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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 # 0402 -02-24-2023

TO: Timothy Burch, Administrator – Clark County Department of Family Services
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FROM: John Bradtke, Deputy Administrator, Division of Child, and Family Services

POLICY DISTRIBUTION

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

0402 Review of Child Fatality or Near Fatality Cases Policy

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): Added the timeline of three years when considering the eligibility of past history for needed case reviews, on page 2, section: Standards/Procedure #1.
 - 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.

CC:

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0402 Review of Child Fatality or Near Fatality Cases Policy

Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input checked="" type="checkbox"/> This policy supersedes: 0402 Child Fatality and Near Fatality Child Welfare Agency Case Review and 0405 Review of Child Fatality or Near Fatality Cases Policy
Date Policy Effective:	02/24/2023
Attorney General Representative Review:	11/04/2021
DCFS Deputy Administrator Approval	02/24/2023
DMG Original Approval	08/10/2007
DMG Approved Revisions	02/24/2023

STATEMENT OF PURPOSE

Policy Statement and Purpose: DCFS Family Programs Office (FPO) will review child fatality or near fatality cases to provide Continuous Quality Improvement (CQI).

The purpose of this policy is to ensure that all Child Welfare Agencies submits the appropriate documentation for fatalities and near fatalities case reviews. Upon receipt of the case documentation from the Child Welfare Agency, FPO will complete an administrative review. These comprehensive reviews analyze case findings, data, and identify systemic and/or case specific issues to:

1. Monitor compliance with federal and state laws and regulations, statewide policies, procedures and protocols in the near fatality or fatality incident to:
 - a. Identify barriers and systemic issues;
 - b. Identify major risk factors that may have caused or contributed to the current maltreatment; and
 - c. To make recommendations for improvements and opportunities for staff training as needed.
2. Make recommendation(s) to the Legislative Counsel Bureau (LCB) for the improvement of the Child Welfare system, including through changes in laws, regulations, and statewide policy.
3. Make recommendations to the Child Welfare Agencies to provide information about specific risk and protective factors which could mitigate or enhance best practices and evidence-based interventions to prevent child fatalities or near fatalities.

AUTHORITY

Federal: [Child Abuse Prevention and Treatment Act \(CAPTA\) section 106\(b\)\(2\)\(B\)\(x\)](#)

NAC: [NAC 432B.030](#); [NAC 432B.070](#)

NRS: [NRS 432B.130](#); [NRS 432B.180](#); [NRS 432B.190](#); [NRS 432B.2155](#); [NRS 432B.290](#); [NRS 218G.550](#); [NRS 218G.555](#)

DEFINITIONS

Abuse or Neglect of a Child:

1. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2 of [NRS 432B.020](#).
 - a. Physical or mental injury of a non-accidental 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 his welfare 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 his health or welfare harmed or threatened for the sole reason that his:
 - a. Parent 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. Parent or guardian, in good faith, selects and depends upon non-medical 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.

Agency Which Provides Child Welfare Services: 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: 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.

Child Fatality: The cessation of life, manifested in people by a loss of heartbeat, absence of spontaneous breathing, and the permanent loss of brain function; loss of life.

Child Welfare Agency Contact with a Child: An agency which provides child welfare services is considered to have a contact with a child if a representative or designee of the child welfare agency has received a report of abuse or neglect regarding the child or a member of the child's family or household and has opened an investigation or made a referral for services or a family assessment.

Continuous Quality Improvement (CQI): The complete process of identifying, describing, and analyzing strengths and problems and testing, implementing, learning from, and revising solutions. CQI monitors progress and provides a feedback loop to the agencies and other stakeholders.

Legislative Counsel Bureau (LCB): The Legislative Counsel Bureau is a nonpartisan centralized agency serving both houses and members of all political parties that provides information and assistance to the legislation to find facts concerning government, proposed legislation, and various other public matters.

Near Child Fatality: An act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

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

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

STANDARDS/PROCEDURES

The review of a child fatality or near fatality is imperative to enhance the safety and well-being of children and to identify areas of prevention for other children. The Child Fatality or Near Fatality Case Review Process is bound by [\(NRS 218G.550\)](#) requirements.

Child fatalities or near fatalities that must be reviewed include:

1. Any child who experiences a near fatality or fatality, and they have current or past contact with a child welfare agency within the past three (3) years (this includes but not limited to, a NIA, in/out of home case, differential response, or CSEC Service Only; or
 - Note: This does not override the Child Welfare Agency's responsibility to comply with [\(NRS 218G.550\)](#).

2. The person responsible for the welfare of the child ([NRS 432B.130](#)) who is reported to have harmed the child has a substantiated allegation of child abuse or neglect and the current incident has led to agency involvement; or
3. Any time a public disclosure has been submitted pursuant to statewide policy [0401 Public Disclosure](#) and leads to an investigation; or
4. As identified by the DCFS Administrator, or designee; and,
5. As identified by the Decision-Making Group (DMG).

FPO Administrative Case Review Process:

1. Any files, notes, information, and records that the Agency has concerning the child, shall be submitted to FPO, by the agency designee, ninety (90) days after the investigative finding is made, or within six (6) months of the report being received by the Child Welfare Agency, whichever is sooner. If applicable, updates can be provided by the Child Welfare Agency to FPO.
 - a. This information must also be submitted by the agency designee to the Legislative Counsel Bureau at this time.
2. Upon receipt of the files, notes, information, and records that the agency has concerning the child from the Child Welfare Agency, FPO will review the case utilizing FPO form 0402A - [Administrative Case Review Instrument](#) and provide written analyses to the Legislative Counsel Bureau (LCB) within sixty (60) calendar days of receipt of the case file. All case specific information submitted by the Child Welfare Agencies to FPO will be destroyed immediately upon finalization of an Administrative Case Review unless the record is identified for additional analyses. Once additional analysis has been completed, this information will be destroyed.
3. FPO or the DCFS Administrator may request that the Child Welfare Agency complete an internal case review using [FPO form 0402A - The Administrative Case Review Instrument](#), or submit an Agency Response to FPO case review pursuant [NAC 432B.030](#) on a case by case basis if issues of concern are identified in the review process. Additionally, the DCFS Administrator may require a corrective action plan pursuant to [NRS 432B.2155](#).
4. FPO will maintain a database of child maltreatment related fatality information from the Child Welfare Agencies that may be compiled into a quarterly report and will be made available upon request.
5. FPO will complete a quarterly report compiling all recommendations, as well as strengths from the case reviews completed during that quarter. The DCFS Deputy Administer will then send the report, along with copies of the case reviews, to the relevant jurisdictional child welfare agency assistant directors.
6. Every six (6) months, FPO will convene a meeting with the child welfare agencies representatives to discuss any strengths, trends/common recommendations, or potential training opportunities that have been highlighted in the case review process.

Timeline:

Requirement	Starting Date	Deadline	Responsible Party	Actions to be Taken
Any files, notes, information, and records are submitted to FPO.	Date of near fatality or fatality become known to Child Welfare Agency	90 days after the investigative finding, or 6 months after the report is made to the Child Welfare Agency, whichever is sooner.	Child Welfare Agency	FPO uses the documentation and UNITY for the Administrative Case Review.
Administrative Case Review	The date the documentation is received by FPO	60 days after the documentation is received by FPO	FPO	Review will be completed and sent to LCB, and data may be compiled into a quarterly report and will be made available upon request.
Agency Response: After the case is reviewed, the DCFS Administrator or FPO may request that the Child Welfare Agency submit a review or response to the findings	On the day the DCFS Administrator or FPO made a written request for an Agency Response	30 days after receiving a written request from the DCFS Administrator or FPO, the Agency will submit a written review or response	Child Welfare Agency	The response from the Child Welfare Agency will be reviewed by DCFS who will decide if a Corrective Action Plan is needed.
A report will be written that compiles all recommendations, strengths, and areas needing improvement from case reviews that were completed each quarter.	Quarterly	30 days after each quarter ends, FPO will compile the report	FPO	FPO will compile the report and DCFS Deputy Administrator will then send the report and copies of the case reviews to Child Welfare Assistant Directors
Convene a meeting with all child welfare jurisdictions to discuss trends, common recommendations, or training opportunities	Every 6 months	Biannually	FPO	FPO will coordinate a meeting with all child welfare jurisdictions

Documentation: FPO utilizes and maintains the access database to collect information on child fatalities and near fatalities from the public disclosure, and the administrative case review process.

JURISDICTIONAL ACTION

Development of Internal Policies: Jurisdictions will follow their own internal process for completing an internal agency review and/or agency response, when necessary.

STATE RESPONSIBILITIES

Maintain compliance with administrative case review policy and all requirements therein. Additional case analyses or evaluation by the Nevada Division of Child and Family Services (DCFS) will occur if deemed appropriate.

POLICY CROSS REFERENCE

Policies: [0401 Public Disclosure](#)

History and Updates: This policy was effective as of 08/10/2007. It was updated, reformatted on 01/04/2019. This policy was modified to include 0402 Child Fatality and Near Fatality Child Welfare Agency Case Review (08/10/2007) on 03/18/2022. It has been updated, effective 02/24/2023.

ATTACHMENTS

FPO 0402A – Administrative Case Review Instrument