child welfare services received a report of suspected abuse or neglect of a child pursuant to NRS 432B.220 but the agency determines that it lacks the authority to investigate the report.

Evidence: Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact.

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).

Negligent treatment or maltreatment: As defined by NRS 432B.140, negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic, has been abandoned, is without proper care, control or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

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

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.

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).

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.

Relevant Evidence: Evidence tending to prove or disprove a matter in issue.

Report: Information received from a reporting party alleging child abuse, neglect, and/or requesting services. Reports are then dispositioned to determine appropriate response.

Sexual Abuse: Includes acts upon a child constituting (NRS 432B.100):

- A. Incest (NRS 201.180);
- B. Lewdness with a child (NRS 201.230);
- C. Sado-masochistic abuse (NRS 201.262);
- D. Sexual assault (NRS 200.366);
- E. Statutory sexual seduction (NRS 200.368);
- F. Open or gross lewdness (NRS 201.210); and
- G. Mutilation of the genitalia of a female child, aiding, abetting, encouraging, or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child (NRS 200.5083).

Sexual exploitation: Includes forcing, allowing, or encouraging a child (NRS 432B.110):

- A. To solicit for or engage in prostitution;
- B. To view a pornographic film or literature; and
- C. To engage in:

1. Filming, photographing, or recording on videotape; or posing, modeling, depiction, or a live performance before an audience, which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700.

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

STANDARDS/PROCEDURES

Allegation Findings

Allegation findings are decisions about alleged maltreatment that meets criteria for investigation. A report can comprise one or more allegations and each allegation may have a different finding. Each allegation will identify the alleged child victim, the identity of the alleged perpetrator or institution, and the type of maltreatment. Allegation findings are approved by a Supervisor on the basis of the evidence that has been gathered during the investigation. There are four types of allegation findings that may be made:

Substantiate
Unsubstantiate
Unable to Locate or Contact
Administrative Closure

1. Decision to Substantiate or Unsubstantiate
 - a. When the assigned worker is able to complete the investigative process of either a Nevada Initial Assessment (NIA), Alternative NIA, Institutional Investigation or School Investigation, and has gathered sufficient evidence, the assigned worker shall make an allegation finding of substantiated or unsubstantiated. This finding shall be based upon whether the information gathered during the investigation and from direct observations made by the assigned worker constitutes that the preponderance of evidence exists and supports that child abuse or neglect occurred.
 - ii. Substantiated Finding: A substantiated finding occurs when a report made pursuant to NRS 432B.220 is investigated and the preponderance of evidence supports the alleged abuse or neglect.
 - iii. Unsubstantiated Finding: If the evidence refutes the allegation or there is not enough evidence to meet the preponderance of evidence standard, the allegations must be unsubstantiated.
 - b. Evidence for consideration when making the decision to substantiate or unsubstantiate:
 - i. Types of Evidence: The assigned worker will use two types of evidence to support an investigative finding:
 - (1) Direct Evidence: Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without interference or presumption. Examples of direct evidence include, but are not limited to:
 - (a) A credible disclosure from an alleged child victim.
 - (b) A statement from the alleged perpetrator that they caused the alleged maltreatment.
 - (c) A statement taken from an eyewitness that observed the occurrence of alleged maltreatment;
 - (d) Information provided by an expert; someone with special knowledge, skill, experience, or training on the subject matter at hand;
 - (e) The assigned worker directly witnesses or observes the alleged maltreatment;
 - (f) A video or photograph(s) of the maltreatment occurring;
 - (2) Indirect Evidence: Indirect evidence is evidence based on inference and not on personal knowledge or observation of the alleged maltreatment. Examples of indirect or circumstantial evidence include, but are not limited to:

- (a) The child has injuries consistent with abuse, however, is unable to disclose the injuries and the child has not been out of the care of the caregiver, inferring that the caregiver caused the injuries.
 - (b) Caregivers are denying domestic violence is occurring; however, signs of domestic violence are observed, such as injury to the caregiver(s), fearful behavior, or destruction of property at the residence, inferring that domestic violence is occurring.
- ii. Determining Credibility: In making an investigative finding, the assigned worker and supervisor must evaluate the evidence to determine its credibility. Factors affecting the credibility of all evidence include, but are not limited to, the following:
 - (1) Corroborating Evidence: This is evidence that differs from but strengthens or confirms what other evidence shows. Corroborating evidence can make other evidence more credible by verifying information or by providing support from independent sources. Examples of corroborating evidence include:
 - (a) A mother's statement that a physician has seen her child is made far more credible when the physician (corroborating witness) verifies that he/she has seen the child.
 - (b) A child's statement that he/she was hit by an extension cord. If, by examining the child's back, the assigned worker observes linear loop marks, these marks are considered corroborating physical evidence.
 - (2) Direct vs. Indirect Source of Information: The more direct the source of the information is, the more credible the source's opinion may be. Examples of direct vs indirect sources of information include:
 - (a) A physician rendering an opinion based on a review of medical records is more credible than one rendering an opinion based on an assigned worker's description of an injury. A physician rendering an opinion based on his/her direct physical evaluation is more credible still.
 - (b) Information that a child directly tells a teacher may be more credible than information that a child tells his/her friend, who tells another friend, who tells the teacher.
 - (3) Direct Interest/Motivation: Information from a source who has something to lose or gain from a particular investigative outcome may be less credible than information from one who has no direct interest in providing an account that may not be accurate. The assigned worker needs to consider the possible motivations of the source when evaluating the credibility of that person's statement. This may mean asking questions regarding the history between the source and the alleged perpetrator or the family. Here is an example of direct interest/motivation:
 - (a) A neighbor who has had no previous relationship with the family and who reports that the young children have been left alone may be more credible than a neighbor who has been feuding with the family and makes the same report.
- iii. Using Evidence to Reach an Allegation Finding: The final step in determining whether alleged maltreatment will be substantiated or unsubstantiated is to consider all information obtained during the investigation and determine which information is relevant to be used as evidence to make a finding. It is important that all evidence suggesting that an incident of abuse or neglect did not occur be given the same consideration as evidence suggesting that an incident of abuse or neglect did occur. All investigative findings require the approval of a Supervisor.
- iv. Factors that Must Not Impact an Allegation Finding: When making the substantiation/unsubstantiation decision, consider how worker bias could inadvertently influence decision making. Workers should remain aware of their own bias and ensure the following factors do not impact their findings:
 - (1) Intent to Harm the Child: The alleged perpetrator's intent to hurt a child, leave a mark, or endanger him by leaving him alone in a car is not a factor to be considered in making a finding. Abuse/neglect occurs when a child is significantly harmed by non-accidental means without regard to the perpetrator's intent.

- (2) Isolated Incident: While the chronic nature of an incident or set of circumstances is a factor to be considered in some allegations, the fact that an act of abuse or neglect was an “isolated incident” is not a basis for making a finding.
 - (3) Caregiver Agreement to Accept Services: The fact that an alleged perpetrator agrees to or refuses to accept services is not a factor to consider when making a finding.
 - (4) Economic Status or Neighborhood: A family’s economic status or by the condition of the neighborhood in which they live must not influence a finding.
 - (5) Attitude Toward the Worker: The attitude, whether cooperative or uncooperative, family members express toward the worker and agency must not influence a finding.
 - (6) Racial Discrimination: Any distinction, exclusion, restriction, or preference based on race, color, community, national or ethnic origin must not influence a finding.
 - (7) Sexual Orientation and/or Gender Identity: Sexual orientation or gender identity must not influence a finding.
 - v. Notifications of the Investigative Finding: Each child welfare agency must follow their agency policy regarding notification of substantiated findings to include that substantiated findings will be entered into the Central Registry and notification of the perpetrator’s right and process to appeal substantiated finding(s).
2. Unable to Locate or Contact
- a. In order to use this allegation finding:
 - i. There must not be sufficient information to make a substantiation or unsubstantiation decision prior to the family’s relocation; and
 - (1) If the assigned worker was able to gather sufficient information to make a substantiation or unsubstantiation decision the assigned worker must complete the investigative process with all information known, determine whether the allegation findings are substantiated or unsubstantiated and may select “Unable to Locate” as the investigation closure reason in the Investigation Approval.
 - ii. Persistent efforts must be completed as outlined in the [0508: NIA Policy](#).
 - (1) *Note: Although the NIA Policy requires persistent efforts when face-to-face contact with the alleged child victim has been unsuccessful, in order to use Unable to Locate or Contact, the same standard of persistent efforts to locate the family as is outlined in [0508: NIA Policy](#) must also be made even if there was initial contact made with the alleged child victim and/or family.*
 - b. This allegation finding (and investigation closure reason) is applicable when the agency is unable to complete an investigation of alleged child maltreatment because the agency:
 - i. Lacks the information necessary to complete the investigation, including the current address of the family and the family is unable to be located; or
 - ii. The family was contacted and then relocated and can no longer be located to complete the investigation; or
 - iii. The family was located, but the assigned worker, is unable to make contact with the family to complete the investigation. In other words, the family’s address is known, however, the family refuses to engage with the agency (i.e., the family does not answer the door or answers and refuses to engage with the assigned worker or does not respond to the assigned worker’s attempts to make contact).
 - (1) *Note: The agency should make attempts to assess the child victims in this circumstance at alternate locations when able and consider whether a warrant or court order to assess the child is necessary prior to using this allegation finding.*
 - c. The assigned worker must document in UNITY:
 - i. Case notes of any contacts with the alleged child victim(s) and/or caregivers; and
 - ii. Any persistent efforts made to attempt to locate the family and results of the efforts.
 - d. The Supervisor must approve for the worker to use “Unable to Locate or Contact” as the allegation finding(s) and investigation closure reason.
 - e. The Supervisor must document in UNITY their approval for the worker to use “Unable to locate or contact” as the allegation finding(s) and investigation closure reason in a UNITY

case note. Case note should include a description of all persistent efforts made to locate and/or contact the family and a rationale why “Unable to Locate or Contact” is approved.

3. Administrative Closure
 - a. This allegation finding (and investigation closure reason) is applicable when the agency has determined that it lacks the authority to investigate a report concerning the possible abuse or neglect of a child because:
 - i. The agency currently has an open investigation or has previously completed an investigation, regarding the same incident, that occurred on the same day, with the same alleged perpetrator and there is no new allegation of maltreatment.
 - ii. The agency does not have jurisdiction to complete an investigation because:
 - (1) The alleged maltreatment occurred in another state and there are no current allegations of maltreatment involving the family;
 - (2) The child is domiciled on tribal land; or
 - (3) The tribe asserts jurisdiction over the investigation.
 - iii. The alleged victim is not a child at the time of the report.
 - iv. There is no eligible perpetrator. For example, Intake identified a perpetrator but the NIA Worker determines this person identified as an eligible perpetrator does not meet criteria of eligible perpetrator and therefore the Agency does not have the authority to investigate.
 - b. The assigned worker must select “Administrative Closure” as the investigation closure reason in the Investigation Approval window. This will automatically select “Administrative Closure” as the allegation finding for all allegations.
 - c. The Supervisor must document in UNITY their approval for the worker to use “Administrative Closure” as an allegation finding(s) and investigation closure reason in a UNITY case note. The case note should include the rationale why “Administrative Closure” applies.

Investigation Closure

Each investigation must have a closure reason at the conclusion of an investigation. The investigation closure reason is selected by the assigned worker and supervisor when the investigation is being concluded. There are four types of investigation closure reasons:

1. Complete
 - a. This investigation closure reason is applicable when the assigned worker is concluding their investigation and has determined the family does not require ongoing services because the assigned worker has assessed that there are no children in the household that are in impending danger and the case can be closed.
2. Referred to other Service
 - a. This investigation closure reason is applicable when the assigned worker is concluding their investigation and has determined the family requires ongoing services either because:
 - i. There is one (1) or more impending danger threats that are manifesting in the home resulting in one (1) or more unsafe children; or
 - ii. No children in the household are in impending danger, but the agency chooses to serve a family voluntarily, after consultation with a supervisor or manager, even if there is not impending danger to the child(ren).
3. Unable to Locate or Contact
 - a. This investigation closure reason is applicable and must be used when the allegation finding is unable to locate or contact.
 - b. The Supervisor must document in UNITY their approval for the worker to use “Unable to locate or contact” as the investigation closure reason in a UNITY case note. Case note should include a description of all persistent efforts made to locate and/or contact the family and a rationale why “Unable to Locate or Contact” is approved.
4. Administrative Closure
 - a. This investigation closure reason is applicable and must be used when the allegation finding is administrative closure. UNITY will automatically select “Administrative Closure”

as the allegation finding for all allegations when this investigation closure reason is selected.

- b. The Supervisor must document in UNITY their approval for the worker to use “Administrative Closure” as an allegation finding(s) and investigation closure reason in a UNITY case note. The case note should include the rationale why “Administrative Closure” applies.

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 |
|--|--|--|--|---|
| Make allegation finding of substantiated or unsubstantiated | Date/time report is assigned to worker | When investigative process is completed in alignment within appropriate investigative policy timeframes | Assigned Worker Supervisor | -Consult about information and evidence gathered during investigation -Make substantiation decision about allegation(s) -Complete Allegation Finding window in UNITY |
| Complete Investigation Closure as “Complete” when family does not require ongoing services | Date/time report is assigned to worker | When concluding the investigation in UNITY within appropriate investigative policy timeframes | Assigned Worker Supervisor | -Worker completes Investigation Closure reason in UNITY -Supervisor approves investigation in UNITY |
| Complete Investigation Closure as “Referred to Other Service” when family requires ongoing services | Date/time report is assigned to worker | When concluding the investigation in UNITY in alignment within appropriate investigative | Assigned Worker Supervisor | -Worker completes Investigation Closure reason in UNITY -Supervisor approves investigation in UNITY |
| Make allegation finding and/or investigation closure reason of ‘Unable to Locate or Contact’ | Date/time report is assigned to worker | When persistent efforts have been exhausted and worker was unsuccessful in locating or contacting the family | Assigned Worker Supervisor | -Worker and Supervisor complete persistent efforts as outlined in 0508 NIA Policy -Consultation between worker and supervisor -Worker documents efforts in case notes -Supervisor documents approval for use of “Unable to Locate or Contact” in UNITY case note |
| Make allegation finding and investigation closure reason of ‘Administrative Closure’ | Date/time report is assigned to worker | When it is determined one of the Administrative Closure circumstances apply | Assigned Worker Supervisor Manager/Coordinator | -Worker identifies Administrative Closure circumstance applies and documents in UNITY case note -Supervisor documents approval for use of “Administrative Closure” in UNITY case note |

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"> • Follow Agency business practice | <ul style="list-style-type: none"> • Follow Agency business practice |
|--|---|

UNITY Documentation (electronic)

| Applicable UNITY Screen | Data Required |
|---|---|
| <ul style="list-style-type: none"> • Case Notes | <ul style="list-style-type: none"> • All activities not documented in the investigation: staffings, persistent efforts, decision to use “Unable to Locate” or “Administrative Closure” |
| <ul style="list-style-type: none"> • Allegation Findings (INVS006) | <ul style="list-style-type: none"> • Select an Allegation Finding |
| <ul style="list-style-type: none"> • Investigation Approval (INVS003) | <ul style="list-style-type: none"> • Select an Investigation Closure Reason |

JURISDICTIONAL ACTION

Development of Internal Policies:

Each Child Welfare Agency may develop additional internal agency guidelines for substantiating abuse or neglect.

STATE RESPONSIBILITIES

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

POLICY CROSS REFERENCE

Policies: This area includes the names of the policies that were referred to for more information. In addition, policies listed in this section may need to be adhered to for the current policy to be in compliance.

- [0507 School Investigation](#)
- [0508 Nevada Initial Assessment \(NIA\)](#)
- [0509 Alternative Nevada Initial Assessment](#)
- [0901 Investigating Child Abuse and Neglect in Residential Institutions and Foster Care Licensing Complaints](#)

History and Updates: This policy updates and replaces Statewide 0513 Substantiation Policy

ATTACHMENTS

0513A – Substantiation Guidelines