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DEPARTMENT OF HEALTH AND HUMAN SERVICES

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



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MTL # 0517-030422
03042022

TO: Timothy Burch, Administrator – Clark County Department of Family Services
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FROM: Dr. Domonique Rice, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

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

- **Sealing of Records Located in the Central Registry**

This policy is/was effective:

- 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): _____
 - 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.

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0517 Sealing of Records Located in the Central Registry

Policy Approval Clearance Record

<input checked="" 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:	3/3/2022
Attorney General Representative Review	12/08/2021
DCFS Deputy Administrator Review	2/25/2022
DMG Original Review	09/19/2018
DMG Approved Revisions	12/13/2021

STATEMENT OF PURPOSE

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

Purpose: Identify and explain the process for sealing records located in the Central Registry. In addition, this policy will address DCFS' receipt of valid court orders or decisions from the agency's appealing decision process regarding the removal of a record located in the Central Registry prior to the mandatory date of removal.

AUTHORITY

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

DEFINITIONS

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.

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).

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.

DCFS: The Division of Child and Family Services of the Department of Health and Human Services of the State of Nevada

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

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](#).

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.

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.)

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

Unsubstantiated: A report made pursuant to [NRS 432B.220](#) was investigated and 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).

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

STANDARDS/PROCEDURES

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. In accordance with [NRS 432.120](#) and [NRS 432.100](#), a record in the Central Registry must be sealed when one of the following situations occurs:

1. When the Child Victim Turns 28 - [NRS 432.120](#):
 - a. The 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 deleted 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. *Note:* This is a process that automatically occurs in UNITY.
2. Valid Court Order:
 - a. A judge may order a substantiated finding be sealed from the Central Registry.
3. Child Welfare Decision:
 - a. The child welfare agency has made a decision to seal a record from the Central Registry.
 - b. Prior to accepting a person's request to seal a substantiated allegation finding from the Central Registry, the child welfare agency must consider whether the case is acceptable for review:
 - i. Cases are not acceptable for review if:
 1. The neglect or abuse involved any of the following:
 - a. Child sexual abuse
 - b. Child sexual exploitation
 - c. Severe physical abuse resulting in bodily or emotional harm
 - d. Severe mental injury
 - e. Severe neglect resulting in bodily or emotional harm
 - f. Cases resulting in a criminal charge for child abuse or neglect
 - g. Near child fatality.
 - h. Child fatality
 2. The substantiated allegation finding was made within the last seven (7) years; or
 3. The case is/was a formal NRS432B court case.
 - ii. Cases may be acceptable for review if:
 1. The substantiated allegation finding of abuse or neglect did not result in bodily or emotional harm to the child victim; and
 2. The substantiated allegation finding was made seven (7) or more years ago; and
 3. The case is not/was not a formal NRS432B case.

- c. Once the child welfare agency has accepted for review a request to seal a substantiated allegation finding from the Central Registry, the following factors must be taken into consideration during review of the case:
- i. Severity of the abuse or neglect and length of time that the abuse or neglect occurred.
 - ii. Number of child(ren) involved in the abuse.
 - iii. Length of time elapsed since the substantiated abuse or neglect.
 - iv. Nature of the request for sealing:
 1. Is the request for licensing purposes?
 2. Is the request due to employment with children or where children are regularly found?
 3. Is the request for placement of children?
 4. Why is the request being made now?
 5. Is there a reasonable explanation for the request?
 - v. Investigation information – if the information involves new evidence:
 1. What is the new information?
 2. Is the new information credible, i.e., from a reliable source?
 3. Why was the information not available at the time of the investigation?
 4. Does the new information change the investigative outcome? If so, how?
 5. What safety factors were involved at the time of the abuse?
 - a. 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?)
 - b. Have there been any further child abuse reports with similar safety concerns?
 6. What is the current living situation?
 7. Are there children living in the home now?
 8. If available, what were the risk factors? Were long term risk items identified? Does the new information impact risk?
 - vi. Changes in household since report – if the request indicates the change involves personal improvement and documentation has been provided, consider:
 1. 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, etc.
 2. Other actions, such as finding and maintaining employment, stable and safe residence/home, transportation, obtaining and/or completing an education program.
 3. Household membership is stable.
 4. Health issues have been addressed.
 - vii. Impact on children – what is the likelihood that abuse will re-occur?
 - viii. Has this individual been involved in any other case or report of child abuse or neglect?

Sealing of Records Procedure:

1. Each child welfare agency must develop their own process to consider, approve and/or deny an individual's request to seal their substantiated allegation finding from the Central Registry. The child welfare agency's process must include:
 - a. That the child welfare agency who makes the substantiated decision must be the child welfare agency that considers and approves or denies a request to seal a Central Registry Record.
 - b. That the child welfare agency has a designated individual(s) who reviews and determines if a case is *acceptable or not acceptable for review (please see page 2)* to be sealed.
 - i. The designated individual(s) must follow the child welfare agency's process when reviewing a case and determining whether the substantiated allegation finding can be sealed. The *factors to take into consideration (please see pages 2-3)* must be reviewed during this process.

Process to Request DCFS to Seal the Substantiated Allegation Finding from UNITY

1. If the child welfare agency approves a substantiated allegation finding to be sealed from the Central Registry, that agency must submit a request to seal a record to DCFS who provides statewide oversight of the Central Registry. The child welfare agency designee must submit the following to DCFS-CANS@dcfs.nv.gov:
 - i. The Central Registry Sealing of Records Request Form; and
 - ii. A supporting document (letter, court order, etc) that identifies the substantiated allegation finding (name, type of allegation, and date of allegation finding) that is approved to be sealed from the Central Registry by the child welfare agency.
2. Upon receipt of a valid court order or an official request from a child welfare agency to seal a record from the Central Registry, the following must occur:
 - a. DCFS will review the request and will follow up with the child welfare agency, if needed.
 - b. Once the request is approved by DCFS, the request form and supporting document will be sent to the DCFS helpdesk who will seal the substantiated allegation finding from the Central Registry.
 - c. Once the record is sealed, DCFS will notify the child welfare agency that the substantiated allegation finding has been sealed from the Central Registry.

Timeline for Sealing a Child Abuse Record in the Central Registry

Requirements:	Starting Date:	Deadline:	Responsible Party:	Actions to be Taken:
Automatic sealing of a substantiated allegation finding from the Central Registry	The record will be deleted 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 victim attains the age of twenty-eight (28) years.	IS	The substantiated allegation finding automatically is sealed from the Central Registry.
Sealing of a substantiated allegation finding from the Central Registry based on valid court order or the agency's request.	Receipt of request and supporting document.	Receipt of request.	DCFS FPO IS	The substantiated allegation finding is sealed from the Central Agency.

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

Case File Documentation (paper)

File Location	Data Required
<ul style="list-style-type: none"> • permanent case file record (either electronically or by hard copy (paper)). 	<ul style="list-style-type: none"> • Documentation of the individual's request, which may include the original request and any agency responses to the request.

UNITY Documentation (electronic)

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none">Case notes	<ul style="list-style-type: none">Documentation of receipt of the request to seal the individual's substantiated allegation finding and any agency responses to the request.

JURISDICTIONAL ACTION

Development of Internal Policies:

Agencies which provide child welfare services must develop internal policies and/or operating procedures describing how they will consider, approve and/or deny an individual's request to seal their substantiated allegation finding from the Central Registry with the considerations as described on pages 2-3 of this policy. Internal policies and/or operating procedures must be submitted to the Family Programs Office (FPO) for review and approval.

Timelines: Adhere to timelines in statewide policy

Supervisory Responsibility: Supervisors are responsible for ensuring that all documentation related to the sealing of records is filled out correctly and include the supporting document prior to submitting the request to DCFS.

STATE RESPONSIBILITIES

The State will adhere to the requirements of the policy in its entirety and will provide technical assistance regarding program development and implementation to the child welfare agencies.

POLICY CROSS REFERENCE

Policies:

History and Updates: This Policy supersedes 0517.0 Sealing of Records Located in the Central Registry which was effective 09/19/2018 and was updated on 04/12/2021, and 3/4/2022.

ATTACHMENTS

FPO 0517A - Central Registry Sealing of Records Request Form