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

MTL # 1606 – 11062019  
11/06/2019

TO: Timothy Burch, Administrator – Clark County Department of Family Services  
Alexis Tucey, Deputy Administrator – Community Services – DCFS  
Betsey Crumrine, Social Services Manager V – DCFS – District Offices  
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Amber Howell, Director – Washoe County

FROM: Kathryn Roose, Deputy Administrator, Division of Child and Family Services

**POLICY DISTRIBUTION**

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

- 1606 Child Care Institution – Criminal Background Checks/Out-of-State Central Registry Checks

This policy is/was effective: 11/06/2019

- 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.

**606 Child Care Institution - Criminal Background Checks / Out-of-State Central Registry Checks**

**Policy Approval Clearance Record**

<input type="checkbox"/> <b>Statewide Policy</b>	<input checked="" type="checkbox"/> <b>New Policy</b>
<input checked="" type="checkbox"/> <b>Administrative Policy</b>	<input type="checkbox"/> <b>Modified Policy</b>
<input type="checkbox"/> <b>DCFS Rural Region Policy</b>	<input type="checkbox"/> <b>This policy supersedes:</b>
<b>Date Policy Effective:</b>	11/06/2019
<b>Attorney General Representative Review:</b>	10/10/2019
<b>DCFS Deputy Administrator Approval</b>	11/06/2019
<b>DMG Original Approval</b>	<b>11/06/2019</b>
<b>DMG Approved Revisions</b>	

**STATEMENT OF PURPOSE**

**Policy Statement and Purpose:** The 2018 Family First Prevention and Services Act (FFPSA) requires Child Care Institutions, which includes group homes, residential treatment centers, shelters, and other congregate care settings in Nevada that provide placement to children in foster care, must meet the same Federal Title IV-E Criminal History and Child Abuse and Neglect Screening (CANS) background checks as foster homes.

The purpose of this policy is to ensure Nevada is meeting the requirements of FFPSA with regards to the criminal background and Central Registry checks on all adults working, paid or unpaid, in Child Care Institutions.

**AUTHORITY**

**Federal:** [Family First Prevention Services Act \(aka: Bipartisan Budget Act of 2018, PL 115-123\)](#)

**NRS:** [NRS 424.015](#); [NRS 424.031](#); [NRS 424.033](#); [NRS 424.155](#); [NRS 432A.0245](#)

**NAC:**

**Other:**

**DEFINITIONS**

**ACF:** The Administration of Children and Families is a division of the U.S. Health and Human Services.

**Administrator:** The Administrator of the Division of Child and Family Services (DCFS).

**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”.

**CCDFS:** Clark County Department of Family Services.

**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.

**Child Care Institution (CCI):** A facility which provides care and shelter during the day and night to children who do not routinely return to the homes of their parents or guardians and is licensed by the State in which it is situated or has been approved by the Agency of the State responsible for licensing or approving institutions of this type. The term child care institution includes: group homes, residential treatment centers, shelters, and other

congregate care settings. This term does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children who are determined to be delinquent.

**Child Care Licensing:** A unit under the Division of Public and Behavioral Health that licenses all Nevada child care institutions and facilities referred to in NRS 432A.024 and NRS 432A.9245.

**Children Bureau:** A federal agency organized under ACF, whose operations directly involve improving child abuse prevention, foster care and adoption.

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

**Director:** Child Welfare 'Agency Director in a county whose population is 100,000 or more.

**DPBH:** Division of Public and Behavioral Health of the Department of Health and Human Services of the State of Nevada.

**Family First Prevention Services Act (FFPSA):** Part of the Bipartisan Budget Act of 2018, the Family First Prevention Services Act implements widespread Child Welfare reform that specifically focuses on keeping families together and preventing children from entering the Child Welfare system, encouraging kinship or family foster care placements when children must be removed from parental custody and reduces the use of congregate care facilities for the placement of children in foster care. Public law 115-123.

**Group Foster Home:** A natural person, partnership, firm, corporation, or association who/that provides full-time care for 7 to 15 children who are: 1) Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594; 2) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and 3) Received, cared for and maintained for compensation or otherwise, including the provision of permanent free care. Group foster homes are licensed by Child Welfare Agencies and can be referred to as "Group Home."

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

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

**WCHSA:** Washoe County Human Services Agency

## **STANDARDS/PROCEDURES**

### **FFPSA Requirements for Criminal Record Checks and Child Abuse and Neglect Registries Check for Adults Working in Child-Care Institutions and Other Group Care Settings**

1. The term "child-care institution" includes group home, residential treatment center, shelter, or other congregate care setting.
2. Criminal record checks and Central Registry Checks must be completed on all adults working and/or volunteering (paid or unpaid) in a child-care institution.
  - a. Criminal records checks must be fingerprint based and must confirm that the employee and/or volunteer has not been arrested for, has charges pending for, or has been convicted of any crimes outlined in [NRS 424.031](#).
  - b. The Central Registry Checks must include all states where the employee and/or volunteer has resided within the preceding five (5) years.
3. A Title IV-E Agency may only claim Title IV-E foster care maintenance payments on behalf of a child placed in a child care institution if, during the period the Title IV-E Agency claims Title IV-E Checks have been received for all of the adults working and/or volunteering (paid or unpaid) in the child care institution.

### **Child Welfare Agency Responsibility for Title IV-E Foster Care Maintenance Cost Reimbursement**

1. The Child Welfare Agency which directly operates or contracts with a child care institution for the care of foster children must ensure that all Federal Title IV-E eligibility requirements for foster care facilities are met by the child care institution. Otherwise, the Child Welfare Agency is not eligible to claim Title IV-E reimbursement of foster care maintenance costs for children placed in the child care institution.
2. The Director of the Child Welfare Agency which operates or contracts with a child care institution within their jurisdiction is responsible to ensure the following are achieved to claim Title IV-E foster care maintenance costs:
  - a. The Child Welfare Agency must complete a Central Registry background check in all states where the employee and/or volunteer (paid or unpaid) has resided within the preceding five (5) years on all employees and/or volunteers (paid or unpaid) being hired by a child care institution.
  - b. Prior to allowing a newly hired employee and/or volunteer (paid or unpaid) to begin working in the child care institution, the child care institution must complete and have received the results of the new employee and/or volunteer's criminal background check records, to include fingerprint-based checks of national crime information databases. This check must confirm that the employee and/or volunteer has not been arrested for, has charges pending for or has been convicted of any crimes outlined in [NRS 424.031](#).
    - I. The Child Welfare Agency must maintain all records of Central Registry checks for such employees and/or volunteers and make them available if requested by DCFS, ACF, or the Children's Bureau for compliance with Title IV-E reimbursement and audit purposes.
    - II. The Child Welfare Agency must report yearly the information as requested by DCFS regarding the child care institution's aggregate data and information for inclusion in the Statewide Annual Progress and Services Report (APSR) submission to the Children's Bureau and any other pertinent information DCFS finds necessary for reporting and/or to ensure ongoing compliance with this policy.
    - III. The Child Welfare Agency shall be directly responsible for any fiscal penalty for non-compliance with federal standards for Title IV-E claims and eligibility requirements for reimbursement of foster care maintenance costs.

#### **Timeline:**

1. Upon enactment of this policy, child care institutions shall audit all current employees and/or volunteers (paid or unpaid) to determine whether the requirements of this policy have been met with those employees and/or volunteers. If the child care institution identifies noncompliance with this policy for current employees and/or volunteers, they shall immediately remedy necessary checks within thirty (30) days.
2. The Child Welfare Agency will develop standard operating procedures for how they will fulfill the requirements of this policy within thirty (30) days of enactment of this policy and submit to the Family Programs Office for approval.

#### **Documentation:**

**Case File Documentation (paper):** N/A

**UNITY Documentation (electronic):** N/A

## **JURISDICTIONAL ACTION**

### **Development of Internal Policies:** Child Care Licensing Requirements

1. This policy does not supersede any of the requirements mandated by Nevada Child Care Licensing for child-care institutions for the requirements for hiring their employees.

**Supervisory Responsibility:** N/A

## **STATE RESPONSIBILITIES**

The Family Programs Office will review, provide guidance and approve Child Welfare Agency standard operating procedures for fulfilling this policy referenced above.

## **POLICY CROSS REFERENCE**

**Policies:** N/A

**History and Updates:** This is a new policy effective 11/06/2019

## **ATTACHMENTS**

N/A