

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

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

October 8, 2025

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

AUTHORITY: §§1-21, NRS 127.052, 127.230 and 432B.190; Sections 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session.

**Section 1.** NAC is hereby amended by adding thereto a new chapter, NAC 125E, to consist of the provisions set forth as sections 2 to 15, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

**Sec. 4.** *“Child-placing agency” has the meaning ascribed to it in section 13 of Assembly Bill No. 227 of the 2025 Legislative Session.*

**Sec. 5.** *“Indian child” has the meaning ascribed to it in NRS 125E.080.*

**Sec. 6.** *“Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§1901 et seq.*

**Sec. 7.** *“Indian tribe” or “tribe” has the meaning ascribed to it in NRS 125E.100.*

**Sec. 8.** *“Parent” has the meaning ascribed to it in NRS 125E.130.*

**Sec. 9.** *“Reservation” has the meaning ascribed to it in NRS 125E.150.*

**Sec. 10.** *“Tribal court” has the meaning ascribed to it in NRS 125E.160.*

**Sec. 11.** *1. An agency which provides child welfare services shall ensure that each report that it submits to the court regarding a ward who is an Indian child, including, without limitation, any home studies, placement reports or other reports required by law, addresses tribal customary adoption as a permanency option.*

*2. As used in this section, “tribal customary adoption” has the meaning ascribed to it in subsection 10 of section 90 of Assembly Bill No. 227 of the 2025 Legislative Session.*

**Sec. 12.** *1. A petitioner or moving party in a proceeding under chapter 125E of NRS or the chapter consisting of sections 48 to 105, inclusive, of Assembly Bill No. 227 of the 2025 Legislative Session may demonstrate compliance with the inquiry requirements under subsection 1 of NRS 125E.210 and notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350 by submitting to the court, in addition to the documentation set forth in subsection 3 of section 89 of Assembly Bill No. 227 of the 2025 Legislative Session, a written ICWA compliance report.*

*2. As used in this section, “ICWA compliance report” has the meaning ascribed to it in subsection 7 of section 89 of Assembly Bill No. 227 of the 2025 Legislative Session.*

**Sec. 13.** *For the purposes of paragraph (c) of subsection 1 of section 90 of Assembly Bill No. 227 of the 2025 Legislative Session, “crime involving violence” means any felony conviction of rape, sexual assault or homicide pursuant to federal or state law, but does not include any other physical assault or battery.*

**Sec. 14.** *1. If a child-placing agency has reason to believe that a child under consideration for adoption is an Indian child, the agency shall consult and comply with the requirements of the Indian Child Welfare Act, chapter 125E of NRS, NRS 127.041, 127.151,*

*127.1861, 127.1863, and sections 74, 88, 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session.*

*2. A child-placing agency shall ask a biological parent of a child who is under consideration for adoption whether the child is an Indian child. If the parent indicates that the child is or may be an Indian child, the agency shall ask the parent to provide the following information:*

*(a) The name and location of the tribe to which the child belongs;*

*(b) The enrollment number of the child, if the tribe to which the child belongs has assigned such a number;*

*(c) Whether the child has resided or been domiciled on a reservation or has been a ward of a tribal court;*

*(d) The name, including the maiden name, if any, and the enrollment number of each Indian relative of the child, including, without limitation, the parents and grandparents of the child, if the tribe to which the relative belongs has assigned such a number; and*

*(e) If the child is an Alaskan native, the name of the child's village or regional corporation.*

*The child-placing agency shall record, in writing, the information provided by a parent pursuant to this subsection.*

**Sec. 15. 1.** *If an agency which provides child welfare services has reason to believe that a child under consideration for adoption is an Indian child, the agency shall consult and comply with the requirements of the Indian Child Welfare Act, chapter 125E of NRS, NRS 127.041, 127.151, 127.1861, 127.1863, and sections 74, 88, 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session.*

2. *An agency which provides child welfare services shall ask a biological parent of a child who is under consideration for adoption whether the child is an Indian child. If the parent indicates that the child is or may be an Indian child, the agency shall ask the parent to provide the following information:*

*(a) The name and location of the tribe to which the child belongs;*

*(b) The enrollment number of the child, if the tribe to which the child belongs has assigned such a number;*

*(c) Whether the child has resided or been domiciled on a reservation or has been a ward of a tribal court;*

*(d) The name, including the maiden name, if any, and the enrollment number of each Indian relative of the child, including, without limitation, the parents and grandparents of the child if the tribe to which the relative belongs has assigned such a number; and*

*(e) If the child is an Alaskan native, the name of the child's village or regional corporation.*

*The agency which provides child welfare services shall record, in writing, the information provided by a parent pursuant to this subsection.*

**Sec. 16.** NAC 127.042 is hereby amended to read as follows:

127.042 "Indian child" has the meaning ascribed to it in ~~25 U.S.C. § 1903.~~ *NRS 125E.080.*

**Sec. 17.** NAC 127.183 is hereby amended to read as follows:

127.183 Except as otherwise provided in ~~this section~~ *the Indian Child Welfare Act, chapter 125E of NRS, NRS 127.041, 127.151, 127.1861, 127.1863, and sections 74, 88, 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session, and if the provisions of 42 U.S.C. § 622 apply to an adoption, a child-placing agency shall not deny or delay:*

1. An application of a person to become an adoptive or foster parent; or
2. The placement of a child,

based on the race, color or national origin of the person applying to become the adoptive or foster parent or of the child to be adopted or placed in foster care. ~~{The provisions of this section do not apply if the child is subject to the provisions of the Indian Child Welfare Act.}~~

**Sec. 18.** NAC 127.311 is hereby amended to read as follows:

127.311 Except as otherwise provided in ~~{this section,}~~ *the Indian Child Welfare Act, chapter 125E of NRS, NRS 127.041, 127.151, 127.1861, 127.1863, and sections 74, 88, 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session*, an agency which provides child welfare services shall not deny or delay:

1. An application of a person to become an adoptive or foster parent; or
2. The placement of a child,

based on the race, color or national origin of the person applying to become the adoptive or foster parent of the child to be adopted or placed in foster care. ~~{The provisions of this section do not apply if the child is subject to the provisions of the Indian Child Welfare Act.}~~

**Sec. 19.** NAC 432B.090 is hereby amended to read as follows:

432B.090 1. All members of the staff of an agency which provides child welfare services must have demonstrated competence in their areas of responsibility, as measured by educational achievement, years of experience and other qualifications, so that the agency can provide high-quality services in an efficient and professional manner. All members of the staff must have the training and experience required by their job descriptions.

2. An agency which provides child welfare services shall:

(a) Assess the needs of its staff for development and training every 2 years. The agency shall ensure that each new member of its staff engaged in child welfare services receives at least 40 hours of training related to the principles and practices of those child welfare services and completes a course of training related to the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., *chapter 125E of NRS, NRS 127.041, 127.151, 127.1861, 127.1863, and sections 74, 88, 89 and 90 of Assembly Bill No. 227 of the 2025 Legislative Session*, prescribed by the division. After the first year of employment, all members of the staff engaged in child welfare services must obtain 30 hours biennially of training related to those child welfare services.

(b) Provide to each person who directly provides family assessment services training related to the principles and practices of providing such assessments.

(c) Provide each new employee with an orientation to the agency and to his position. Ongoing orientation and day-to-day activities for the development of staff are a responsibility of the employee's supervisor.

3. An agency which provides child welfare services shall develop and carry out personnel practices and policies which provide all staff and volunteers with clear written information about their rights and responsibilities, and which are conducive to the maintenance of good relations between management and employees and the retention of high-quality employees.

4. All employees must have access to a procedure for the resolution of grievances.

**Sec. 20.** NAC 432B.263 is hereby amended to read as follows:

432B.263 1. For the purposes of complying with the provisions of NRS 432B.397, the agency which provides child welfare services shall, upon taking a child into protective custody,

ask a parent, legal guardian or relative of the child, if available, whether *there is reason to know that* the child is *or may be* an Indian child.

2. If the parent, legal guardian or relative of the child indicates that the child is or may be an Indian child, the agency shall ask the person to provide the following information:

(a) The name and location of the tribe to which the child belongs;

(b) The enrollment number of the child, if the tribe to which the child belongs has assigned such a number;

(c) Whether the child has resided or been domiciled on a reservation or has been a ward of a tribal court;

(d) The name, including the maiden name, if any, and the enrollment number of each Indian relative of the child, including, but not limited to, the parents and grandparents of the child;

(e) The enrollment number of each Indian relative of the child, including, but not limited to, the parents and grandparents of the child, if the tribe to which the relative belongs has assigned such a number; and

(f) If the child is an Alaskan native, the name of the child's village or regional corporation.

3. The agency shall record, in writing, the information provided by a parent, legal guardian or relative pursuant to this section.

4. The agency shall provide the court with verification that the inquiries set forth in subsections 1 and 2, as applicable, *and subsection 1 of NRS 125E.210* were made for each child for whom a petition has been filed.

5. As used in this section, "Indian child" has the meaning ascribed to it in ~~NRS 432B.067.~~ *NRS 125E.080.*

**Sec. 21.** NAC 127.245 and 127.425 are hereby repealed.