

**PROPOSED REGULATION OF THE DIVISION OF CHILD AND FAMILY
SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

**New Section of Nevada Administrative Code 432B on Child Fatality
Assembly Bill 261, Sec. 3 – 4
Final Draft Revision 7/16/08**

[Red] = deletion

Blue = New addition

Terminology

“Child fatality” defined. Means the cessation of life, manifested in a human being by a loss of heart beat, absence of spontaneous breathing, and the permanent loss of brain function; loss of life.

“Child welfare agency contact with a child or child’s family” defined. An agency which provides child welfare services is considered to have had 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 and has opened an investigation or made a referral for a family assessment.

~~*“Courtesy notification” defined. Means a child welfare agency’s contact with the division regarding the notification of a child fatality or near fatality within 24 hours when the information is reported to the child welfare agency.*~~

“Household” defined. Means an association of persons who: 1) live in the same home or dwelling; 2) may be related by blood, adoption or marriage; or 3) may be unrelated persons residing in the same home or dwelling as the child.

“Known to the agency” defined. Means a person or child who is the subject of a report or is involved in a report of abuse or neglect that has been made to a child welfare agency or a referral for a family assessment, or who has been identified in the child welfare agency’s investigation.

“Report of abuse or neglect of a child” defined. A report means any in-person verbal, written, telephonic, or electronic communication from a required reporter or other person alleging that possible abuse or neglect of a child may have occurred and which has the meaning ascribed to it in NRS 432B.020.

NEW SECTION:

Report of Child Fatality/Near Fatality and Investigation

When a report has been made about child abuse or neglect to a child welfare agency, a determination must be made at intake about whether the report of a child fatality or near fatality is informational only or requires an investigation pursuant to statutory requirements. The intake caseworker must explore the nature of the reporter's concerns and obtain as much information as possible to evaluate the report. The following are actions to be taken with regard to the type of report received.

1. Report of child fatality without an allegation of child maltreatment, information only:

If a report is made regarding a child fatality or near fatality and there is no indication of possible child maltreatment, such as death from a disease or illness, the report will be considered an Information Only Referral. This type of report requires the completion of a courtesy notification form that is provided to the Division.

2. Report alleging possible child maltreatment related fatality or near fatality:

When a report alleging possible child maltreatment related fatality or near fatality has been made, an immediate investigation must be initiated within 24 hours of the receipt of the report. When a law enforcement agency provides information about a child fatality or near fatality to a child welfare agency and the child welfare agency undertakes any action based on the information that is deemed to be investigatory, including, but not limited to, attendance at the crime scene, then the information must be considered to be a report of possible child abuse or neglect.

The child welfare agency must conduct a records search for any prior substantiated report in the Central Registry and check for any other child welfare history in any other record storage system.

Child Welfare Agency Notification of Public Disclosure Requirements

~~[The child welfare agency must notify the Division of child fatality or near fatality through the following procedures:~~

~~1. Courtesy Notification: Courtesy notification by telephone or other communication must be made to the Division as soon as a report of fatality or near fatality is known to the agency, but not later than 24 hours after the receipt of the information. The notification must contain the following information, if available:~~

- ~~a. Place of death~~
- ~~b. Cause of death~~
- ~~c. Name of child(ren)~~
- ~~d. Date of birth~~
- ~~e. Date of death~~
- ~~f. Case record number~~

~~2. Notification of Public Disclosure:]~~ *The child welfare agency must provide a public disclosure notice within 48 hours to the Division regarding a child fatality or near fatality pursuant to NRS 432B.175. The Division will post the information on its public website. The*

child welfare agency must provide an update of any previously submitted disclosure to the Division regarding the fatality or near fatality until there has been a finding or conclusion of the investigation.