

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

**Add new definitions to NAC 432B**

*1. Extreme fear or terror- Extreme fear or terror is evidenced by an observable and substantial impairment of the child's ability to function within a normal range of performance or behavior which is directly related to the parent/caretakers intense behaviors. Those behaviors include, but are not limited to; domestic violence directed toward any member of the family, threatening, rejection, intimidation, excessively critical, shame, humiliation, disparaging and emotionally destructive behaviors directed toward the child.*

*2. Safety Assessment- A systematic collection of information about threatening family conditions and current significant, and clearly observable threats to the safety of a child(ren).*

*3. Caregiver Protective Capacities: A parent's or caregiver's strengths or abilities to manage existing safety threats, prevent additional safety threats from arising, or prevent risk influences from creating a safety threat. Protective capacities may be grouped into three different categories that include: cognitive, emotional and behavioral (personal and parenting).*

*Cognitive protective capacity refers to the parent's ability to recognize hazardous conditions in a child's physical environment or recognize others who may present a threat to a child. Another cognitive capacity is the ability of the caregiver to defer his/her own needs in favor of the child's. It is specific intellect, knowledge, understanding and perception that results in parenting and protective vigilance.*

*Behavioral protective capacity can include meeting the basic needs of the child and protecting the child from others as needed for child safety. Physical protection might mean the ability to physically isolate the child or to mediate conflicts that could escalate into harmful situations. In addition, the caregiver must address forms of personal behavior or conditions that may contribute to the child being unsafe, such as: alcohol and drug abuse, selection of dangerous partners, and mental health issues. It is specific action, activity, performance that is consistent with and results in parenting and protective vigilance.*

*Emotional protective capacity refers to the attachment or emotional bond between a child and their parent or caregiver. Attachment constitutes an emotional bond that provides motivation to protect and nurture a child. Consider how the attachment does or does not contribute to the increased safety of the child and the potential impact of disrupted attachment. It is specific feelings, attitudes, identification with a child and motivation that results in parenting and protective vigilance.*

*4. Safety Plan: A time limited, written plan that is put into place upon contact with the family when present and/or impending danger is manifested to ensure immediate protection of a child. The safety plan must be sufficient to manage and control safety threats, based on a high degree of confidence that it can be implemented and sustained.*

5. *Vulnerable Child- A child who is unable to protect him/herself and dependent on others for protection.*

**NAC 432B.160 Conduct and use of evaluation and investigation of report; determination and protection of immediate safety of child (NRS 432B.190).**

1. An evaluation or investigation required by NAC 432B.150 must be conducted in such a manner as to determine ~~[how the child is being affected by the situation and whether the child is:]~~ *the potential harm to the child by remaining in the home and to assess if the child is:*

- A. Currently safe *or unsafe;*
- B. At risk of *future* abuse or neglect; and
- C. ~~[Threatened with harm.]~~
- D. *Whether the child and family should receive child welfare services or whether the family should be referred to an agency which provides family assessment services.*

**2. *Children Are Considered Safe When;***

- a) there are no present danger or impending danger threats; or*
- b) the child is not vulnerable to harm as a result of present or impending danger threats; or*
- c) there are safety threats and a vulnerable child AND the caregiver's protective capacities are able to control existing safety threats, thereby keeping the child safe.*

~~[2. In determining whether the child is currently safe, The agency which provides child welfare services shall follow The Safety Assessment Policy approved by the Division of Child and Family Services, WCSS and CCPS for such purpose, which requires the determination of:~~

- ~~—(a) The age of the child;~~
- ~~—(b) Any exceptional needs of the child that the caretaker cannot satisfy, including, without limitation, needs relating to behavioral or medical problems;~~
- ~~—(c) The need of the child for medical care;~~
- ~~—(d) Any need of the child for food, clothing, shelter or protection from environmental hazards;~~
- ~~—(e) An observation of anxious or fearful behavior on the part of the child when the child is in the presence of the caretaker or another person;~~
- ~~—(f ) Any refusal by the family to allow the agency which provides child welfare services access to the child who is the subject of the evaluation or investigation or other children in the household or whether the agency has reason to believe that the family may flee;~~
- ~~—(g) Whether the child has sustained a serious injury for which there is no reasonable or credible explanation;~~
- ~~—(h) Whether a weapon or other object was used in any act of maltreatment of the child who is the subject of the evaluation or investigation;~~
- ~~—(i) Whether an adult caretaker, any member of the household who resides in the home, or a person with frequent access to the household in~~
- ~~—( j) Whether the agency has received multiple reports concerning the safety of the child pursuant to NRS 432B.220 or from a law enforcement agency; which the child who is the subject of the evaluation or investigation resides has a history that includes any act of maltreatment of a child, violence, including, without limitation, domestic violence, or has any other behavioral indicators that may suggest that the child is in immediate danger;~~
- ~~—(k) Whether the caretaker of the child who is the subject of the evaluation or investigation refers to the child in an extremely derogative or negative manner or has acted threateningly towards the child either verbally or physically;~~
- ~~—(l) Whether the caretaker of the child or any other person who frequently visits the household in which the child who is the subject of the evaluation or investigation resides acts in a violent manner or threatens violence;~~

- ~~—(m) Whether safety risks are created because of a caretaker's lack of knowledge, skill or motivation relating to parenting;~~
- ~~—(n) Whether the actions or behaviors of the caretaker of the child appear to be symptomatic of a mental or physical illness;~~
- ~~—(o) Any justification by the caretaker of the child relating to the harmful behavior of the caretaker or the harmful behavior of other persons;~~
- ~~—(p) Whether there has been any change or improvement in the behavior of the caretaker of the child after child welfare services have been provided to the caretaker;~~
- ~~—(q) Whether the caretaker of the child is unable or unwilling to satisfy the immediate needs of the child for food, clothing or shelter;~~
- ~~—(r) Any environmental hazards;~~
- ~~—(s) Any suspected or immediate abuse of drugs or alcohol by the caretaker of the child; and~~
- ~~—(t) Such other information as the agency considers necessary to make its determination.~~

~~—3.]~~ **3. Determination that a child is unsafe.** If the agency *which provides child welfare services* determines that the child is unsafe ~~[in his home,]~~ the agency shall ~~[establish a safety plan to address the immediate safety concerns of the child.]~~ *determine whether a safety plan is feasible or whether removal is necessary to protect the child.*

***A safety plan:***

- (a) Must be established, if possible, to allow the child to remain in his home;
- (b) *Safety responses must have an immediate impact on controlling safety threats;* and
- (c) Must be time-limited;

~~[(c) May include removal of the child from his home initially or as a result of a violation of the plan.]~~

~~[4.]~~ **4.** After the agency *which provides child welfare services* addresses the immediate safety concerns of the child who is the subject of the evaluation or investigation, the agency shall:

(a) *Continuously re-evaluate the effectiveness and the need for the continuation of the safety plan,*

(b) *Re-evaluate the need for continued out of home placement.*

(c) *Document these decisions and actions.*

~~[(a) Evaluate whether the parents have the capacity to change and to provide adequate care, and can begin to use the help of social work in meeting the problem, or whether, in the interest of the child, legal action must be taken to remove the child from the situation and to obtain suitable care; and~~

~~—(b) Use the evaluation or investigation as a basis for future treatment of the problems of the parents and child.~~

~~—5. When conducting an evaluation or investigation required by NAC 432B.150, a person shall:~~

- ~~—(a) Prepare appropriate documentation;~~
- ~~—(b) Apply his knowledge of and sensitivity about different family lifestyles, child-rearing patterns and cultural and ethnic differences among families;~~
- ~~—(c) Assess the environmental factors within the home, school, neighborhood and community that have an impact on the family;~~
- ~~—(d) Confront and resolve conflicting opinions and values regarding appropriate standards of care for children, and exercise professional judgment without being judgmental;~~
- ~~—(e) Establish priorities for assessment based on the evaluation of risk to the child;~~
- ~~—(f) Demonstrate the ability to make decisions which take into account the rights and needs of children, parents and families;~~
- ~~—(g) Commit to persistent outreach and offers of supportive and concrete services, even to hostile, resistant or apathetic families; and~~
- ~~—(h) Recognize the limits of child welfare services and the parents' right to be free of involuntary services when there is no risk to the child.]~~

**NAC 432B.260 Determination to take child into protective custody.**

1. Before taking a child into temporary protective custody, an agency which provides child welfare services must determine *that the child is unsafe and cannot be safely maintained in his/her home.* ~~{the risk to the child if temporary protective custody is not taken and the child is left in the custody of his or her parents. The staff of the agency must consider:~~

- ~~—(a) Whether there is a history of severe abuse or neglect in the family.~~
- ~~—(b) Whether current abuse or neglect is severe.~~
- ~~—(c) Whether the potential for future severe abuse or neglect is high.~~
- ~~—(d) Whether the physical environment poses an immediate threat to the child's life and health.~~
- ~~—(e) Whether the child is in need of immediate medical attention.~~
- ~~—(f) Whether the parents are likely to flee the jurisdiction with the child.~~
- ~~—(g) The ability and willingness of the parents to protect and care for the child.~~
- ~~—(h) The ability of the child to care for himself.~~

~~2. If a child is in imminent danger, he must be taken into protective custody before proceeding with the investigation or at whatever point in the process it becomes necessary.]~~

*2. If a child is unsafe and cannot be safely maintained in his/her home, then he/she must be taken immediately into protective custody.*