

**APPROVED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES
OF THE DEPARTMENT OF HUMAN SERVICES**

LCB File No. R029-25

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

AUTHORITY: §§ 1-14 and 17-40, NRS 424.020; §§ 15 and 16, NRS 424.020 and 424.045.

A REGULATION relating to foster homes; providing for the licensure of relative foster homes separate from family foster homes; establishing requirements governing the operation of relative foster homes and duties of relative foster parents; removing certain inspections, training and duties applicable to a foster home; authorizing a local fire department to perform certain inspections of a foster home; revising certain terminology; revising requirements for a foster home to establish financial solvency; requiring foster parents and the staff of a family foster home to comply with a certain standard; revising the number and type of references a licensing authority is to receive for an adult who provides foster care; authorizing a foster home to provide an alternative safety plan for an empty water feature or standing body of water instead of a fence under certain circumstances; revising requirements governing certain adults who stay in a foster home; increasing the time that a child may be away from a foster home for a vacation without prior approval; revising requirements relating to the immunization of certain persons in a family foster home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Human Services to adopt regulations governing the licensure of family foster homes and to establish reasonable minimum standards for such foster homes. (NRS 424.020) Existing law provides that the licensing authority for foster homes is: (1) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the agency which provides child welfare services; and (2) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the Division. (NRS 424.016) Existing federal regulations authorize an agency to establish foster family home licensing standards for relative or kinship foster family homes that are different from the licensing standards for nonrelative foster family homes. (45 C.F.R. § 1355.20) **Sections 2-23** of this regulation provide for the separate licensure and regulation of relative foster homes. **Section 5** defines “relative foster home” to mean a family foster home that a relative foster parent is licensed to operate. **Section 6** defines

“relative foster parent” to mean a foster parent who is: (1) related to the foster child by blood, marriage, tribal custom or adoption; or (2) a fictive kin to the foster child. **Sections 2-4, 7 and 8** define other terms used throughout this regulation and **sections 24, 32, 35 and 39** of this regulation make conforming changes to ensure defined terms apply consistently throughout chapter 424 of the Nevada Administrative Code.

Section 10 authorizes a relative foster parent to apply for a license to operate a relative foster home by submitting a completed application to the licensing authority. **Section 11** requires the licensing authority representative to inspect each relative foster home before initial licensing, at least once a year thereafter and at other times as necessary. **Section 12** requires a licensing authority to ensure that a relative foster home meets certain requirements before issuing a license. **Section 13** requires the license for a relative foster home to include certain information and sets forth when the license becomes invalid. **Section 14** prescribes the procedure for a relative foster home to apply for the renewal of its license. **Section 14** also authorizes 90 days for a relative foster home to comply with changes to certain applicable fire and life safety codes. **Section 15:** (1) requires a licensing authority to investigate a relative foster home that the licensing authority has reason to believe is not conforming to applicable requirements; and (2) authorizes the licensing authority to take certain actions against the relative foster home if the licensing authority finds that the relative foster home is not conforming to such requirements. **Section 16** authorizes a relative foster home to request and obtain a hearing regarding a revocation or denial of the renewal of its license.

Section 17 requires a licensing authority to ensure that a relative foster parent meets certain requirements indicating that the relative foster parent is capable of fostering a child and willing to work with others in providing for the child. **Section 18** establishes certain requirements governing the care provided by a relative foster home to a child. **Sections 19-23** set forth the requirements that a relative foster home is required to meet relating to: (1) adequate living space and accommodations; (2) sleeping accommodations; (3) empty water features and standing bodies of water; (4) hazardous materials and other potentially hazardous materials and animals; and (5) emergency preparedness. **Section 25** of this regulation excludes a relative foster home from the definition of a “foster home,” thereby making regulations governing foster homes inapplicable to relative foster homes. **Section 9** further clarifies that relative foster homes and relative foster parents are not required to comply with existing regulations governing foster homes.

Existing regulations authorize a licensing authority to require foster homes to: (1) be inspected by a health authority if the home uses well water or a septic tank; and (2) have water samples analyzed if the home is not located on a city water system. (NAC 424.130) **Section 26** of this regulation removes this authority, thereby prohibiting a licensing authority from requiring a foster home to undergo such an inspection or water analysis.

Existing regulations require: (1) the licensing authority representative to inspect a foster home with a total occupancy of less than 10 to ensure compliance with certain requirements relating to safety from fire; and (2) the State Fire Marshal or his or her designee to conduct such an inspection of a foster home with a total occupancy of 10 or more people. (NAC 424.135) **Section 27** of this regulation additionally authorizes the local fire department to conduct such an inspection of a foster home with a total occupancy of 10 or more people. **Section 40** of this regulation repeals a requirement that a foster home conduct a fire drill at least once a month.

Senate Bill No. 397 of the 2021 Legislative Session revised provisions authorizing a court to retain jurisdiction over a child whom the court has placed with a person or entity other

than a parent until the child reaches the age of 21 years to create the Extended Young Adult Support Services Program for such children. (Chapter 419, Statutes of Nevada 2021, at page 2713) **Sections 28, 29 and 36** of this regulation make conforming changes to terminology in chapter 424 of the Nevada Administrative Code.

Existing regulations require a licensing authority to ensure that a foster home is financially solvent by requiring the foster home to provide certain information relating to its finances, including: (1) demonstrating the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care; (2) agreeing to account for money expended for certain purposes for each child placed in the foster home; and (3) providing certain financial records to the licensing authority upon request. (NAC 424.168) **Section 30** of this regulation removes these requirements while leaving in place other requirements for a foster home to establish financial solvency.

Existing federal law establishes the reasonable and prudent parent standard to guide persons in determining whether a child in foster care should participate in certain activities. (42 U.S.C. § 675(10)(A)) **Section 31** of this regulation adds compliance with the reasonable and prudent parent standard to the list of actions that foster parents and staff are required to perform.

Existing regulations require a licensee, within 90 days after initial licensure and annually thereafter, to complete training concerning working with lesbian, gay, bisexual, transgender and questioning children. (NAC 424.270) **Section 32** removes the requirement that a licensee complete such training annually while maintaining the requirement that a licensee complete such training within 90 days of initial licensure.

Existing regulations require a licensing authority to receive at least five references for an adult who provides foster care as evidence of the adult's character and ability to care for children. (NAC 424.275) **Section 33** of this regulation reduces the number of references to three and additionally requires that at least one reference be from a person unrelated to the applicant.

Existing regulations require that each foster child have his or her own bed with certain minimum dimensions, except that siblings of the same sex may share a double bed. (NAC 424.375) **Section 34** of this regulation removes the dimension requirements and authorizes a foster home to provide a child with a raised mattress instead of a bed.

Existing regulations require certain foster homes with an empty water feature or standing body of water on its premises to provide a fence on all sides of the water feature or body of water. (NAC 424.420) **Section 35:** (1) clarifies that a more restrictive local ordinance takes precedence over that requirement; and (2) authorizes a foster home to provide an alternative safety plan instead of a fence.

Existing regulations authorize a foster home to house an adult roomer or boarder if the adult roomer or boarder is considered a part of the family and is willing to submit to the same licensing requirements as the staff. (NAC 424.455) **Section 36:** (1) authorizes a foster home to house an adult roomer or boarder if the adult roomer or boarder is a permanent resident of the home; and (2) provides that such an adult roomer or boarder is not required to submit to the same licensing requirements as staff if the person is only visiting.

Section 37 of this regulation increases the time a child may be away from a foster home from 48 to 72 hours before the foster home needs to secure prior approval from the agency which provides child welfare services. (NAC 424.490)

Existing regulations require each child residing in a foster home to be immunized against diseases according to the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. (NAC 424.555) **Section 38** of this

regulation removes this requirement and instead authorizes an agency which provides child welfare services to require proof of immunization according to the guidelines of the local health officer for each child and any member of the household who provides care to a foster child and who is not granted an exemption from immunizations due to a religious belief or medical condition. **Section 38** also revises terminology used to refer to the human immunodeficiency virus in accordance with existing law. (NRS 233B.062)

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this regulation.

Sec. 2. *“Alternative nicotine product” has the meaning ascribed to it in NRS 202.2485.*

Sec. 3. *“Empty water feature” includes, without limitation, an empty pool.*

Sec. 4. *“Fictive kin” means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.*

Sec. 5. *“Relative foster home” means a family foster home that a relative foster parent is licensed to operate pursuant to sections 9 to 23, inclusive, of this regulation.*

Sec. 6. *“Relative foster parent” means a foster parent who is:*

- 1. Related to the foster child by blood, marriage, tribal custom or adoption; or*
- 2. A fictive kin to the foster child.*

Sec. 7. *“Standing body of water” includes, without limitation, any lake, pond, in-ground or above-ground pool, hot tub or large stationary bird bath.*

Sec. 8. *“Vapor product” has the meaning ascribed to it in NRS 202.2485.*

Sec. 9. *Except where specifically provided in sections 9 to 23, inclusive, of this regulation, the provisions of NAC 424.100 to 424.615, inclusive, do not apply to a relative foster home unless the relative foster home is also operating as a different type of foster home.*

Sec. 10. 1. *A relative foster parent who wishes to operate a relative foster home may contact the appropriate licensing authority representative for an application and return the completed application to the licensing authority.*

2. Intentional misrepresentation or omission of information on a relative foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

3. An applicant may withdraw the application for a relative foster home license at any time. The request to withdraw should be made or confirmed in writing. Reapplication for a license after a withdrawal may be made at any time without penalty.

Sec. 11. 1. *A licensing authority representative shall inspect each relative foster home before the initial licensing of the relative foster home and at least once annually thereafter.*

2. A licensing authority representative may, announced or unannounced:

(a) Visit a relative foster home at any time to determine compliance with licensing requirements; and

(b) Contact the relative foster parent to discuss any issues or obtain information about the relative foster home, a relative foster parent or a child.

Sec. 12. *Before the licensing authority grants an initial license to operate a relative foster home, a licensing authority shall ensure that the following requirements are met:*

1. The applicant is 18 years of age or older.

2. Each applicant and any other person living in the home who is 18 years of age or older have completed and passed a background investigation pursuant to NRS 424.033.

3. After at least one visit to the relative foster home, a determination has been made by the licensing authority that:

(a) The relative foster home:

(1) Is safe; and

(2) Meets the requirements for licensure; and

(b) The applicant has passed an assessment of suitability to be a relative foster parent.

4. The applicant and any other person living in the home who is 18 years of age or older have provided the licensing authority with written assurances that he or she will:

(a) Refrain from engaging in corporal or degrading punishment;

(b) Refrain from using illegal substances, engaging in excessive consumption of alcohol or marijuana or consuming medication in an illegal or improper manner; and

(c) Comply with the reasonable and prudent parent standard.

5. The applicant has completed at least 8 hours of training pursuant to NRS 424.0365 which is approved by the licensing authority.

6. If there is a standing body of water on the premises of the relative foster home, the applicant has completed training on the administration of cardiopulmonary resuscitation and has obtained information on water safety, pool safety and the risk of drowning.

7. If required by the licensing authority, the applicant has submitted to the licensing authority proof of the immunizations of each person in the relative foster home pursuant to the guidelines of the local health officer, unless the licensing authority grants an exemption due to a religious belief or medical condition.

Sec. 13. 1. *In addition to the requirements of NRS 424.030, a license for a relative foster home must show:*

(a) The type of license; and

(b) The signature of the licensing authority representative.

2. *The current license must be on file in the relative foster home.*
3. *The license is nontransferable and applies only to the address and the relative foster parent stated on the license.*
4. *The license becomes invalid when:*
 - (a) *The license is voluntarily returned;*
 - (b) *The relative foster parent moves to another location; or*
 - (c) *The license is revoked.*
5. *A relative foster home may also be issued a license to operate a family foster home at the same location if the relative foster parent otherwise qualifies to operate the family foster home and a total of not more than six children are cared for at that location pursuant to both licenses.*

Sec. 14. *1. A relative foster home wishing to renew its license must apply to the licensing authority for renewal at least 60 days before the license expires. The licensing authority shall assess a relative foster home before approving an application for renewal and approve an application for renewal if all licensing requirements are met.*

2. If the codes for fire and life safety as adopted by the State Fire Marshal or local fire authority change, the relative foster home must be allowed 90 days to comply with the new requirements.

Sec. 15. *1. Whenever the licensing authority has reason to believe that a relative foster home is not conforming to the requirements for operating a relative foster home set forth in sections 9 to 23, inclusive, of this regulation, the licensing authority shall investigate to determine the facts. The licensing authority may inspect the premises where the violation is alleged to have occurred and conduct such inquiries as necessary.*

2. If it is found that a relative foster home is not conforming to the requirements for operating a relative foster home set forth in sections 9 to 23, inclusive, of this regulation, the licensing authority may, depending on the circumstances:

(a) Issue a written notice specifying the nature of noncompliance, a plan of corrective action and the time in which each corrective action must be taken;

(b) If the noncompliance does not involve health or safety issues, continue the license conditioned on the relative foster home achieving full conformity by the date set forth in the written notice issued pursuant to paragraph (a);

(c) Suspend the license; or

(d) Revoke the license.

3. Allegations regarding possible child abuse or neglect of children will be investigated pursuant to chapter 432B of NRS.

4. The authority to operate a relative foster home is dependent upon continued compliance with the licensing requirements of the licensing authority. The licensing authority may deny, suspend or revoke a license to operate a relative foster home in the manner set forth in NAC 424.185, 424.190 and 424.205.

Sec. 16. *Except as otherwise provided in NAC 424.205, a relative foster home may, by written request, obtain a hearing regarding the revocation or denial of the renewal of the license as a relative foster home by the licensing authority. The request must be received by the licensing authority within 14 days after the notice of revocation or denial was mailed, including the date of mailing. The hearing must be held before a hearing officer of the Division or the designee of the Administrator. The hearing officer or designee, as appropriate,*

shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

Sec. 17. *The licensing authority shall ensure that a relative foster parent:*

- 1. Has the ability to exercise sound judgment and decision making.*
- 2. Is willing to cooperate with the licensing authority in establishing and carrying out any plan created for a child under the care of the relative foster parent by:*
 - (a) Providing pertinent information; and*
 - (b) Assisting in meeting identified needs regarding the safety, permanency and well-being of the child.*
- 3. Possesses the skills necessary to provide a nurturing and caring home and family environment.*
- 4. Is in sufficient physical and mental health to care for all physical, emotional, medical and educational needs of each child under the care of the relative foster parent.*
- 5. Is able to provide for the basic needs of each child under the care of the relative foster parent, including food, clothing and housing.*
- 6. Accepts feedback and participates in additional training to care for each child under the care of the relative foster parent.*
- 7. Possesses realistic expectations relating to the behavior of each child under the care of the relative foster parent with consideration of any trauma experienced by the child.*
- 8. Welcomes each child under the care of the relative foster parent as a member of the family where he or she will be treated equally and respectfully, including, without limitation, relating to:*
 - (a) Benefits, privileges and the celebration of important milestones of the child; and*

(b) The beliefs, attitudes, behavior and culture of the child.

Sec. 18. 1. A relative foster home shall:

(a) Ensure that all persons over 18 years of age who reside in the home and provide care to a child adhere to the reasonable and prudent parent standard.

(b) Cooperate with any effort by the licensing authority to provide services to a child or the relative foster parent.

(c) Assist the agency which provides child welfare services with transporting a child to necessary appointments, meetings or other required travel for the health of the child or ongoing visitation and sibling contacts.

(d) Maintain confidentiality of information concerning a child.

(e) Respect the gender identity or expression of a child by:

(1) Authorizing the child to express his or her gender identity or expression through clothing, hairstyle, makeup, jewelry or other accessories as appropriate for the age and development of the child; and

(2) Addressing the child by the name and pronoun preferred by the child, including, without limitation, if the child states specific times and places when the child wishes to be addressed by his or her preferred name and pronoun and specific times and places when the child wishes to be addressed by a different name and pronoun. Such names and pronouns may include, without limitation, the name and the pronoun corresponding with the gender assigned to the child at birth.

(f) Supervise a child in a manner that is appropriate to the age and maturity of the child.

(g) Ensure that the discipline of a child is fair, reasonable, consistent and related to the offense for which the child is being disciplined.

(h) Ensure that a child is not disciplined through corporal or degrading punishment.

(i) Ensure that three healthy meals and appropriate snacks are provided daily to a child and in the quantity and quality necessary to meet the dietary, nutritional and caloric needs of the child. If a qualified provider of health care or agency which provides child welfare services has prescribed a special diet for the child, a relative foster home shall provide the special diet to the child as prescribed.

(j) Observe each child for:

(1) Signs of illness;

(2) Changes in emotional, behavioral or mental functioning, including improvement or deterioration in behavior or social interaction; and

(3) Discussion of suicide, running away or other harmful acts.

(k) In cooperation with the licensing authority, arrange for any services needed for the care or treatment of the medical, mental, behavioral or emotional health of a child.

(l) Ensure that each child attends school as required by law and provide or cooperate with the person responsible for the educational planning of the child.

(m) Provide each child the opportunity to complete schooling or training in accordance with his or her aptitude.

(n) Provide each child the opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of the child.

(o) Ensure that a child adheres to any program of medication, physical therapy, special exercise or other activity prescribed by a qualified provider of health care.

(p) Ensure that prescription and nonprescription medication is administered to a child in the manner set forth in NAC 424.560.

(q) Ensure that each child is kept clean and well-groomed.

(r) Obtain the approval of the caseworker and birth parent, if applicable, of a child before taking any action that will permanently or significantly alter the appearance of the child, including, without limitation, obtaining a tattoo, piercing a part of the body or changing in a significant manner the length or color of the hair of the child.

2. Upon the occurrence of a serious incident, accident or injury to a child involving a relative foster home or a child in a relative foster home, a relative foster parent shall, after contacting necessary emergency personnel, provide notice of the event to the licensing authority and any caseworker assigned to the child.

3. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 19. A relative foster home must provide adequate living space and accommodations by:

1. Having sufficient living space for all occupants of the house to move freely about the house without restriction or hazards;

2. Having clean, well-lit and well-ventilated living spaces and sleeping quarters;

3. Ensuring that each living space and sleeping quarter is heated or has access to heat;

4. Taking precautions adequate to ensure the stoves and other heating appliances, including, without limitation, portable heaters, are safe for children;

5. Having furnishings in rooms that are safe and suitable for children;

6. Providing children access to areas to practice good hygiene and cleanliness;

7. Providing children with hygiene products and toiletries as needed, including, without limitation, provisions necessary for a child with unique or special needs;

8. *Having an area to prepare meals with appliances that are safe and operational;*
9. *Having adequate food storage that is free from health hazards;*
10. *Ensuring that each refrigerator or freezer that is not in use is inaccessible to a child*

by:

- (a) Removing the refrigerator or freezer from the premises of the home;*
 - (b) Locking or removing the door of the refrigerator or freezer; or*
 - (c) Turning the door of the refrigerator or freezer against a wall so that the door cannot be opened;*
11. *Being free from infestations of insects and rodents; and*
 12. *Having access to hot water and electricity.*

Sec. 20. *1. A relative foster home must provide adequate sleeping accommodations by:*

- (a) Providing each child with a designated sleeping space that is in good condition and equipped with a pillow, sheets and coverings;*
 - (b) Providing each child access to a private space to undress and dress;*
 - (c) Considering the preferences, age, sex, gender identity or expression and special needs of each child when determining the sleeping arrangement of the child; and*
 - (d) Providing a crib, if appropriate, that:*
 - (1) Meets the standards provided in 16 C.F.R. Part 1219 or 1220, as applicable; and*
 - (2) Is equipped with a firm mattress that is designed for cribs and properly fits the crib.*
2. *A relative foster home shall ensure that an infant is placed on his or her back when placed down to sleep.*
 3. *A relative foster home shall ensure that an infant:*

- (a) Is not placed on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag, to sleep;*
- (b) Is not placed in a crib that has any other item inside of the crib, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or loose bedding; or*
- (c) Does not sleep with a person who is sleeping:*
 - (1) At the same time as the infant; and*
 - (2) On the same sleeping surface, including, without limitation, a bed, sofa or chair.*

Sec. 21. 1. *A relative foster home must meet the minimum requirements set forth in NAC 424.420 and any applicable local city or county codes or ordinances for any empty water feature or standing body of water on the premises of the home.*

2. If an empty water feature or a standing body of water is not required to comply with a standard described in subsection 1, a relative foster home must receive approval from the licensing authority of an alternative safety plan. Such an alternative safety plan must include, without limitation, a barrier that prohibits a child from accessing the empty water feature or standing body of water.

3. A relative foster home shall ensure that a child is supervised when in or around a standing body of water in a manner appropriate for the age and maturity of the child.

4. A relative foster home shall ensure that outdoor areas used by a child are safe and free from hazards.

Sec. 22. 1. *A relative foster home must limit exposure to hazardous materials by:*

- (a) Making chemicals, tools and other equipment inaccessible to a child, as appropriate, depending on the age and any developmental needs of the child; and*

(b) Storing items and products intended for use by adults, including, without limitation, alcohol, tobacco products, alternative nicotine products, marijuana, vapor products and lighters, in a reasonable location that is inaccessible to children.

2. Except as otherwise provided in NRS 424.044, a relative foster home shall make all weapons and ammunition inaccessible to children.

3. A relative foster home shall ensure that prescription and nonprescription medications, including, without limitation, vitamins, herbal remedies and pet medications, are stored in a location that is inaccessible to children.

4. A relative foster home shall ensure that each pet or animal present in the relative foster home:

(a) Does not create a sanitation hazard; and

(b) Is not hazardous or frightening to a child living in the home.

5. A relative foster home shall ensure that no person smokes tobacco products, marijuana or any other material or uses vapor products:

(a) Inside the relative foster home or inside a vehicle when a child is present in that location; or

(b) Inside the relative foster home or inside a vehicle when a child is not present if such smoking or use of vapor products would be harmful to a child based on his or her medical needs.

6. A relative foster home shall ensure that any vehicle used to transport a child is in safe operating condition and adheres to applicable state and local laws and ordinances governing the operation of the vehicle.

Sec. 23. *1. A relative foster home must comply with subsections 1, 4 and 6 of NAC 424.400.*

2. A relative foster parent must be able to articulate the evacuation plan of the relative foster home upon placement of the child in the home.

Sec. 24. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.083, inclusive, *and sections 2 to 8, inclusive, of this regulation,* have the meanings ascribed to them in those sections.

Sec. 25. NAC 424.050 is hereby amended to read as follows:

424.050 “Foster home” has the meaning ascribed to it in NRS 424.014 ~~§~~, *except that the term does not include a relative foster home.*

Sec. 26. NAC 424.130 is hereby amended to read as follows:

424.130 1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if he or she has any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. A licensing authority representative shall inspect the entirety of each foster home and any attached property, including, without limitation, areas of the foster home and property that are not accessible to children, for safety. The licensing authority representative may take notes and photographs during the inspection.

4. ~~{The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.~~

~~—5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking.~~

~~—6.}~~ All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

Sec. 27. NAC 424.135 is hereby amended to read as follows:

424.135 1. Fire safety inspections must be conducted by a licensing authority representative or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a person who is nonambulatory or a person with a severe disability, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the State Fire Marshal or ~~{his or her designee}~~ *the local fire department* shall inspect the home. The State Fire Marshal *or local fire department* may, based upon

information ~~he or she~~ *the State Fire Marshal or local fire department, as applicable*, receives regarding the home, designate the licensing authority representative to conduct the inspection.

3. Requirements for safety from fire must be met as established by the State Fire Marshal considering the number of occupants and their ability to exit in case of a fire.

Sec. 28. NAC 424.165 is hereby amended to read as follows:

424.165 Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory report about the applicant from a local law enforcement agency and submittal of fingerprints pursuant to NRS 424.033;
2. A satisfactory report from the Statewide Central Registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older, other than a resident who ~~remains under the jurisdiction of a court~~ *is participating in the Extended Young Adult Support Services Program* pursuant to NRS 432B.594;
3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;
4. Satisfactory completion of the written home study required by paragraph (b) of subsection 1 of NAC 424.120;
5. Receipt of a signed foster home application form;
6. Documentation of contact, either verbal or written, with five satisfactory references;
7. Satisfactory completion of the training specified in subsections 1, 2 and 5 of NAC 424.270; and
8. Records concerning employees and residents must be maintained pursuant to NRS 424.034.

Sec. 29. NAC 424.167 is hereby amended to read as follows:

424.167 1. A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence, on a form provided by the licensing authority, that the person and each member of his or her household who is 18 years of age or more, other than a resident who ~~remains under the jurisdiction of a court~~ *is participating in the Extended Young Adult Support Services Program* pursuant to NRS 432B.594, is free from active tuberculosis. The evidence must be in the form of a report which states that the person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, is free from active tuberculosis and has submitted to a:

- (a) Mantoux tuberculin skin test;
- (b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis; or
- (c) An interferon-gamma release assay tuberculosis blood test that has been approved by the United States Food and Drug Administration,
↪ within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

2. If a license to operate a foster home is issued to the person applying for the license, the licensee shall ensure that each member of the staff of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a person may comply with the provisions of subsection 1 before beginning employment or volunteer work at the foster home in lieu of complying within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

3. Each person who is required to submit to a tuberculosis skin test, chest radiograph and examination or interferon-gamma release assay tuberculosis blood test pursuant to this section and who remains as a member of the household or staff of the foster home shall submit to:

(a) A Mantoux tuberculin skin test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ at least once every 24 months after the date the skin test, chest radiograph and examination or interferon-gamma release assay tuberculosis blood test was conducted pursuant to subsection 1 or 2.

Sec. 30. NAC 424.168 is hereby amended to read as follows:

424.168 1. The licensing authority shall ensure that a foster home is financially solvent. A foster home must, as a condition of licensure:

(a) Demonstrate that it has adequate financial resources to provide basic necessities for all persons residing in the home before a child is placed in the foster home; *and*

(b) ~~Demonstrate the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care;~~

~~—(c) Agree to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;~~

~~—(d) Unless the foster home is operated as a public program, provide financial records to the licensing authority which demonstrate ongoing financial solvency, upon the request of the licensing authority; and~~

~~—(e)~~ Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

Sec. 31. NAC 424.255 is hereby amended to read as follows:

424.255 Foster parents and staff must:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their character, integrity and conduct must be above reproach, especially with regard to their role as foster caregivers.

2. Be willing to cooperate with the agency in establishing and carrying out agency goals for the child by:

(a) Providing pertinent information about the child and the needs of the child that the foster parents and staff have gained by caring for the child on a daily basis; and

(b) Assisting in meeting any identified needs of the child.

3. Possess skills necessary to provide a nurturing and caring home and family environment.

4. Welcome each foster child into the foster home as a full member of the family and treat each foster child equally to any children of the foster parent who reside in the foster home, including, without limitation, when according benefits and privileges.

5. Be kind and respectful when communicating and interacting with the child and the family of the child and discussing the family of the child.

6. Have knowledge and understanding of the needs of the child for well-being, safety and permanency.

7. Be flexible to best meet the needs of the child.

8. Present a positive image of fostering to the community.

9. Maintain good relationships with each member of the community who is involved with the child and the family.

10. Be professional in each action taken as a foster parent and caregiver and be a positive role model for each foster child when engaging in daily activities, making decisions, setting boundaries and modeling behaviors.

11. Communicate effectively and respectfully with each person involved in the care of a foster child and respect differences and opinions of others.

12. Accept additional feedback and participate in additional training to increase the foster parent's or staff member's knowledge and ability to care for a child with unique needs.

13. When safe and appropriate, work directly with the parents or other family members of a child in support of the best interests of the child and the permanency goal of the child.

14. Possess realistic expectations regarding behaviors of children who have experienced past trauma and be able to remain calm during the emotional and behavioral outbursts of a child.

15. Set appropriate verbal and physical boundaries with foster children and their families.

16. Recognize and celebrate milestones in the life of a foster child, including, without limitation, birthdays, graduations and holidays.

17. Demonstrate sound judgment by making mindful and careful decisions.

18. Be able to communicate with any child placed in the foster home, the agency which provides child welfare services and providers of health care and others who provide services to a child placed in the foster home. At least one foster parent or member of the staff must be capable of understanding and following directions on the label of any medication.

19. Comply with the reasonable and prudent parent standard.

Sec. 32. NAC 424.270 is hereby amended to read as follows:

424.270 1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training approved by the agency which provides child welfare services in the subjects described in NRS 424.0365, laws and regulations applicable to foster parenting, the structure of agencies which provide child welfare services, childhood trauma, the importance of family relationships and other meaningful relationships and basic first aid, including, without limitation, training in the administration of cardiopulmonary resuscitation. If the home has a ~~pool, hot tub or other freestanding~~ *standing* body of water, the applicants must obtain information on water safety, pool safety and the risk of drowning.

2. Except as otherwise provided in this section, foster parents shall attend at least 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

3. The annual training or portions of the annual training required by subsection 2 may for good cause, as determined by the agency which provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency which provides child welfare services, if at least one foster parent participates in the training and the training has been preapproved by the agency which provides child welfare services.

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive the training required by subsections 1 and 2 through that agency.

5. In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by

NAC 424.573. The training required by this subsection must be provided or approved by the agency which provides child welfare services.

6. In addition to the training required by subsections 1, 2 and 5, a licensee that operates a foster home must receive, not later than 90 days after initial licensure ~~and annually thereafter,~~ training concerning working with lesbian, gay, bisexual, transgender and questioning children.

7. The requirements of this section are not applicable to any person who is subject to the requirements of NAC 424.712 and 424.714 and completes the training or continuing education required by those sections.

Sec. 33. NAC 424.275 is hereby amended to read as follows:

424.275 1. Adults who provide foster care for children must provide evidence of their character and ability to care for children. The licensing authority must have received at least ~~five~~ *three* satisfactory references for such a person ~~and~~ *, with at least one reference being from a person who is not related to the applicant.*

2. A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

3. A licensing authority may deny an application for a license to operate a foster home based upon a negative reference.

Sec. 34. NAC 424.375 is hereby amended to read as follows:

424.375 1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.

2. Rooms used by children for sleeping must have adequate floor space between beds to allow foster children and other persons to easily access beds and exits.

3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. Except as otherwise provided in subsection 5, children of the opposite sex who are 5 years of age or more must not share a bedroom, and children who are more than 12 months of age must not sleep in the same room with an adult.

5. If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or more to share a room or a child who is more than 12 months of age to sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is appropriate based upon the circumstances and needs of each child. A child in foster care who is the parent of a child in the same placement may share a room with that child. The licensing authority may authorize a child whose gender identity or expression differs from the child's assigned sex at birth to share a room with a child of the opposite sex if the licensing authority determines that this arrangement is safe and in the best interests of each child. In making this determination, the licensing authority must consider:

- (a) The expressed preferences of each child; and
- (b) The recommendations of the child and family team.

6. The foster parents' bedroom must be located on the same floor as the bedroom of any child who is less than 5 years of age.

7. Except as otherwise provided in this subsection, each child must be provided with his or her own bed ~~†, which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of†~~ *or a mattress* which is elevated off the floor. Siblings of the same sex may share a double bed ~~††~~ *or mattress*.

8. Each bed must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

9. Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children who are less than 6 years of age.

10. A complete change of bed linens must be supplied at least once a week or more often if necessary.

11. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

12. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

13. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and must not be:

(a) Allowed to sleep on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

(b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

(c) Allowed to sleep with another person on the same sleeping surface, which may include, without limitation, a bed, sofa or chair.

14. As used in this section, “provider of health care” means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

Sec. 35. NAC 424.420 is hereby amended to read as follows:

424.420 1. Any standing body of water on the premises of a foster home must be maintained in a condition that is healthy and safe for children. The water in any pond used for swimming must be maintained in a healthy and sanitary condition.

2. Except as otherwise provided in this subsection ~~or~~ *or a more restrictive local ordinance*, a foster home that has an empty water feature or standing body of water on the premises and is licensed to care for any child who is less than 5 years of age must *either* provide a fence on all sides of the empty water feature or standing body of water, separating it from the general yard area ~~or~~ *or provide an alternative safety plan approved by the licensing authority. Such an alternative safety plan must prohibit the access of children into the area.* If the empty water feature or standing body of water is adjacent to an area of an outside wall of the foster home that has no windows or doors, the wall may function as part of the fence. A fence is not required for a hot tub on the premises of a foster home described in this subsection if the hot tub has a protective cover that is kept in place and locked when the hot tub is not in use.

3. The fence required by subsection 2 must:

- (a) Be at least 4 feet high on all sides.
- (b) Have no vertical opening more than 4 inches wide.
- (c) Be of such a design that young children cannot climb it or squeeze under it. The use of a chain link fence is prohibited.

(d) Not obstruct the view of the empty water feature, standing body of water or surrounding area from the house.

(e) Have a gate that is self-closing, with a self-latching mechanism which is in proper working order and out of the reach of young children.

4. If a foster home is licensed to care only for children who are 5 years of age or more:

(a) Except as otherwise provided in paragraph (b), the area surrounding an empty water feature or standing body of water must be fenced and locked in a manner which prevents access by children or others who are not entitled to be on the premises; or

(b) If the area surrounding the empty water feature or standing body of water is not fenced, there must be a locked, protective cover which will not allow access by a child. Any pool cover must be free from standing water.

5. A reaching pole with a life hook, and a ring buoy, must be present and accessible at all times as minimum safety devices unless the standing body of water is such that a person supervising a child is able, without entering the water, to reach the child in the water and remove the child by hand.

6. Steps leading to an above-ground pool must be removed when the pool is not in use.

7. Any sauna or tanning booth on the premises of a foster home must be locked in a manner which prevents access by children.

8. If a swimming pool cannot be emptied after each use, the pool must have a working pump and filtration system.

9. If a wading or inflatable pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading or inflatable pool must

be emptied when not in use or comply with all regulations applicable to a pool or other standing body of water.

10. If a foster home has access to a community pool, the foster parents and staff shall ensure that a child does not enter the pool area unless:

- (a) The child is under the direct supervision of a foster parent or staff member; and
- (b) The pool is equipped with a reaching pole with a life hook and a ring buoy.

~~{11. As used in this section:~~

~~—(a) “Empty water feature” includes, without limitation, an empty pool.~~

~~—(b) “Standing body of water” includes, without limitation, any lake, pond or in-ground or above-ground pool, hot tub or large stationary bird bath.}~~

Sec. 36. NAC 424.455 is hereby amended to read as follows:

424.455 1. If a foster home combines foster care with regular paid care for others, including child care, the licensing authority may place restrictions on the license of the foster home because of the number of children cared for in the foster home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all requirements relating to staffing in a foster home when it provides both foster care and paid care for others.

2. A foster home may house adult roomers or boarders under the following circumstances:

(a) The roomer or boarder:

- (1) Is considered a part of the family ~~{}~~ *or is a permanent resident of the home;* or
- (2) Has been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who ~~remains under the jurisdiction of a court~~ *is participating in the Extended Young Adult Support Services Program* pursuant to NRS 432B.594 ~~or is visiting and is not a permanent resident of the home.~~

Sec. 37. NAC 424.490 is hereby amended to read as follows:

424.490 1. The foster home shall maintain the home and vehicles in safe operating condition.

2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.

3. The foster home shall secure prior approval from the agency with responsibility for the foster child before taking the child out of state or on a trip or vacation which will require the child to be away from the family home for longer than ~~48~~ 72 hours.

4. Any person who provides transportation to a foster child:

(a) Must possess at least the minimum liability insurance coverage required by state law;

(b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and

(c) Shall observe all other laws of this State concerning the operation of a motor vehicle.

5. If the foster home is located in an area without access to public transportation, the foster home must have a working vehicle that can safely transport all of the children living in the home at one time in case of an emergency.

Sec. 38. NAC 424.555 is hereby amended to read as follows:

424.555 1. Group foster homes shall adopt a written policy on the services for health care and treatment, and shall follow the policy.

2. The foster parents or direct care staff shall closely observe children for signs of illness.

3. ~~{Each child}~~ *An agency which provides child welfare services may require proof of immunizations that are recommended by the local health officer for all children* residing in the foster home ~~{must be currently immunized against diseases according to the recommendations set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, unless a licensed physician, physician assistant or advanced practice registered nurse determines that such immunizations are not recommended for the child because of a medical condition. The recommendations are available at no cost on the Internet at <http://www.cdc.gov/vaccines/schedules/hep/imz/child-adolescent.html>}~~ *and for any member of the household who will provide care to a child, except where the agency which provides child welfare services grants an exemption due to a religious belief or medical condition.*

4. The services of specialists for treatment and consultation will be obtained when referred by a licensed practitioner and approved by the agency placing the child.

5. The licensee shall ensure that any program of medication, physical therapy, special exercises or other activity prescribed by a licensed medical practitioner for a child in the care of the foster home is adhered to.

6. A dental health program must be designed to effect good oral hygiene, education and practice.

7. No foster care provider may have a child tested for the ~~{acquired immune deficiency syndrome}~~ *human immunodeficiency* virus without the consent of the agency which provides child welfare services or the agency placing the child.

Sec. 39. NAC 424.595 is hereby amended to read as follows:

424.595 1. All hazardous chemicals, tools and other equipment, including, without limitation, matches, plastic bags, paints, gasoline, insecticides, and cleaning and laundry products, must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children. Products which could cause poisoning or contamination must not be stored with food products.

2. Not more than 10 gallons of flammable liquid may be stored on the premises, and any such liquid must be stored in approved storage containers or within the requirements of the local regulatory agency.

3. Items or products intended only for adult use, including, without limitation, alcohol, tobacco products, alternative nicotine products, vapor products and lighters, must be reasonably stored and inaccessible to children.

~~{4. As used in this section, “alternative nicotine product” and “vapor product” have the meanings ascribed to them in NRS 202.2485.}~~

Sec. 40. NAC 424.605 is hereby repealed.

TEXT OF REPEALED SECTION

424.605 Fire drills. A fire drill must be held at least once a month in each foster home and recorded documentation of the activity must be posted in the foster home and must be made available for inspection by the licensing authority.