ADOPTED REGULATION OF THE

DIVISION OF CHILD AND FAMILY SERVICES OF THE

DEPARTMENT OF HUMAN SERVICES

LCB File No. R198-24

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 432.017, 432.032 and 432B.190.

A REGULATION relating to child welfare; repealing requirements for agencies which provide child welfare services to maintain certain records and report certain information to the Administrator of the Division of Child and Family Services of the Department of Human Services; repealing requirements for the submission and review of certain plans which are no longer required by law to be submitted to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an agency which provides child welfare services is authorized to establish: (1) a program to provide services to children who are likely to remain in foster care until they are 18 years of age to assist those children to make the transition from foster care to economic self-sufficiency; and (2) a program to provide services to former foster youth who attained the age of 18 years while in the custody of the agency and are less than 21 years of age to assist those children to attain economic self-sufficiency. (42 U.S.C. § 677; NRS 432.017; NAC 432.050-432.340) **Section 1** of this regulation repeals the requirements for an agency which provides child welfare services to maintain certain records concerning children receiving services under these programs and to report certain information concerning the programs to the Administrator of the Division of Child and Family Services of the Department of Human Services on a quarterly basis. (NAC 432.140, 432.320)

Existing law requires an agency which provides child welfare services to make reasonable efforts to preserve and reunify the family of a child under certain circumstances. (NRS 432B.393) **Section 1** repeals requirements for the submission and review of certain plans related to such reasonable efforts because such plans are no longer required by law to be submitted to the Division. (NAC 432B.040, 432B.050)

Section 1. NAC 432.140, 432.320, 432B.040 and 432B.050 are hereby repealed.

TEXT OF REPEALED SECTIONS

432.140 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.032)

1. An agency which provides child welfare services that provides a program shall establish and maintain a record for each child in foster care served pursuant to the program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of the children in foster care who received goods or services pursuant to the program;

(b) The type and quantity of goods or services provided to the children in foster care;

(c) The amount of money spent pursuant to the program reported by type of good or service provided; and

(d) The success of the program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

432.320 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.017, 432.032)

1. An agency which provides child welfare services that provides a self-sufficiency program shall establish and maintain a record for each former foster youth served pursuant to the self-sufficiency program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the self-sufficiency program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of former foster youth who received goods or services pursuant to the self-sufficiency program;

(b) The type and quantity of goods or services provided to the former foster youth;

(c) The amount of money spent pursuant to the self-sufficiency program reported by type of good or service provided; and

(d) The success of the self-sufficiency program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

432B.040 Plans submitted pursuant to NRS 432B.395: Evaluation by Division; action by agency upon disapproval.

1. The Division will conduct an annual review of plans submitted pursuant to NRS 432B.395 in such a manner as to ensure compliance with the provisions of this chapter and chapter 432B of NRS.

2. The Division will provide to an agency that submits a plan pursuant to NRS 432B.395 a written evaluation of the plan, including the Division's approval or disapproval of the plan, within 60 days after the date of receipt of the plan by the Division. If a plan is disapproved, the agency submitting the plan shall:

(a) Establish a corrected plan for areas found not in compliance with this chapter and chapter 432B of NRS, and submit the corrected plan to the Division within 60 days after the date of the letter of disapproval.

(b) As needed, seek consultative services to develop a corrected plan. The Division will provide assistance if requested.

➥ The Division will reevaluate areas of the plan found not in compliance within 30 days after the resubmittal.

432B.050 Plans submitted pursuant to NRS 432B.395: Time for submission; contents. (NRS 432B.190, 432B.395) A plan submitted pursuant to NRS 432B.395 must be submitted by May 1 of each year and must:

1. Describe how the agency which provides child welfare services will establish and maintain effective programs of preventive and reunification services which include, but are not limited to, the following elements:

(a) An assessment of the safety of the child;

(b) An assessment of the need for services;

(c) A comprehensive plan for the provision of an adequate array and availability of preventive and reunification services;

(d) The provision of any required preventive and reunification services identified pursuant to paragraphs (a), (b) and (c);

(e) A structure for the delivery of services;

(f) Training for the personnel of the agency;

(g) Criteria for eligibility to obtain preventive and reunification services;

(h) Written guidelines, procedures and protocols; and

(i) A procedure for gathering and maintaining data, and providing data to the juvenile court.

2. Specify how the agency which provides child welfare services will ensure that it makes good faith efforts to:

(a) Prevent removal of the child from his or her home, including:

(1) A careful assessment of the familial situation, including an identification of the specific problems, if any, placing the child at imminent risk of serious harm, to determine the likelihood of protecting the child effectively in the home.

(2) Consideration of the specific problems of the child or family to determine whether any of the services available within the agency or in the community might effectively address those problems without removal of the child.

(3) Consideration of alternative ways of addressing the family's needs, that would enable the child to be protected without removal, when the services regularly provided by the agency appear unlikely to meet the family's needs, or when waiting lists for those services are too long to prevent removal of the child.

(4) Notice to the family concerning the services available within the agency and in the community that might address the problems of the family or child.

(5) An offer to the family to provide those services the agency considers most likely to address the problems identified as creating the risk of removal of the child.

(6) An opportunity for the family to request other services not offered by the agency that the family believes might mitigate the risk of removal.

(7) A mechanism for the child or family to seek a review of the agency's failure to provide the assistance or services the family believes would eliminate the need for removal of the child.

(b) Reunify the family, including the efforts required by paragraph (a) and the:

(1) Development of an appropriate case plan.

(2) Establishment of an appropriate schedule for visitation and other measures to ensure visitation is facilitated and actually occurs.

3. Describe how the agency which provides child welfare services will ensure compliance with NRS 432B.540.