

STUDY OF FOSTER CARE PROVIDED TO CHILDREN IN NEVADA



Bulletin No. 87-5

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1986

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LEGISLATIVE COMMISSION
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LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

DECEMBER 1986

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FILE NUMBER...11.9

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the foster care provided to children in Nevada.

WHEREAS, The State of Nevada is dedicated to assuring the availability of appropriate care for all children who become the responsibility of the state; and

WHEREAS, With the growth of the state's population and the increasing effectiveness in detecting the abuse or neglect of children, the number of children who will need foster care may be expected to continue to increase; and

WHEREAS, It is necessary that the legislature obtain information concerning the quality and appropriateness of the programs provided for these children; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the legislative commission is hereby directed to study the condition of children and the care they receive, in the custody or control of the state and any local public authorities which provide protective services; and be it further

RESOLVED, That the study include:

1. An evaluation of the adequacy of the services provided to a troubled family before the need arises to remove a child to costly foster care;
 2. A determination of the availability of appropriate medical and psychological treatment for children in foster care;
 3. An investigation of the opportunities for adoption; and
 4. Consideration of such other issues, conditions or policies deemed by the commission to be pertinent to the state's responsibility to ensure the proper care of those children;
- and be it further

RESOLVED, That the results of the study and any recommendations for legislation be reported to the 64th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION
TO THE MEMBERS OF THE 64TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 33 of the 63rd session of the Nevada legislature, which directed the legislative commission under the auspices of the joint committee on judiciary to appoint a subcommittee to study foster care provided to children in Nevada. The subcommittee appointed to conduct the study was further directed to report the results of the study and any recommendations for legislation to the 64th session of the legislature. The members of the subcommittee were:

Senator Sue Wagner, Chairman
Assemblyman James A. Stone, Vice Chairman
Senator Helen A. Foley
Assemblyman Bruce R. Bogaert
Assemblyman Patricia L. Little

In this report, the subcommittee has attempted to present its findings and recommendations in a concise form. A great deal of data and information was gathered in the course of the study. All of the supporting documents and minutes of the subcommittee's hearings are on file with the research library of the legislative counsel bureau and are available for review.

This report is transmitted to the members of the 64th session of the Nevada legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
August 1986

* * * * *

LEGISLATIVE COMMISSION

Assemblyman Louis W. Bergevin, Chairman
Assemblyman Bob L. Kerns, Vice Chairman

Senator James H. Bilbray	Assemblyman Robert M. Sader
Senator Helen A. Foley	Assemblyman James W. Schofield
Senator Lawrence E. Jacobsen	Assemblyman Danny L. Thompson
Senator Kenneth K. Redelsperger	Assemblyman Barbara A. Zimmer
Senator Sue Wagner	

SUMMARY OF RECOMMENDATIONS

This summary represents the subcommittee's recommendations regarding foster care provided to children in Nevada. These recommendations were developed from suggestions presented at public hearings and written communications to the subcommittee.

The subcommittee recommends:

1. Establishing a statutory maximum caseload of 35 cases per social worker and providing the funding for additional staff positions in the welfare division, department of human resources (DHR), to meet that standard. (BDR 38-176)
2. Encouraging the establishment of multidisciplinary teams within the welfare division by utilizing existing staff.
3. Encouraging and exploring the possibility of coordinating the foster care operations in Clark County, Washoe County, and the rural areas of Nevada into one agency or jurisdiction.
4. Providing funding to begin a formal training program for social services staff within the welfare division. (BDR S-174)
5. Requiring Federal Bureau of Investigation (FBI) checks for anyone having direct contact with children in the foster care system. (BDR 38-183 and BDR 38-184)
6. Supporting the efforts of the welfare division to implement a comprehensive statewide computer system to improve data processing and provide a listing of available placements.
7. Providing funding for emergency services to families to pay for food, medical care, shelter and transportation. (BDR S-165)
8. Providing funding for community treatment homes for abused and neglected children. (BDR S-168)
9. Providing funding to increase the medical assistance to children (MATCH) budget of the welfare division. (BDR S-175)
10. Providing funding for scheduled respite care for foster parents. (BDR S-170)

11. Supporting service organizations providing group outings for foster children to allow periodic free time for foster parents.
12. Supporting recognition programs by service organizations for foster parents.
13. Increasing the amount of monthly payments provided to foster parents. (BDR S-167)
14. Providing funding to hire two social service specialists solely responsible for training foster parents. (BDR S-169)
15. Working in conjunction with the Junior League of Washoe County to train and recruit foster parents in Washoe County, Nevada.
16. Providing funding for emancipation services for foster children approaching or reaching the age of 18 years. (BDR S-171)
17. Increasing the funding for subsidized adoptions. (BDR S-172)
18. Amending chapter 127 of Nevada Revised Statutes (NRS); "Adoption Of Children And Adults," to permit the welfare division to charge fees for its adoption services. Fees collected are to be used for postadoptive services and any other statutory requirement needed to implement the program. (BDR 38-178)
19. Amending chapter 128 of NRS; "Termination Of Parental Rights," to provide for two elements to terminate parental rights--first and foremost, the best interests of the child; and second, parental fitness. (BDR 11-179)
20. Amending chapter 128 of NRS to provide for a presumption of failure of parental adjustment. (BDR 11-180)
21. Amending NRS 128.105; "Grounds for terminating parental rights: Basic considerations," to add "failure of parental adjustment" as a ground for terminating parental rights. (BDR 11-180)
22. Amending the statutes to delete NRS 128.108; "Specific considerations where child has been placed in foster home," which compares the home the child was removed from with the foster home. (BDR 11-181)

23. Amending NRS 128.060, "Notice of hearing: Contents and personal service," to add that the legal custodian or legal guardian of the child must be served with notice of a hearing to terminate parental rights.
(BDR 11-182)
24. Reestablishing a long-term foster care program as one alternative to achieve permanency planning.
25. Resolving to support the efforts of nonprofit agencies in Washoe County, Nevada, to implement a "family-based services" pilot program. (BDR 177)
26. Supporting efforts to establish a family court in northern Nevada.
27. Providing funding for witness fees in welfare division court proceedings. (BDR S-173)

REPORT TO THE 64TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY FOSTER CARE PROVIDED TO
CHILDREN IN NEVADA

I. INTRODUCTION

In 1985, the 63rd session of the Nevada legislature adopted Senate Concurrent Resolution No. 33 (File No. 119) which directed the legislative commission to study foster care provided to children in Nevada. The legislative commission appointed a subcommittee to conduct the study.

The subcommittee conducted a total of four meetings throughout Nevada. The first meeting was held in Reno. Topics discussed included an overview of foster care in Nevada, federal law and its application in the state, and preventing placement in foster care. The second meeting was held in Las Vegas, and focused on foster care provided to children in southern Nevada. Also discussed were preventing foster care and adoption. The third meeting was held in Fallon. Foster care in rural Nevada and termination of parental rights were the main topics discussed. At the fourth meeting, held in Carson City, several people, including a national consultant, spoke regarding permanency planning. The subcommittee then conducted a work session and adopted its final recommendations.

The subcommittee received testimony from a variety of sources including staff of the welfare division of the department of human resources (DHR), district court judges, counselors, members of private organizations that work with children, national consultants, foster parents and foster children. The welfare division provided extensive background materials which greatly aided the subcommittee in its deliberations. The subcommittee is grateful to everyone who testified and provided written materials for its consideration.

II. FINDINGS AND RECOMMENDATIONS

A. WELFARE DIVISION, DEPARTMENT OF HUMAN RESOURCES

1. Staff

The subcommittee received testimony regarding two major problems confronting the welfare division of the DHR: (1) the increased caseload, and (2) the high staff turnover rate. The welfare division testified that substitute care (children for whom the welfare division has legal custody) has

increased an average of 10 percent per year since 1983. Child abuse and neglect complaints increased 15 percent in 1983 and 22 percent in 1984. Reports of sexual abuse increased 50 percent in 1983 and 42 percent in 1984.

Further testimony reflected the high staff turnover rate at the welfare division. Statewide, the medium length of time a child welfare worker is employed by the welfare division is 13 months. This compares to 7 years, 8 months, for a social worker employed by the welfare division who does not work in child welfare.

The rapid turnover rate among child welfare workers also reduces productivity because of a greater number of relatively inexperienced caseworkers. A study was conducted in the Las Vegas, Nevada, welfare division district office comparing case closures in 1985 to worker experience, and the following was found:

<u>Child Welfare Experience</u>	<u>Average Case Closure Per Worker</u>
1 year or less	6
1 to 2 years	11
2 years or more	27

Factors cited by the welfare division which contribute to the turnover problem include:

- a. Stress related to the type of clientele;
- b. Stress related to the lack of placement resources;
- c. Lack of training; and
- d. Low pay.

Compounding the problems of an increasing caseload and high staff turnover, the welfare division has experienced a 33 percent decrease in social workers from 1973 to 1986. As a result, services to aged and handicapped adults have been reduced. Staff has been shifted to provide those services for children which are mandated by Nevada law.

The subcommittee, therefore, recommends establishing a statutory maximum caseload of 35 cases per social worker. To achieve that standard, the subcommittee recommends that the 1987 legislature provide funding for 36 additional social workers at a cost of \$1,144,528 in 1988 and \$1,154,487 in 1989. (These figures were provided by the welfare division and do not reflect the additional costs of supervisory or clerical workers.)

The subcommittee also heard testimony regarding the effectiveness of multidisciplinary teams within the welfare division. The subcommittee, therefore, recommends encouraging the establishment of additional multidisciplinary teams within the welfare division by utilizing existing staff.

Regarding recommendations to increase the salaries of social workers and provide longevity pay, the subcommittee believes these issues should be addressed within the welfare division's budget.

2. Organization

Testimony was presented to the subcommittee regarding the "patchwork" approach of childrens' services offered in Nevada. In the rural counties, the state welfare division either directly provides all services or contracts with an existing agency or department to provide childrens' services. In Clark County, the Clark County Juvenile Court provides services to neglected children, and the state welfare division provides services to abused children. In Washoe County, the Washoe County Department of Social Services provides all services to abused and neglected children.

The subcommittee, therefore, recommends the encouragement and exploration of coordinating the foster care operations in Clark County, Washoe County, and the rural areas of Nevada into one agency or jurisdiction.

3. Training

Testimony presented to the subcommittee indicated that many persons who enter the field of social work at the welfare division have unrelated educational backgrounds. In fact, only 45 percent of the social work staff employed by the welfare division have degrees in social services.

Ideally, the subcommittee believes that social workers should be required to have a master's degree in the field of social services. Testimony reflected that this requirement would be unrealistic at this time.

The subcommittee, therefore, recommends that the 1987 legislature provide funding to hire a social services specialist III to begin a formal training program for social services staff within the welfare division. Based upon figures submitted by the welfare division, the subcommittee recommends a budget for this program of \$82,177 for 1988 and \$84,193 for 1989.

4. Licensing Foster Homes

Responding to concerns voiced for the safety of children in foster care, the subcommittee heard testimony regarding Federal Bureau of Investigation (FBI) checks for foster parent applicants. These checks were required approximately 20 years ago but were discontinued. Although the program worked well, the FBI refused to provide the service upon discovering that there was not a state statute requiring the check.

Presently, local law enforcement agencies provide background data, going back 5 years, concerning foster parent applicants. The City of Reno, Nevada, now charges for this information. Also, it is difficult to obtain information from out-of-state agencies.

The subcommittee, therefore, recommends enactment of a law requiring FBI checks for anyone having direct contact with children in the foster care system.

5. Computer Services

A recommendation was made to the subcommittee to create a comprehensive statewide computer system to improve data processing and provide a listing of available placements. Testimony indicated that a statewide computer system would more efficiently locate placements for children in Nevada and provide necessary data and statistics to the welfare division.

The subcommittee, therefore, recommends supporting the efforts of the welfare division to obtain a more comprehensive computer service system.

B. FOSTER CARE PREVENTION SERVICES

The subcommittee heard testimony regarding emergency services provided to families to pay for food, medical care, shelter and transportation. These services are provided on a case-by-case basis to prevent placing children in foster care or to facilitate the return of foster children to their families. Representatives of the welfare division stated that it can be more cost-effective to assist a family in a temporary crisis situation than to remove children from their homes and place them in the foster care system. Attached as Appendix A is a one-page report prepared by the welfare division for the subcommittee outlining the expenditure of emergency services funds in the rural areas.

The subcommittee, therefore, recommends that the 1987 legislature allocate \$10,000 per year to the welfare division to provide emergency services to families.

The subcommittee received recommendations to provide family and psychological counseling and to provide shelters to temporarily house destitute families. The subcommittee believes both of these proposals are presently being addressed by the welfare division.

C. PLACEMENT RESOURCES FOR FOSTER CHILDREN

The subcommittee heard testimony regarding the need for community treatment homes with trained foster parents for abused and neglected children. Representatives of the welfare division testified that all district offices of the welfare division had experienced an increase in the number of dysfunctional, multiproblem families. Consequently, there has been an increase in the number of children with severe behavioral and emotional problems in the custody of the welfare division.

Testimony indicated that these children do not respond well to a traditional foster home placement. Because of past physical or sexual abuse, some foster care children exhibit inappropriate sexual behavior, promiscuity, physical violence, extreme tantrums or reclusiveness. Representatives of the welfare division testified that there are presently 84 children in treatment homes or small group homes. Further, 42 additional placements are desired for children who have been identified as needing the services provided by community treatment homes.

The community treatment homes are run by full-time trained professionals. There are usually four to eight children living in a home. Services provided include counseling, tutoring and daily monitoring of behavioral problems. It is felt that children who receive treatment while living in this type of family setting will learn how to better function within a family.

The cost for a treatment placement is \$55 per day. Subtracting a foster care rate of \$307 per month, the cost of 42 additional community treatment placements is \$688,422 per year.

The subcommittee, therefore, recommends establishing community treatment homes with a minimum of 42 placements.

D. EDUCATIONAL RESOURCES FOR FOSTER CHILDREN

Representatives of the welfare division and several foster parents testified regarding the educational problems experienced by many foster children. Because of the instability and turmoil in their day-to-day existence, a foster child's performance in school can often suffer. Many are, therefore, in need of additional education resources.

In response to these concerns, the subcommittee received several recommendations. One was for the state department of education to provide tutoring (or special rates) and waive summer school tuition and fees for foster children in Nevada. Another recommendation was to provide funding to the welfare division for developmentally delayed foster children.

The chairman of the subcommittee wrote to the superintendent of public instruction, state department of education, regarding these proposals. The superintendent indicated that "any allocation of resources to schools for education of foster children should be from new funds." Attached as Appendix B is a copy of the complete text of the superintendent's response to the subcommittee's request for information. Upon further consideration, the subcommittee believes that the recommendations regarding education should be addressed by the welfare division in its budget request to the 1987 legislature.

E. MEDICAL NEEDS OF FOSTER CHILDREN

The subcommittee received a recommendation from the welfare division to increase the medical assistance to children (MATCH) budget. It was explained that the MATCH program addresses the medical needs of foster children who are either not eligible for Medicaid or who have special needs that are not provided for under the provisions of the federal Title XIX program. Included in these special needs is the replacement of eyeglasses or orthodontia work. Testimony indicated that some foster parents pay for these types of items with their own funds.

The subcommittee believes that foster parents are not obligated to pay for these types of medical costs.

The subcommittee, therefore, recommends that the 1987 legislature provide \$8,904 in 1988 and \$27,444 in 1989 to the welfare division to increase its MATCH budget.

A recommendation was made to mandate physical examinations for all children entering foster care. A representative of the welfare division testified that between 700 and 800 children enter the foster care system each year. Additional testimony from the welfare division indicated that all children entering foster care do receive medical examinations.

Some children are examined soon after placement into foster care, and some are examined at a later date. A variety of factors is responsible for time differences in foster children receiving a medical examination. Based on this information, the subcommittee took no further action on this proposal.

F. SERVICES AND TRAINING FOR FOSTER PARENTS

1. Respite Care

The subcommittee received extensive testimony regarding the need for respite care for foster parents. In a survey conducted by the welfare division in December 1985, current and former foster parents were questioned about the foster care system in Nevada. Seventy-two percent believed that respite care for foster parents is greatly needed.

Testimony from the welfare division indicated that the availability of respite care for up to 15 days per year will permit the foster family time to be alone, rejuvenate or take a family vacation. Also, a respite program will reduce foster parent stress and "burnout."

The cost for a respite bed is \$20 per day. The cost for 25 respite beds statewide is \$182,500 per year.

The subcommittee, therefore, recommends providing funding to the welfare division for 25 beds statewide for respite care for foster parents.

The subcommittee also received a recommendation for local service organizations to sponsor and organize group outings for foster children. This would provide needed respite time for foster parents. In addition, a recommendation was made for local service organizations to sponsor recognition programs for foster parents. Hosting an annual foster parent dinner, lunch or picnic were all ideas expressed to recognize and honor foster parents in the community.

The subcommittee supports both of these proposals and encourages service organizations to become more involved with the foster care system in Nevada.

2. Monthly Payments for Foster Care

The subcommittee heard testimony regarding increasing the amount of basic monthly payments provided to foster parents in Nevada. Attached as Appendix C is a copy of a chart entitled "Comparison of Foster Care Rates in Western United States." Presently, the basic rates in Nevada are \$240 per month for children up to 12 years old and \$280 per month for children 13 years and over. Additional information regarding Nevada rates is listed on pages 2 and 3 of Appendix C.

Special foster care rates are described in an excerpt from the Nevada State Welfare Division Service Manual which is attached as Appendix D.

Testimony from both welfare division representatives and foster parents indicated that Nevada's foster care rates are low. In the poll conducted by the welfare division in December 1985, 76 percent of the foster parents questioned believed the monthly foster care rates were too low. The rate of compensation has not kept pace with the actual expenses of caring for a foster child. Some foster parents have left the foster care program because of the inadequate compensation. Also, some families are discouraged from accepting foster children because they would have to either reduce their standard of living or treat the foster child differently from their own children.

Testimony presented to the subcommittee by the welfare division projected the total cost to implement a \$307 per month rate statewide would be \$1,027,873 in 1988 and \$1,321,212 in 1989. The welfare division also made projections using \$360 per month--the amount that the United States Department of Agriculture estimates that it costs to raise a child per month. The subcommittee believes \$307 per month is comparable to other Western States and is a reasonable amount to pay foster parents per month.

The subcommittee, therefore, recommends that the 1987 legislature provide funding to increase the average rate paid to foster parents to \$307 per month.

3. Training

The subcommittee heard testimony from foster parents and representatives of the welfare division regarding the need to train foster parents. Presently, the welfare division does not provide a standardized prelicensing or continuing foster parent training program. Testimony indicated that the welfare division's annual turnover rate in foster homes is approximately 33 percent. In the December 1985 poll conducted by the welfare division, 50 percent of the former foster parents questioned stated that they might have continued as foster parents if they had received training and had been better prepared to handle the job.

The welfare division proposes establishing a two-part foster parent training program: (1) prelicensing for new foster parents, and (2) ongoing training for experienced foster parents. Two training specialist positions are proposed to coordinate the statewide programs. Curriculum for new foster parents will include an introduction to foster parenting, a foster child's emotional and physical development, handling discipline of a foster child and working with special needs children.

The subcommittee, therefore, recommends providing funding for two social service specialists solely responsible for training foster parents. One training specialist is to be located in northern Nevada and one is to be in southern Nevada. Working together, both would provide statewide training for foster parents. The projected cost is \$89,603 for 1988 and \$85,087 for 1989.

The subcommittee also heard testimony regarding the welfare division and the Junior League of Washoe County working together to recruit and train foster parents. Based on the necessity to train foster parents, the subcommittee supports the efforts of the welfare division to work in conjunction with the Junior League of Washoe County to implement a training program for foster parents in Washoe County.

G. EMANCIPATION SERVICES FOR FOSTER CHILDREN NEARING THE AGE OF 18 YEARS

Testimony from foster children, foster parents and the welfare division conveyed the need for emancipation services for foster children approaching or reaching the age of 18 years. Most foster children leave the foster care system with few job skills and little money. Children who are in foster homes as adolescents are less likely to achieve a permanent placement by the time they reach age 18. Without adequate preparation for adulthood, these children may become homeless and socially dependent.

As proposed by the welfare division, an emancipation program would include employment counseling and training, apartment selection, budgeting and awareness of community support systems. The program would provide a stipend payment for participants to be awarded when the youth is preparing to move into an independent living arrangement. These stipends would assist the youth with food, living expenses and transportation.

The subcommittee, therefore, recommends that the State of Nevada appropriate \$42,500 per year, less any federal funds derived from the "COBRA" program, to provide emancipation services for foster children approaching or reaching the age of 18 years.

H. ADOPTION

1. Subsidized Adoptions

Testimony was heard by the subcommittee regarding the problems related to adopting a special needs child. The welfare division presently has 50 children with special needs who are available for adoption. In addition, there are special

needs children in foster care whose chances for adoption would be increased if the financial obligation on the adoptive family were not so great. Special needs children are identified as:

- a. A child over the age of 10 years;
- b. A sibling group where the youngest child is over the age of 2 years;
- c. A child who is mentally, physically or emotionally handicapped;
- d. A child of a minority race; and
- e. A child who has been free for adoption for 3 months and a nonsubsidized placement has not been found.

The welfare division tries to recruit families who can provide a loving and permanent home for special needs children. Some families are unable or unwilling to assume the high medical costs for these children. In many instances, insurance companies will not pay for a preexisting medical condition. If an adoption subsidy is not available, the child may lose the family as a potential permanent home. The child may then remain in foster care until he or she reaches the age of 18 years.

The welfare division anticipates that 34 additional children would be adopted in 1988 and 15 in 1989 if the means test were eliminated. The means test bases qualification for a subsidy on the family's yearly income. The test was implemented by the welfare division in 1982 because of budgetary constraints.

The welfare division recommended an increase in funding to provide for 34 additional subsidized adoptions in 1988 and 15 additional subsidized adoptions in 1989. By using a monthly rate of \$307 and eliminating the means test, the welfare division computed the total cost to the state for subsidized adoptions in 1988 to be \$168,986 and \$194,515 in 1989.

The subcommittee supports an increase in funding for subsidized adoptions, but voted to retain the means test. The subcommittee, therefore, recommends that the 1987 legislature provide increased funding for 34 additional subsidized adoptions in 1988 and 15 additional subsidized adoptions in 1989, but retain the means test. The welfare division's budget request is to be reduced by the amount generated by retaining the means test.

2. Postadoptive Services

Representatives of the welfare division testified that the division is receiving custody of adopted children who are no longer wanted by their adoptive families. If more resources were available following a placement, the welfare division testified that these families might be preserved. Testimony indicated that the population of children waiting for adoption has shifted from healthy infants to older or minority children, sibling groups or children with emotional, mental or physical handicaps. During the past 10 years, the welfare division has placed an average of 118 children per year for adoption. Included in that figure is an increasing number of special needs children. Since 1979, the number of special needs children who were placed for adoption averaged 91 per year.

As more special needs children are placed for adoption, the rate of placement failures or disruptions has increased. A poll of the welfare division's district offices, conducted in early 1986, showed that approximately 12 children per year have their adoptions disrupted. Reasons for adoption disruptions have been identified by the welfare division as:

- a. Adoptive parents felt they were not fully informed of the extent of the child's problems prior to placement;
- b. Behavioral problems of the child;
- c. Lack of bonding between parent and child;
- d. Parent's expectations regarding the child were not met; and
- e. Parents believed they made a mistake by agreeing to adopt a child considerably different from the type of child they had initially hoped to adopt.

The welfare division recommended implementing a postadoptive services program. The duties of the social workers will consist of:

- (1) Carrying a caseload of children whose adoptions were disrupted and those in danger of disruption;
- (2) Working with support groups for adoptive parents; and
- (3) Training potential adoptive parents to work with special needs children.

The goals of the program are to increase the number of successful adoptions of special needs children and to increase the number of foster care placements of special needs children.

The subcommittee, therefore, recommends amending chapter 127 of NRS, "Adoption Of Children And Adults," to permit the welfare division to charge fees for its adoption services. Further, the subcommittee recommends using the fees collected by the welfare division for postadoptive services and any other statutory requirements needed to implement its adoption program.

I. TERMINATING PARENTAL RIGHTS

1. Legal Standard

The subcommittee considered testimony presented by the deputy attorney general, welfare division, regarding terminating parental rights. The subcommittee discussed Champagne v. Welfare Division, 100 Nev. 640, 691 P.2d 849 (1984), and its effect on termination of parental rights in Nevada. In Champagne, the Nevada supreme court established two elements to consider before a parent's rights can be terminated: (1) parental fitness, and (2) the best interest of the child. Champagne holds that, before terminating parental rights, the court must first find jurisdictional grounds exist--the parents must be proved unfit by clear and convincing evidence. If the court finds the parents are unfit, then the court must find dispositional grounds exist to terminate parental rights. In determining whether dispositional grounds exist, the court considers the best interest of the child.

The subcommittee strongly believes that permanency planning and the best interest of the child should be the primary considerations in a termination of parental rights proceeding.

The subcommittee, therefore, recommends amending chapter 128 of NRS, "Termination Of Parental Rights," to provide for two elements to terminate parental rights. The first and primary element is the best interest of the child. The second element is parental fitness. The subcommittee further recommends that the best interest of the child should take precedence if a termination case is "close" or difficult to decide.

2. Rebuttable Presumption of Failure of Parental Adjustment

The subcommittee heard testimony regarding "failure of parental adjustment" as a new statutory ground for terminating parental rights. The deputy attorney general, welfare division, testified that this ground was created by the supreme

court in Champagne. If a parent fails to comply with a case plan or does not attempt to comply, there is a rebuttable presumption of neglect. Testimony indicated that a rebuttable presumption is not conclusive; the parents have an opportunity to challenge it. The desired effect of this ground is to encourage parents to follow their case plans in hopes of regaining custody of their child. If the natural parents are not interested or capable of raising their child, the possibility of adoption by another family could be considered.

The subcommittee, therefore, recommends amending chapter 128 of NRS to provide for "failure of parental adjustment" as an additional statutory ground for terminating parental rights.

The subcommittee considered additional recommendations proposed by the deputy attorney general of the welfare division.

The subcommittee recommends amending the NRS to delete section 128.108, "Specific considerations where child has been placed in foster home," which compares the home the child was removed from with the foster home.

The subcommittee recommends amending NRS 128.060, "Notice of hearing: Contents and personal service," to add that the legal custodian or legal guardian of the child must be served with notice of a hearing to terminate parental rights.

J. PERMANENCY PLANNING

1. Long-Term Foster Care

A recommendation was made to the subcommittee to reestablish long-term foster care as one alternative to achieve permanency planning. In considering this recommendation, the subcommittee stressed the importance of stability and security to the development of children.

The subcommittee, therefore, supports reestablishment of a long-term foster care program. Further, the subcommittee encourages the welfare division to proceed with implementing this program to help reduce foster care children shifting from home to home. The subcommittee cautions, however, that long-term foster care should not replace adoption or other permanent alternatives. The subcommittee believes that every possible effort must be made to place children in adoptive homes rather than long-term foster care.

2. Family-Based Services

The subcommittee considered testimony regarding implementing a "family-based services" pilot program in Nevada. Testimony was presented by the manager of the Child Welfare Project of

the National Conference of State Legislatures (NCSL). She stated that the Child Welfare Project is funded by the Edna McConnell Clark Foundation with specific emphasis on helping the states review and improve their child welfare laws. Through the foundation, the NCSL is able to obtain technical expertise on particular issues. Upon learning of this subcommittee's interest in family preservation services, the NCSL contacted the Child Welfare League of America, Inc., and obtained the services of a consultant for the subcommittee.

Members of the subcommittee met with a senior consultant from the Child Welfare League of America, Inc., in April 1986, when she came to Nevada to study its welfare policies. A report was prepared by the consultant for the subcommittee entitled "Family Preservation Services: Keeping Families Together, A Report Presented to the Foster Care Study Subcommittee of the Nevada State Legislature, May 30, 1986." Attached as Appendix E is a copy of that report.

At the subcommittee's work session, the consultant from the Child Welfare League of America, Inc., testified that family preservation services are time-limited responses to families in crisis. The services are short-term with low caseloads. The intensive special services are usually delivered from 1 to 3 months. Some states assign only two families per worker. The workers are trained to help families learn how to deal with anger and stress within the family and how to manage behavioral problems of both the child and the parents. The program is based on the concept that families can change and learn more appropriate ways to function during times of stress.

Regarding the costs of establishing a family-based services program, "Homebuilders" in Seattle, Washington, was discussed as an example of the cost-effectiveness of programs of this type. Homebuilders began in 1974 and has carefully monitored and documented its work. In Homebuilders, each caseworker works with two families at a time for a period of 4 to 6 weeks at a cost of approximately \$2,700 per family. The Washington State Department of Social Services documents whether a child would have been placed in foster care if this service had not been provided. Homebuilders conducts followup studies at 3-, 6- and 12-month intervals. Findings indicate that, after 1 year, approximately 90 percent of the families are still together and have not required intervention placement services.

The average stay of a child in foster care in Washington is from 2 to 3 years, at an estimated cost of \$7,000 to \$8,000 per year per child. Expenses for children placed in residential group homes in Washington average \$25,000 to \$40,000 per year

per child. The consultant stated that family-based services programs like Homebuilders generate similar savings throughout the Nation.

In concluding her testimony, the consultant from the Child Welfare League of America, Inc., recommended that Nevada initiate a 2-year pilot project. She stated that this program could be financed by a combination of state funds and any available private funds. The Edna McConnell Clark Foundation has a strong funding initiative in the family preservation services area. The services of the Child Welfare League of America, Inc., were offered as a consultant for the pilot project. Homebuilders in the State of Washington also offers technical assistance and training. The importance of obtaining commitments from the welfare division and the legislature to support this type of effort was stressed. Private foundation funds may be used as seed money to finance the pilot project, but the state would be expected to finance the ongoing program. It may cost more to initially establish the program. In the long run, however, it will cost less for child welfare services. This concept complies with Public Law 96-272 which mandates that states must provide services to keep families together before considering the placement option.

The subcommittee also heard testimony from the executive director of The Children's Cabinet, Incorporated (TCCI). It was explained that TCCI is a private, nonprofit corporation composed of several agency heads, individuals from private enterprise and members of the judiciary from Washoe County, Nevada. Through an Interagency Cooperative Agreement, a triage team has been formed. The mental hygiene and mental retardation (MH/MR) division and the welfare division of the department of human resources, Washoe County Juvenile Probation Department, and Washoe County Social Services each has a representative on the triage team. Members of the triage team meet on a weekly basis in an attempt to (1) enhance interagency cooperation among their agencies and other affiliated state and county agencies, and (2) develop new services.

The subcommittee was told that TCCI is presently negotiating with the Child Welfare League of America, Inc., to begin a pilot family reunification project. Testimony indicated that TCCI plans to start the program, show how it works, generate a report and then transfer operation of the program to one or more county or state agencies. A final determination of how to fund the pilot project has not been made. The Child Welfare League of America, Inc., has a loan program whereby it would advance the funds to TCCI. The Nevada Association of Counties (NACO), Carson City, Nevada, has

offered to provide approximately \$2,000 in seed money. It was noted that TCCI would not be able to obtain a direct grant. If the organization has to borrow the money, it might ask the legislature to assist in repaying the loan if the state or a local government agency assumes control of the project in a year or two.

The subcommittee, therefore, supports the concept of a family-based services project and favors a resolution urging support for the efforts of nonprofit agencies in Washoe County, Nevada, to implement a 2-year pilot project. Further, if it later appears that state funding is needed to implement the pilot project, a bill can be introduced to allocate funding for this project during the 1987 legislature.

K. JUDICIAL SYSTEM

1. Family Court

During the 1985 legislature, a bill was introduced to create a family court in certain larger counties. That bill was not reported out of the senate committee on judiciary.

The subcommittee agrees on the need to create a family court to develop expertise and consistency in family law decisions. A family court has been established in Clark County, Nevada. Presently, there is not a family court in the northern portion of the state.

The subcommittee, therefore, supports the creation of a family court in the northern portion of the state.

2. Witness Fees

The subcommittee heard testimony regarding the need to provide funding for witness fees in welfare proceedings. Representatives of the welfare division and the deputy attorney general, welfare division, testified that expert witnesses are a necessity in child abuse and parental right termination proceedings. Because of the increasing number of child abuse and neglect cases, a larger amount of the welfare division's budget is being spent on witness fees.

The subcommittee, therefore, recommends that \$12,000 per year be allocated to the welfare division for witness fees and expert testimony in welfare division court proceedings.

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APPENDIX A

Report Prepared by the Welfare Division, Department of
Human Resources for the Legislative Commission's
Subcommittee to Study Foster Care in Nevada
Outlining the Expenditure of Emergency
Service Funds in the Rural Areas

Nevada State Welfare Division
Report to the Legislative Committee Studying
Foster Care S.C.R. 33

Emergency Services

Concerns were expressed at the April 9, 1986 meeting of the committee regarding the estimated cost of providing Emergency Services. To arrive at a better cost projection, each Welfare Division District Office was asked to estimate the number of potential cases and costs on an annual basis.

A number of factors should be noted relative to the cost projection. Emergency Services will be of greatest value in child neglect cases. Because the Welfare Division does not provide protective service on behalf of neglected children in Clark and Washoe counties, the budget projection is only for the rural counties. Also, the budget is based on the assumption, emergency service funds will not replace any existing emergency funding provided through county general assistance, private agencies such as Salvation Army, religious agencies, food banks, etc.

The total dollar estimate from the rural district offices was \$10,650. The breakdown by office is as follows:

1. Ely District Office

4 cases - total cost - \$1,250.00.

The 4 cases represent 8 children who would not have been placed in foster care if emergency funding were available. Funds were needed for fuel assistance, lodging and transportation.

2. Elko District Office

12 families per year - Total cost \$1,000.

3. Hawthorne District Office

(Mineral, Nye, Esmeralda counties) - Total \$2,600

4. Fallon District Office

15 families - Total \$1,100

5. Carson City District Office - \$3,000

6. Humboldt County

The Humboldt County Probation Department provided actual expenditures for a year. They served 24 families at an average cost of \$71.00 per family. - Total cost \$1,700.00.

GH/gvm 5-29-86

APPENDIX B

Letter Dated May 22, 1986, to Senator Sue Wagner,
Chairman, from Eugene T. Paslov, Superintendent
of Public Instruction, State Department of
Education, Regarding Tutoring and Summer
School Programs for Foster Children



DEPARTMENT OF EDUCATION

May 22, 1986

The Honorable Sue Wagner
Senator, State of Nevada
845 Tamarack Drive
Reno, NV 89509

Dear Senator Wagner:

Please forgive the delay in answering your request for information on tutoring and summer school programs for foster children.

The concern behind your request is a difficult one.

First, since state law provides only for the mandatory 180-day school year and the count of pupils for funding purposes for that 180 day year, the issue of summer school has been predominately a local matter not only with respect to target population, but also with respect to tuition rates charged, if any, and course offerings. Some modest summer programs are offered using federal funds subgranted to school districts by the Nevada Department of Education, but these are projects configured by the individual districts and submitted to our agency for funding.

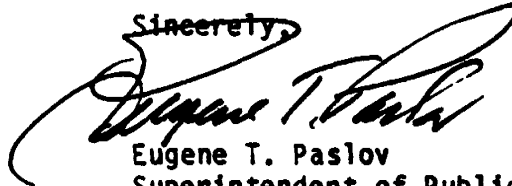
Chapter 1 of the Education Consolidation and Improvement Act represents the only major fiscal effort on behalf of remediation for non-handicapped pupils. This \$7 million federal program, however, is not targeted for foster children. It is allocated by formula to schools with high minority population indicators of poverty. Simply due to the size of the Chapter 1 program, I am sure that many foster children receive special services. However, we do not have statistics to either support or refute that contention. In any event, we cannot say that this random approach comes near to solving the dilemma.

Despite the lack of targeted funding, Nevada school districts are aware of the problem and do all they can to assist foster children, and I know that teachers, principals, and especially school counselors maintain contact with child welfare authorities in an effort to overcome the special obstacles foster children face.

Senator Sue Wagner
Page 2
May 22, 1986

Since state and school district resources only sparsely cover the mandatory school year, and since federal programs do not directly address the educational needs of foster children, the need of which you speak is not consistently met under current programs. Any allocation of resources to schools for education of foster children should be from new funds as Nevada's level of funding of public education, although recently improved, would not easily allow reduction of money. Further, neither the state nor the school districts has received legislative encouragement in any form. If the funding were provided in conjunction with public recognition of the need, I am confident that a way would be found to serve the unique educational needs of foster children.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene T. Paslov", written over the word "Sincerely,".

Eugene T. Paslov
Superintendent of Public Instruction

ETP:rm
cc: M. Reardon
P. Weninger

APPENDIX C

Chart Entitled "Comparison of Foster Care Rates in
Western United States," Prepared by Research
Staff, Legislative Counsel Bureau, in
Conjunction with the Welfare Division,
Department of Human Resources

COMPARISON OF FOSTER CARE RATES IN WESTERN UNITED STATES

(MAY 1986)

STATE	BASIC RATES		BASIC RATES INCLUDE	ADDITIONAL FEATURES
ARIZONA	<u>Age in Years</u>	<u>Amount</u>	<u>Board and Room Plus</u>	Respite - NO
(State Rate)	0 to 5	\$212	Clothing:	Day care paid for foster parent training
	6 to 11	212	0 to 5 - \$14/month	Pay \$200 graduation costs for seniors.
	12 to 20	268	6 to 11 - 21/month	
			12 to 20 - 27.50/month	
			and	
			Personal Needs:	
			6 to 11 - \$ 6/month	
			12 to 20 - 14/month	
			School Supplies (depends on county):	
			\$65 to \$100 per year	
			Total Monthly Payment:	
			0 to 5 - \$226/month	
			6 to 11 - 239/month	
			12 to 20 - 309.50/month	
CALIFORNIA	0 to 6	\$313/month	Includes Clothing (\$100 to \$200 per year, based on age)	Respite for foster parent training - YES
Marin County (State Plus County)	7 to 12	381/month	Education	
	13 to 17	433/month	Supervision	
			Transportation, and so on	
			<u>No Special School Allowance</u>	
Sacramento County (State Plus County)	0 to 4	\$291/month	Total Monthly - Room and Board	
	5 to 8	316/month	(Clothing per year - \$151, paid in August)	
	9 to 11	337/month	<u>No Special School Allowance</u>	
	12 to 14	374/month		
	15 to 20	408/month		
Yuba County (State Plus County)	0 to 4	\$291/month	Total Monthly - Room and Board Only	Day care for foster parents on case-by-case basis
	5 to 8	316/month	<u>No Special School Allowance</u>	
	9 to 11	337/month		
	12 to 14	374/month		
	15 to 20	408/month		

STATE	BASIC RATES	BASIC RATES INCLUDE	ADDITIONAL FEATURES
COLORADO (State Rate)	<u>Age in Years</u> <u>Amount</u> 0 to 11 mos. \$165/month 1 to 3 215/month 4 to 10 246/month 11 to 14 277/month 15 to 21 298/month	Total Monthly - Maintenance (Everything) <u>School Supplies Considered</u> <u>In Basic Rate</u>	Respite for foster parents: \$20 per month (babysitting) Counties are capped; any moneys saved by placing children in less expensive facilities can be used by counties for any programs they want if approved by their state office
IDAH0 (State Rate)	0 to 5 \$138/month 6 to 12 151.80/mo. 13 to 18 189.06/mo.	0 to 5 - Room and Board Only 6 to 12 - Plus \$10 for Incidentals and \$3 for Education - Total Monthly: \$164.80 13 to 18 - Plus \$10 for Incidentals and \$5 for Education - Total Monthly: \$204.06	Respite: Therapeutic day care on case-by-case basis Christmas - \$10 per child Birthdays - \$5 per child Clothing on as needed basis; funds requested
NEVADA (State Rate)	Developmental Homes: All Ages - \$427/month ARC Homes: All Ages - \$556/month	All Ages - \$93 per Month for Anything Above Basic Room and Board Total Rates: Developmental Homes - \$520/Month ARC Homes - \$649/Month	Respite for someone to come in - additional check: \$35 - first child 30 - second child 25 - three or more children Respite Beds: \$17.33 - \$520/monthly rate 21.66 - 649/monthly rate Eagle Valley Children's Home has respite beds - usually children from private homes.

STATE	BASIC RATES	BASIC RATES INCLUDE	ADDITIONAL FEATURES
NEVADA Welfare Division	<u>Age in Years</u> <u>Amount</u> 0 to 12 \$240/month 13+ 280/month	<u>Plus</u> 0 to 12 - \$10 for Personal Incidentals Total Monthly: \$250 13 to 18 - \$20 for Personal Incidentals Total Monthly: \$300 Clothing - 3 Times Annually 0 to 4 - \$150 per Year 5 to 12 - 265 per Year 13+ - 350 per Year School Allowance: 0 to 12 - \$15 per Year 13+ - 25 per Year	
MONTANA (State Rate)	Total Amount Paid: 0 to 12 - \$9.29 per Day (\$279 for 30 Days) 13 to 18 - \$11.63 per Day (\$349 for 30 Days)	Initial Clothing Allowance for All Ages - \$100. After that, on need basis. No personal incidentals allowance. School supplies considered in basic rate.	Supplemental services funding includes payment for respite care, match-type expenses and anything else on a case-by- case basis.
OREGON (State Rate)	<u>Age in Years</u> <u>Amount</u> 0 to 5 \$147/month 6 to 13 164/month 14 to 18 214/month Total Monthly Payment: 0 to 5 \$192/month 6 to 13 225/month 14 to 18 304/month	Board and Room <u>Plus</u> Clothing: 0 to 5 - \$28/month 6 to 13 - 31/month 14 to 18 - 46/month and Personal Allowance: 0 to 5 - \$ 6/month 6 to 13 - 12/month 14 to 18 - 17/month and Personal Incidentals: 0 to 5 - \$11/month 6 to 13 - 18/month 14 to 18 - 27/month <u>No Special School Allowance</u>	Respite only for special chil- dren (medical problems, and so forth)

STATE	BASIC RATES		BASIC RATES INCLUDE	ADDITIONAL FEATURES
UTAH (State Rate)	<u>Age in Years</u> 0 to 11 12+	<u>Amount</u> \$189/month 207/month	Includes Personal Incidentals, Clothing, Allowance, Board and Room All Ages - \$150 Initial Clothing <u>Plus Recreation Allowance:</u> 0 to 11 - \$ 9.61/month 12+ - 18.29/month <u>No Special School Allowance</u> Total Monthly Payment: 0 to 11 - \$198.40/month 12+ - 225.06/month	Respite: Crisis respite centers for children can be used 24 hours per day, 7 days per week by contract Training for foster parents: \$5 per session to attend training "Joyous Season" payment: \$35 to foster parent \$25 to child to buy presents
WASHINGTON (State Rate)	0 to 6 6 to 11 12+	\$134.35 174.53 209.68	Board and Room <u>Plus</u> Clothing: 0 to 6 - \$21/month 6 to 11 - 21/month 12+ - 24.95/month and Personal Incidentals: 0 to 6 - \$28.65/month 6 to 11 - 31.17/month 12+ - 33.45/month <u>No Special School Allowance</u> Total Monthly Payment: 0 to 6 - \$184/month 6 to 11 - 226.70/month 12+ - 268.08/month	Respite only for emergency or receiving home parents Day Care - Daily rate \$8 per day can be paid while foster parent in training Self-insurance program Elective Medical (like MATCO but can pay cosmetic surgery and other things Title XIX cannot pay

LG/en
SOF33-2:RATES1-4

APPENDIX D

Excerpt from the Nevada State Welfare Division
Service Manual, Section 709.4,
"Special Foster Care Rates"

according to the following:

Age	0-4	5-12	13 and over
August	\$ 50.00	\$135.00	\$180.00
December	50.00	85.00	85.00
March	50.00	85.00	85.00
Total	\$150.00	\$265.00	\$350.00

These amounts are paid to the foster parents.

It will be the service worker's responsibility to insure that a foster child is properly clothed. Clothing will be appropriate for the child's age, and the climate of the area in which he lives.

For payment on CWF refer to Social Services Systems Manual Section 405.2A5.

- C. **EMERGENCY CLOTHING NEEDS:** If emergency clothing needs exist which would result in expenditures in excess of the budgeted amount, the service worker shall obtain preauthorization for purchases from the District Office Manager or Assistant District Office Manager who will initial the request memo or CWF. This applies at any time the child is in placement. After authorization, the service worker shall submit the CWF to the CW eligibility worker who will enter the payment information on the CWF and submit it for entry into the computer. For CWF procedures refer to Social Services System Manual Section 405.2A4.

709.4 SPECIAL FOSTER CARE RATES

- A. The Rate-Setting - Foster Children with Special Needs (form 3329) shall be completed for only those children for whom a special rate is being requested.
- B. If the total score on form 3329 is 20 or more and a special foster care rate is approved by the district office manager or assistant district office manager, the yellow copy of the Rate-Setting form (3329) shall be submitted to the Specialist for Substitute Care, Program Services in Central Office. The pink copy is submitted to the CW eligibility worker.
- C. Documentation of the child's special need (i.e., the child's physical or mental handicap, or behavior or emotional problem) must be obtained and filed in the child's service folder. The documentation shall be a physician's statement, a medical report, a psychological or psychiatric evaluation.

All special foster care rates are eligible for federal matching.

- D. All rate increases shall be reviewed annually at the time of the CW eligibility redetermination unless there is a change in the child's situation so a special rate is no longer required. For the review, the service worker shall complete the Rate Setting - Foster Children with Special Needs (form 3329) and obtain approval from the district office manager or assistant district office manager. The yellow copy of it is submitted to the Substitute Care Specialist in Central Office; the pink copy to the CW eligibility worker.
- E. Whenever the special foster care rate is changed or terminated the service worker shall notify the CW Eligibility Worker using the Intra-Office Referral (6009) or the CWAf.
- F. The payment rate, in addition to regular foster care rates, shall be as follows:
 - Moderate - 20-34 points - \$1.00/day; \$30.00/month
 - Intensive - 35-49 points - \$3.00/day; \$90.00/month
 - Pre-institutional - 50+ points - \$5.00/day; \$150.00 month
- G. The definitions to be used in completing the Rate Setting form (3229) are as follows:
 - 1. EMOTIONAL CARE
 - a. Minimal - 5 points - Children whose care is on a day-to-day basis, essentially normal, but irregular lapses can be expected. For example, particularly difficult sessions after visits with relatives, occasional periods of excessive dependency, or when the child is passive, lacking in response and ability to relate.
 - b. Moderate - 15 points - Children requiring abnormal amounts of attention and affection; school problems; difficulty with peers, some moodiness, frequent enuresis, excessive noisiness, night problems, need for foster parents to follow a particular program such as behavior modification, etc. Regimental structure required (e.g., needs constant repetition and follow-through in instructions). Problematic natural parents.
 - c. Intensive - 25 points - Extreme attention-seeking behavior stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc.
 - d. Pre-institutional - 50 points - Children who need foster homes while awaiting institutionalization or as a last alternative to institutionalization. These children show extreme, bizarre behavior, may be self-destructive, and require exception care.

2. PHYSICAL OR PERSONAL CARE

- a. Minimal - 5 points - Child needs some help with putting on braces or prosthetic devices, help with buttons, laces, etc., but basically self-caring.
- b. Moderate - 15 points - Child needs help with dressing, bathing, and general toilet needs, some help in mobility, as in climbing stairs. Regular program of prescribed medications requiring skill and training to administer; feeding problems such as excessive intake, extreme messiness, extremely slow eating requiring help and/or supervision due to mental retardation or emotional or physical handicap. Need for tube or gavage feeding. Physical therapy, less than one hour a day.
- c. Intensive - 25 points - Needs appliances for drainage or ileal conduit, colostomy. Need for aspiration, suctioning, mist tent, etc. Child nonambulatory, needing constant attendance. Prescribed physical therapy one or two hours a day.
- d. Pre-institutional - 50 points - Children for whom institutionalism might be indicated, require custodial care, may have uncontrollable seizures. Physical therapy two or three hours a day.

3. AUXILIARY CARE

- a. Minimal - 5 points - Special diets or supplements that require extra expense and are not covered under any other program. Regular but infrequent (less than monthly) trips to physician, psychiatrist, therapist, etc.
- b. Moderate - 10 points - Special equipment needed for a particular child, medical or therapeutic appointments every month to two weeks, need for occasional hiring of adult to give relief, unusual wear and tear on the home. Need for regular and consistent tutoring program at home (by foster parent).
- c. Intensive - 15 points - Extreme wear and tear on the home, therapeutic appointments every two weeks or oftener, frequent hospitalization.

H. The foster home licensing worker shall complete the last section on the Rate Setting form (3329).

- 1. Special Training - the dates of training and the basic content of the training shall be noted on the 3329. The training must be in a field related to the child's special needs. The following types of training will be accepted:

- a. Formal training in health-related fields (e.g., R.N. or L.P.N. degree, training as physical therapist).
- b. Special health-related training to deal with the child's physical problem (e.g., training to teach foster parents special exercises the child needs).
- c. Formal training to deal with behavioral problems (e.g., a degree in teaching, social work, or mental health field).
- d. Successful completion of training courses or individual training to deal with children's behavior problems (e.g., parent effectiveness training, behavior modification).

2. EXPERIENCE

State the length and type of the previous experience and how the foster parents have demonstrated the ability to cope with the child's special need.

709.5 TRANSPORTATION

- A. When no other resources are available, transportation may be allowed for a foster child under the following conditions:

1. To or from a resource facility to help treat a child with special needs;
2. For placement in a different community than the one where the child currently resides; OR
3. To visit siblings and relatives for the purpose of maintaining and promoting family relationships.

For approval and payment procedures refer to Administrative Manual Section 301.1.

B. SHIPPING CHILD'S POSSESSIONS

When a foster child's possessions need to be transported, the service worker shall complete the Payment for Services Authorization (3247) and give a copy of it to the shipper. When the bill is received the worker submits it with two copies of the Authorization (3247) to the CW eligibility worker who completes the CWAFF. Refer to Social Service System Manual Section 405.2,B4 for payment procedures.

709.6 EMERGENCY FOSTER CARE

If the child is removed from a foster home or institution for any reason and the child needs a temporary (Interim) foster home placement, payment for the child's care is as emergency foster care. (Emergency shelter care in a shelter care home is restricted to Protective Services cases, i.e., a child is in care as a result of a complaint of abuse/neglect and the case is pending disposition.)

APPENDIX E

Report Prepared by a Senior Consultant, Child Welfare League
of America, Inc., for the Legislative Commission's
Subcommittee to Study Foster Care in Nevada,
Entitled "Family Preservation Services:
Keeping Families Together, A Report
Presented to the Foster Care
Subcommittee of the Nevada
State Legislature,
May 30, 1986"

CHILD WELFARE LEAGUE OF AMERICA, INC.

FAMILY PRESERVATION SERVICES: KEEPING FAMILIES TOGETHER

A Report Presented to:

The Foster Care Study Subcommittee of the Nevada State Legislature

May 30, 1986

Submitted By:

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GUARDING CHILDREN'S RIGHTS • SERVING CHILDREN'S NEEDS

Introduction

In March, 1986, Shelley Smith of the National Conference of State Legislatures (NCSL) requested that the staff of the Permanent Families For Children (PFC) Unit of The Child Welfare League of America (CWLA) assist her in providing consultation regarding intensive family centered services to the Foster Care Study Subcommittee of the Nevada State Legislature.

The Child Welfare League of America is a 65 year old national child advocacy, policy and standard setting organization based in Washington, D.C. CWLA has over 400 public and private member child welfare agencies from across the United States. CWLA provides consultation, training and technical assistance to both member and non-member agencies with the expressed mission of helping agencies to improve the delivery of child welfare services to children and their families. The League also has a Public Policy division which has an active presence on Capitol Hill, lobbying for legislation reflecting an increased responsiveness to the service needs of children and families. Finally CWLA publishes the quarterly journal, Child Welfare, periodically develops and updates standards for all aspects of child welfare services and publishes other books related to child welfare service delivery.

For the past ten years PFC, a special project within the League, has promoted the philosophy and program requirements of permanency planning for children already placed in foster care or who are at risk

of placement. PFC staff played a significant role in the drafting and passage of P.L.96:272, the Adoption Assistance and Child Welfare Act of 1980. This far-reaching piece of legislation has called for many changes in the way child welfare services are delivered - from adoption subsidies; to case reviews; to requiring that "reasonable efforts" be made to provide services to help keep families together before placing a child outside the home.

Most recently PFC has moved to a focus on helping public and private agencies to conceptualize what "reasonable efforts" entail, and by doing so to develop what we are calling Family Preservation Services - specialized in-home, brief and intensive services which preserve the family unit in times of crisis, and thereby prevent the unnecessary placement of children in foster care. These services are a part of the continuum of family centered child welfare services the Subcommittee has been considering.

It is within this family-focused preventive services context that the staff of PFC has agreed to work with NCSL and the Nevada State Legislative Subcommittee. PFC agreed to limit its focus to providing information about family preservation service models and funding streams used by states which provide variations of these types of services. To accomplish this, PFC also agreed to 1) review the testimony presented to the subcommittee on three different occasions; 2) interview members of the Subcommittee and Legislature, as well as State Welfare Division Staff; and 3) make recommendations regarding strategies for the Nevada State Legislature and the State Welfare Division to consider in developing new initiatives to strengthen families.

SUMMARY OF TESTIMONY READ AND PEOPLE INTERVIEWED

On 4/21/86 Anthony Veronico, Assistant Director of PFC, Sarah Greenblatt, PFC's Senior Consultant for Family Preservation Services and Shelly Smith from NCSL traveled to Reno and Carson City. We met with Assemblyman David Humpke, who is also the Executive Director of The Children's Cabinet; Senator Sue Wagner and legislative aide Linda Gardner; and a group of State Welfare Division Administration staff including: Linda Ryan, April Wilson, Gloria Handley, Stuart Fredlund, Terry Peren, Kathleen Shane, and Carol Johnston.

In addition to meeting with the above mentioned people, we reviewed the Minutes of the first two Public Hearings and the written testimony.

It appears that the State of Nevada has made a good beginning in its attempts to meet the "reasonable efforts" mandate of P.L.96:272. These efforts include: the additional funds provided by the 1985 Legislature for the expansion of the Family Reunification Program (targeted to families of children both in placement and at risk of placement); the Sexual Abuse Treatment Program; the funds provided for day care slots and parent aides (to facilitate an earlier discharge from the foster care system or to prevent the need for placement); and the establishment of a Children's Trust Fund to help finance some of these initiatives.

However, several conditions exist which serve as barriers to a fuller implementation of P.L.96:272. They are:

1. Although child abuse and neglect reports and child placements have substantially increased during the past decade, The State Welfare Division has not had the financial resources to hire the additional

staff to keep up with the increased caseload demands. (In the Las Vegas District Office reports have risen from 25 in 1973 to 1600 in 1985; numbers of children in care have risen from 235 in 1977 to 901 children in 1985; and caseload sizes have risen from 18 to 40 children per worker during the past 8 years.)

Smaller caseloads are needed to adequately investigate suspected child abuse and neglect reports and to work more effectively with families in order to prevent placement or to reduce the time children spend in foster care.

2. It also appears that many of Nevada's caseworkers are young and inexperienced, although expected to assume social work positions which require high levels of skill and training. As a result, caseworkers not only lack the time necessary to spend with families, but also the training and skills to be effective with troubled families. More in-service training is needed to support caseworkers' efforts with difficult families.

3. Throughout the State of Nevada, and particularly its rural areas, there appears to be a scarcity of concrete services and family counseling resources with the specific focus of keeping families together; also there appears to be too few service alternatives for the reunification of families when a child must be placed.

Testimony also speaks more specifically to the scarcity of affordable drug and alcohol treatment resources because those which do exist are often beyond the financial means of the poor and "working poor".

There was a consensus throughout the testimony and during our interviews that if resources and services were available many

placements could be avoided; that when families' concrete needs are met, families are then more amenable to the counseling process.

4. The Nevada child welfare intake system has been described as having a "patchwork approach" to service delivery. Washoe County Department of Social Services has had its own child protective service system which provides short term intervention, and then transfers cases to the State Welfare Division if longer term services are needed. The State Welfare Division may experience an upheaval if Washoe County relinquishes its child protective services role.

Further complications exist because other agencies and law enforcement officials also have the authority to place children in substitute care. As a result, children may be placed without the benefits of state or local services and coordinating efforts aimed at preventing the placement.

It appears that there is a growing need for a standardized system of risk assessment guidelines related to whether or not to place a child in out-of-home care.

Referring to these problem areas, testimony and interviews reflected a positive interest in identifying new ways to work with the family unit, rather than with parents and children separately; services and treatment methods designed to strengthen families, to prevent the unnecessary placement of some children in substitute care, and to more quickly return children to their families once placement occurs.

These family focused services are at the core of the permanency planning philosophy and will be discussed further in the following section, with an emphasis on Family Preservation Services.

FAMILY PRESERVATION SERVICES - DEFINED

Family centered services are a method of delivering social services to the family unit. The Child Welfare League has been studying a specialized type of family centered service: Family Preservation Services. Family Preservation Services differ from other family centered services in that they are designed to work especially with families who are in crisis and who, as a result, have a child on the verge of placement outside the family.

Family Preservation Services fit within the continuum of family-based preventive or reunification services to families. They are not intended to replace other services. They serve as a supplement which broadens the capacity of other preventive services to keep families together and safe. They are an emergency response service which has not traditionally been offered to the child welfare population. They offer services to the most troubled, even violent families... very often families other agencies refuse to service, or view as hopeless.

Family Preservation Services differ from traditional child welfare services in several important ways - they have a distinctive combination of program components which evolve from a specific set of values. These values include:

1. A belief in the value of the family and family life for the child's healthy development - that the well-being of the child depends on the well-being of the family.

2. A belief in family empowerment - that families have the capacity to change and most troubled families want to do so; that more

can be done with the family unit prior to placement to strengthen and preserve it than we have traditionally believed possible; that families can be taught to set their own goals and to take charge of their own lives; and that families' dependency on social services can be reduced.

3. A belief that the crisis period (usually up to 6 weeks) offers an opportunity for growth - that people are most open to change when in crisis as they are more motivated to look at their problems in new ways; research shows that crisis intervention is being tried within public and private child welfare agencies and is offered in conjunction with short term, task oriented treatment, offering quick responses within a 6 week period; crisis intervention services have been successful with a wide range of individual and family problems, both to prevent placements and to work with families intensively when children return home.

4. A belief that families have a need for episodic help - research shows that most multi-problem families typically come for help when in crisis; that services can be more effective if offered as families need the services.

5. A belief that service goals and objectives should be clear, focused and attainable - with a focus on keeping the family together and safe, by teaching additional skills to cope with the problems which brought them to the attention of the child welfare system; workers do not expect to solve family problems once and for all, but to help families through a difficult time in their lives, and to leave them with some additional skills to be used the next time there is a crisis.

These values create a framework for the development of programs which support the preservation of families in times of crisis - programs which have the capacity to work with family members in new ways, thereby preventing the unnecessary use of foster care placement. These program characteristics include:

1. Programs accept families who are in crisis and whose children would be placed outside the home were no services available:
 - o a point when we can more readily justify limited but expensive intervention because it can be proven that it averted even more costly placement services.
 - o families who can see that something need to change
 - o families with a wide range of problems: parent/child conflicts, child abuse/neglect, systems problems, runaway/delinquent children; drug/alcohol dependency, sexual abuse, emotional illness, depression, etc.
2. Services are short term - typically 1-3 months
 - o time limits used in focused, constructive hopeful ways
 - o helps reduce dependency
 - o present oriented focus, forces workers and families to stay focused on goals and tasks
3. Workers have reduced caseloads and can provide intensive services
 - o 2-6 families per worker or team of workers
 - o allows for an average of 10-12 hours/week with families
 - o combined with short term services, workers can see as many families within a year as those with larger, longer term caseloads's
4. Services are Home-Based
 - o allows family members to feel in charge because they remain in their natural environment
 - o workers are present when events happen, can more easily role model and support change.
5. Programs offer flexible hours

- o 24 hours/day, 7 days/week availability of staff
- o convenient for families
- 6. Staff are flexible, caring, respectful, non-judgmental and have high levels of enthusiasm
 - o often Masters level
 - o sometimes teamed MSW/BSW
 - o receive extensive supervision and in-service training to do this difficult work
- 7. Programs offer a blend of concrete, education, advocacy and counseling services
 - o using family therapy theory and family systems and ecosystems approaches to understanding and working with families and their communities
 - o offers real coordination of needed services and supports to help families become self-sufficient

MODELS OF FAMILY PRESERVATION SERVICES

Agencies across the country - both public and private - are beginning to include these specialized emergency response services as alternatives for keeping families together in times of crisis. These programs are emerging within a variety of auspices - public child protective services, settlement houses, private-not-for-profits, residential treatment centers, and within traditional child welfare agencies.

The Child Welfare League of America has organized a network of 10 Family Preservation Programs from around the country. The agencies are funded primarily by The Edna McConnell Clark Foundation to provide demonstration projects reflecting variations of emergency response programs. These programs strive to prevent unnecessary foster care

placement while using family systems, educational and therapeutic techniques to strengthen the family's functioning.

While auspices vary, programs share similar philosophical beliefs and goals, which have briefly been described. They believe in the family's importance to the child; and that the family is worth preserving.

Programs either provide services directly or make coordinated attempts to refer families for outside services. Advocacy with other social systems is critical as well as, assuring that families are connected to needed services after termination.

The oldest member of the Family Preservation Services Network is Homebuilders, in Seattle Washington, a not-for-profit agency which has provided short-term, intensive, crisis intervention services since 1974. Their statistics are impressive - one year after the conclusion of Homebuilder's services, 90% of the families served remained intact. Homebuilders receives 100% of its funding for service delivery from the state of Washington, which funds a continuum of private and public preventive services.

The Homebuilders program has been a leader in the field of home based crisis oriented, family centered services. They have an active research component and offer training and program consultation regarding the Homebuilder model. Jill Kinney, 206-874-3630 is the Co-director and contact person.

This model uses masters level workers who work with 2 families at a time for 4-6 weeks only. Workers have flexible hours and are available whenever the family needs help. (Homebuilders workers report, however, that families rarely call for help during the late

hours of the evening - just the knowledge that a worker is available seems to be helpful in lessening some families' anxiety about their problems.)

A unique blend of services and interventions are provided to support the family unit and to teach new skills and awarenesses. An array of therapeutic responses are available - behavioral, social-learning, supportive casework, and goal attainment scales - allowing families to set clear, attainable goals in response to difficulties they are experiencing. Progress (or lack of it) can be visibly measured; expectations are realistic and even small changes are valued.

Other programs in the Family Preservation Services Network also subscribe to the basic values and goals already described. Each program offers a variation of program structure and focus:

1. Sweetser Children's Home in Saco, Maine is part of a network of 9 home based services funded by the State of Maine - from 4 departments: Social Services, Mental Health/MR, Juvenile Justice and Education. Staff work in teams of 2, carry 4 cases at a time and spend 9 weeks with families. Structural and strategic family therapy techniques are used. Contact person: Richard Doiron, Director of Community Services 207-284-5981.

2. Parent Partner Project in Boston - offers a 3 month intensive crisis intervention service for families referred by the Courts or Protective Services. This program is part of a larger agency (The Family Project) that offers less intensive supports and family counseling after the crisis service is completed. It is funded primarily from private sources but is negotiating with the State of

Massachusetts for preventive services monies. Contact person: Ann Reynolds, Director, 617-536-6477.

3. North Carolina Child Mental Health Services: offers a program replicating the Homebuilders model in 4 rural counties in North Carolina. It is placed within a public mental health agency and primarily receives referrals from the courts - families where children will typically be placed within 24 hours. When The Edna McConnell Clark Foundation funding expires next year, the program hopes to receive Mental Health Funds. Contact person: Peter Horner, Director 919-492-4011.

4. Kingsley House's Family Preservation Program is part of a 100 year old Settlement House in New Orleans. Based on the Homebuilder Model, masters level workers carry a caseload of 2 families and spend 6 weeks with each family. Referrals come from CPS and the program strives to serve families with chronic neglect and abuse problems - families where placement would occur without services and to document what intensive services can accomplish with these families. Contact person: Maudelle Davis, Program Director 504-523-6221.

5. Centers For New Horizons' Family Development Institute situated in a housing project on Chicago's south side offers a distinctly different type of program... reaching families who for generations have lived on public assistance... families where parents have been needy for too long... where parents are depressed, feel powerless and see no hope. The program offers a structured, education focused routine in the community center - to get parents out of their small, cramped apartments. Day care is provided and the program runs 4 days a week from 9am-3pm. There is a strong focus on personal and

family empowerment - classes are offered in nutrition, stress management, exercise, parenting, vocational education/G.E.D. preparation. Program cycles include 10 weeks of group experiences and individual counseling; 10 weeks of individual and family counseling and systems advocacy. Families have children at risk of placement and already placed in foster care. The State of Illinois funds the reunification services. Contact person: Forday Kamara, Program Director 312-624-7630.

6. Commonweal Family Consulting Services in the San Francisco areas offers a 60 day program where consultants are used to evaluate family's educational, nutritional and counseling needs. Learning disabilities and nutrition are areas of specialty for this program. Contact person: Carolyn Brown, Director 415-331-6033.

7. Boys and Girls Aid Society of Oregon in Portland uses a blend of intensive in-home services for 90 days and variety of groups offered to parents, children and families. The groups offer the opportunity for isolated families to "Network" with other families, developing supports to last after the program is completed. The Family Preservation Services Project hopes to receive funds from the State of Oregon to continue services. Contact person: Nonnie Wilson, Program Director 503-222-9661.

8. City of Philadelphia - Project S.A.F.E. - is a unique public/private partnership. The City funds (with an Edna McConnell Clark Foundation grant) Youth Services, Inc. to provide a 6-8 week crisis intervention program. The City workers serve as case managers, while the Youth Services, Inc. workers provide the intensive services for 2 families at a time. The program has been in existence about 8

months, and reports a good deal of success in working with chronically neglectful families. It is hoped that when the Foundation money expires, the City will continue to fund this project. Contact people: Gail Purdie 215-848-6200, Youth Services Inc.; Bonnie Queen, 215-686-9984, City of Philadelphia Social Services Department.

9. Home Education Livelihood Program (H.E.L.P.) in Albuquerque, New Mexico is a program which has not yet begun. A director has been hired and trained by Homebuilders. Two staff will be hired to deliver services similar to the Homebuilders model. Contact person: Gene Ortega, 505-265-3717, Director.

STATE INITIATIVES - INTENSIVE FAMILY SERVICES: FUNDING OPTIONS AND MODELS

In response to P.L.96:272's "reasonable efforts" mandate, states have developed program initiatives and passed legislation to fund initiatives intended to preserve and support the family.

A blend of financing has been used for Family Preservation Services, including:

1. Unused federal Title IV-E foster care maintenance funds have been transferred to Title IV-B services monies and used for preventive services.
2. Some states have used general state monies specifically allocated by their legislatures to be used first for demonstration Intensive Family Service Projects, and then for additional projects once success is documented.
3. Some states have pooled monies allocated from several departments serving families and children - human services, juvenile

justice, mental health, education - to fund specialized programs to receive referrals from all departments.

4. The Federal Government has offered Child Abuse and Neglect Grants through the National Center on Child Abuse and Neglect; also each year special combined Discretionary Funds Grants are offered. RFP's usually appear in the Federal Register.

5. Title XX - Social Services Block Grants have been used to fund some states intensive family service programs. The problem with this option is that to fund new state programs, old ones would have to be excluded.

6. State Children's Trust Funds have been established in response to the Federal legislation of 1984 - a 4 year federal matching grant program to encourage state Trust Funds or appropriations for child abuse and neglect prevention activities. The federal grants will be about 25% of the amounts made available by the states in the previous year - but not more than an amount equal to fifty cents per child in each state.

7. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funds for formula and descretionary programs that aim to "strengthen and maintain the family unit". This money has been slow in coming, but is backed by federal legislation. The Criminal Justice Planning Office at the State level should be helpful in researching funding availability.

8. Private national and local foundation funding has been used as start up costs for demonstration projects. The Foundation Center (79 Fifth Avenue, New York, N.Y. 10003; 212-308-0411) has information about the foundations which fund various types of family service

programs. Local corporations also have interests in funding innovative child abuse prevention programs.

The Edna McConnell Clark Foundation has been most active in the Family Preservation area. Peter Forsythe, Vice President and Director of the Children's Program, or his Program Associate, Susan Notkin can be reached at 212-986-7050.

9. Child Welfare League Revolving Loan Fund has loaned up to \$100,000 to agencies wishing to start or expand Family Preservation Programs. The loans are available at one half the prime interest rate and payable over an 18 month period. Tony Veronico at 212-254-7410 is the contact person for the loan.

In Exhibit J of the minutes of the testimony of 2/3/86 reference was made to the preventive or Intensive Family Service Programs in California, New York, Iowa, Oregon and Washington State. Several other states have initiated such programs and will be described below:

1. Utah: Intensive, In-home Family Preservation Services - Gerry Callister, Program Specialist for Family Services, 801-533-5094.

The Utah Family Preservation project was funded as a pilot project by The Department of Social Services in 2 districts and placed within the public child welfare district offices. The projects became operational in 1/85 and served 140 families with 192 target children in the first year. Children are identified as in need of placement were no services available.

The program offers short term (30-90 days) goal-oriented, intensive services provided in the family's home environment and aimed at behavioral change. Caseworkers carry caseloads of six families. (The average CPS caseload is 30 families per worker.)

Families served have been described as multi-problem families who experience repeated crises and discontinue services once the immediate crisis is resolved.

Project outcomes during the first year have been positive: 88% of the children served have been maintained in their own homes. Families describe services as more helpful to their family than previous counseling experiences and feel that having the target child remain at home is best for their child and family.

The federal government recently awarded the Social Research Institute at the University of Utah a special grant to work with the Department of Social Services on evaluating the results of the service through a two year longitudinal study.

2. Minnesota - Family Based Services Permanency Planning Grant Program - Sandra Erikson, 612-296-3250.

Recently the Minnesota State Legislature amended the Foster Care Maintenance provisions to require that as of January 1, 1986, Minnesota's 87 counties assume shared payment responsibility for Title IV-E foster care placements. Previously the State had covered these costs. The state money that was once used to subsidize Title IV-E placement costs has now been shifted to the Permanency Planning Grant Program - along with a share of Title IV-B monies, and additional general state funds. These funds are to be used solely for placement prevention, family reunification, permanency planning and training in family-based services.

The State of Minnesota also funds, with State and Title XX Social Service Block Grant monies, 80 family-centered home-based preventive service programs. About half of these programs are provided directly

by the public child welfare department and half are provided through purchase of service contracts with private sector agencies. The programs typically work with families up to a 6 month period; and have been 75% successful in keeping families together 6 months after services are terminated.

3. Maryland - Intensive Family Services Program - Al Durham, Coordinator 301-576-5258

The Maryland State Legislature has funded with general state funds a statewide Intensive Family Services (IFS) Program which began with 8 programs in 1/85 and expanded to 14 programs in 7/85. An original pilot program had been funded by Title XX Social Service Block Grant funds. After success was documented, a new funding stream was established.

The IFS Programs are part of The Services to Families Division of The State Social Services Administration. They receive referrals from Protective Services Units. Teams of 2 workers - a worker and an aide - carry 6 families for a maximum of 90 days. (Average Protective Service caseloads include about 50-60 families per worker; foster care caseloads average about 30 families per worker.) To date, after preliminary evaluation, the programs have had a 95% success rate at keeping families together at the termination of services.

A unique aspect of the Maryland model is that the legislature in approving \$1.2 million dollars for IFS, included in that amount \$600 "flexible" dollars to be used per family. Flex-dollars can be used for emergency cash deposits for apartments, for needed clothes or furniture or to bring utility or rent payments up to date. Families are included in the planning of how to spend the money.

4. New Hampshire - Familystrength Ellie Stein-Cowan, Executive Director, 603-228-3266.

Familystrength is a private, not-for-profit agency established in 7/85 with the help of The Child Welfare League Revolving Loan Fund. Familystrength receives 100% reimbursement from the State of New Hampshire - \$960 per month per family - to provide intensive, in-home, short term services to families whose children would otherwise be placed in substitute care.

The New Hampshire Legislature passed legislation in 1979 allowing for the counties (25%) and the state (75%) to reimburse agencies for providing home-based preventive services - if the services are ordered by the Court. To date, there has been no cap put on these funds.

5. Florida - Children, Youth and Families, Crisis Intervention Programs - Peter Kreis, Director 904-488-8762

The State of Florida uses Social Service Block Grants, and general state monies to fund The Intensive Crisis Counseling Program. This program offers 6 weeks of intensive crisis intervention and planned short term treatment services to families where children would be placed without the service. The program cost \$1,380,016 in FY1984-85: \$540,846 from Block Grants and \$839,170 from state funds. The timeliness, intensity and accessibility of the service are the key factors in the success of the program. Each of the 11 districts of the Florida Department of Health and Rehabilitative Services has an intensive Crisis Counseling Program.

The Intensive Crisis Counseling Program operates within a continuum of family centered preventive service programs which offer varying levels of intensity and service time depending upon families'

needs. These services are also funded by Social Service Block Grants and State appropriations.

As can be seen from the above information, many public and private agencies have initiated family - centered programs. They have begun with small, pilot projects before expanding to reach more geographic areas and many more families in need of support. These program initiatives have the capacity to work with families in new ways, to build on families' strengths and to support the family of origin as a natural resource for children. In addition, Family Preservation Programs offer non-traditional alternatives to placement for families in crisis. They have shown the child welfare community that more can indeed be done with families to keep them together and safe at times when placement was once the only alternative.

Based on our review of the Public Hearing Testimony and our interviews with key Child Welfare advocates in the State of Nevada, PFC makes the following recommendations regarding family centered services in the State of Nevada.

RECOMMENDATIONS:

PFC recommends that the State of Nevada consider beginning its family centered services initiatives with a small two year demonstration project. Other states have used government or private grants to fund these projects. Smaller demonstration projects are easier to evaluate and change than larger projects which seek to initially reorganize the entire child welfare system.

A commitment from the State Welfare Division and ba financial support by the State Legislature is critical to implementation of a family centered approach. Even if outside funds

are secured for the initial demonstration project, the state must be committed to securing the funds for future expansion. It is also important to understand that adopting a family centered approach may entail increased short term expenses for training and additional staff. Yet, it is anticipated that future costs for placement services will be reduced as a result of the implementation of family centered service components.

In preparing for the initial demonstration project the following steps should be considered:

1. Learning more about family based service approaches.
2. Establishing interest and support within the State Welfare Division, The Legislature, advocacy groups, the Permanency Planning Task Force, and other service providers.
3. Deciding who will assume responsibility for preparing the project proposal.
4. Conducting a Needs Assessment and determining where to locate the demonstration project - should urban and rural projects be established?
5. Conceptualizing a service model, including:
 - o target families to be served - case selection criteria
 - o risk assessment guidelines
 - o referral sources and mechanisms
 - o intake and family assessment approaches
 - o services offered / treatment methods
 - o duration / intensity of services
 - o staffing : qualifications, caseloads, teams, supervision, training
 - o termination process - referrals for other services, follow-up services offered
 - o evaluation component
6. Consideration of funding options - new government or private monies, reallocation of existing funds, ie Title XX or Title IV-B placement funds.
7. Preparation of Project Proposal, including

- o Agency mission; role, philosophy and responsibility regarding children and families
- o Needs assessment and assumptions underlying program design
- o Program goals and objectives
- o Target population and geographic location
- o Description of program design
- o Staffing and training
- o Program budget
- o Coordination with other agencies
- o Record keeping
- o Evaluation plan

8. Establishing a Task Force or Advisory Committee for the demonstration project, to include for example: Welfare Division Staff, mental health professional, community health staff, education staff, financial officers, judges, attorneys, CASA representatives, advocacy group staff, and local social service staff, and a representative from consumer community.

The Child Welfare League of America is available to consult with the State of Nevada around conceptualizing the family-centered services demonstration project. CWLA can also provide technical assistance in developing the program, and planning for the possible future expansion.

Other sources for guidance in developing family centered programs include the Basic Family-Centered Curriculum, published by the National Resource Center on Family Based Preventive Services at the University of Iowa; and the Family Based Services Handbook published by the Family Based Services Task Force and the Minnesota Department of Human Services - Division of Social Services. (Also, see attached bibliography.)

CONCLUSION

Throughout this century, troubled children and families have been subject to changing trends in the theory and practice of child welfare

services. The current trends of deinstitutionalization have created the child welfare field's greatest challenges: as the population of families within our communities appear to be growing more troubled, the determination of which parents can adequately care for their children with help, and which can not becomes a more difficult task.

The decision of whether to remove children from their homes will depend largely on the values attached to keeping children with their families. Some believe the family centered focus has been over emphasized as compared with concern for the child's safety and protection. Others have worked on raising the standards of child protective services by conceptualizing and putting into practice the principles of home based, family centered intensive services. If we believe that children are best raised in families, and that a permanent family is necessary for children's healthy growth and development, then we must do all we can to assure that each child has a nurturing, consistent family in which to grow.

Trained Workers, skilled in making accurate risk assessments and in working with troubled families are needed. Community resources are needed to help our most troubled families make it through some difficult times. Family centered social work practice makes sense in both human and fiscal terms. It is the trend of the 80's, one which offers hope to not only the families we serve, but to our workers who are eager for new ways to be more effective with their clients.

APPENDIX F

Suggested Legislation

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SUMMARY---Makes appropriation to welfare division to provide emergency services to persons who are temporarily unable to care for their children.
(BDR S-165)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for a program to provide emergency services to persons who are temporarily unable to care for their children; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for a program to provide emergency services to pay the costs of food, medical care, shelter and transportation for persons who are temporarily unable to care for their children and to prevent thereby the separation of those children from their families:

For the fiscal year 1987-88.....	\$10,000
For the fiscal year 1988-89.....	10,000

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division to increase average amount of compensation paid to foster parents. (BDR S-167)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources to increase the average amount of compensation paid to foster parents; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources to increase the average amount of compensation paid to foster parents to \$307 per month:

For the fiscal year 1987-88.....	\$1,027,873
For the fiscal year 1988-89.....	1,321,212

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division to increase number of children who can be placed in community treatment homes. (BDR S-168)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources to increase the number of children who can be placed in community treatment homes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources to increase the number of children who can be placed in community treatment homes for abused and neglected children with emotional and behavioral problems:

For the fiscal year 1987-88.....	\$688,422
For the fiscal year 1988-89.....	688,422

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for employment of specialists to train foster parents. (BDR S-169)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for the employment of two specialists to train foster parents; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for the employment of two specialists to train foster parents:

For the fiscal year 1987-88.....	\$89,603
For the fiscal year 1988-89.....	85,087

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for program to provide respite for foster parents. (BDR S-170)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for a program to provide a respite for foster parents from the daily care of their foster children; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for a program to provide to foster parents temporary relief from the daily care of their foster children by providing temporary care for those children in other foster homes:

For the fiscal year 1987-88.....	\$182,500
For the fiscal year 1988-89.....	182,500

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for program to prepare children in foster care for living as independent adults. (BDR S-171)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for a program to prepare children in foster care for living as independent adults; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for a program to provide children in foster care who are approaching or have reached the age of 18 with employment counseling, practical skills in the management of money and such other services as are necessary to prepare them for living as independent adults:

For the fiscal year 1987-88.....	\$42,500
For the fiscal year 1988-89.....	42,500

Sec. 2. If the welfare division receives any money from the Federal Government for such a program, the amount of the sum appropriated by section 1 of this act for the fiscal year in which the federal money is received must be reduced by the amount received, and that amount reverts to the state general fund upon receipt of the federal money.

Sec. 3. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for distribution as subsidies to persons who adopt children with special needs. (BDR S-172)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for distribution as subsidies to persons who adopt children with special needs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for distribution as subsidies to persons who adopt children with special needs:

For the fiscal year 1987-88.....\$131,298

For the fiscal year 1988-89..... 156,827

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for payment of fees of expert witnesses. (BDR S-173)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources to pay the fees of expert witnesses who testify in actions relating to child welfare; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for the payment of fees of expert witnesses who testify in actions relating to child welfare:

For the fiscal year 1987-88.....	\$12,000
For the fiscal year 1988-89.....	12,000

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division for employment of specialist to train persons working for child welfare services. (BDR S-174)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources for the employment of a specialist to establish a formal training program for persons working for child welfare services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for the employment of a specialist to establish a formal training program for persons working for child welfare services:

For the fiscal year 1987-88.....\$82,177

For the fiscal year 1988-89.....84,193

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Makes appropriation to welfare division to increase amount of medical assistance provided to certain children in foster care. (BDR S-175)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT making an appropriation to the welfare division of the department of human resources to increase the amount of medical assistance provided to certain children in foster care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the welfare division of the department of human resources to increase the amount of medical assistance provided to children in foster care who are not eligible to receive medical assistance from the Federal Government or who have special medical needs not covered by other programs providing medical assistance:

For the fiscal year 1987-88.....\$8,904

For the fiscal year 1988-89.....27,444

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Limits number of cases certain social workers may be responsible for at one time. (BDR 38-176)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT relating to state welfare administration; limiting the number of cases certain social workers employed by the welfare division of the department of human resources may be responsible for at one time; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

A social worker employed by the welfare division to:

1. Receive and investigate reports of neglected and abused children:
2. Provide services to families and children in need of institutional or foster care:

or

3. Perform such other duties as are pertinent to providing care to children who become the responsibility of the state.

shall not be responsible for more than 35 cases at one time.

Sec. 2. There is hereby appropriated from the state general fund to the welfare division of the department of human resources for the employment of 36 additional social workers whose caseloads are limited by section 1 of this act:

For the fiscal year 1987-88..... \$1,144,528

For the fiscal year 1988-89..... 1,154,487

Sec. 3. Any balance of the sums appropriated by section 2 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY---Supports establishment of trial program in Washoe County to assist families in times of crisis. (BDR 177)

SENATE CONCURRENT RESOLUTION---Supporting the efforts of nonprofit agencies in Washoe County to establish a trial program to provide services which are needed to preserve families during times of crisis.

WHEREAS, The preservation and strengthening of family life is a part of the public policy of this state; and

WHEREAS, Families in crisis have the capacity to change and learn more appropriate ways to function during times of stress; and

WHEREAS, A family's dependency on social services provided by the state during times of crisis can be reduced by the use of educational and therapeutic counseling; and

WHEREAS, Many public and private agencies across the country are establishing programs to provide specialized services to families in crisis as an alternative to treating parents and their children separately; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the legislature hereby supports the efforts of nonprofit agencies in Washoe County to establish a 2-year trial program designed to provide families with brief and intensive services during times of crisis in order to preserve those families and thereby prevent the unnecessary placement of children in foster care or to return children to their families more quickly once placement occurs; and be it further

RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to all nonprofit agencies in Washoe County that assist families in times of crisis and provide special services for children.

SUMMARY---Authorizes welfare division to charge fees for placing or arranging placement of child for adoption. (BDR 38-178)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to adoption; authorizing the welfare division of the department of human resources to charge fees for placing or arranging the placement of a child for adoption; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The welfare division may charge reasonable fees for the services it provides in placing, arranging the placement of or assisting in placing or arranging the placement of any child for adoption.

2. The welfare division may waive or reduce any fee charged pursuant to subsection 1 if it determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

3. Any money collected pursuant to this section must be accounted for in the appropriate account of the welfare division and may be used only to pay for the costs of any adoptive or post-adoptive services provided by the division.

Sec. 2. NRS 127.290 is hereby amended to read as follows:

127.290 1. Except as provided in NRS 127.285 [.] and section 1 of this act, no person who does not have in full force a license to operate a child-placing agency may request or accept, directly or indirectly, any compensation or thing of value for

placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption or permanent free care.

2. A licensed child-placing agency may accept fees for operational expenses.

Sec. 3. NRS 127.300 is hereby amended to read as follows:

127.300 1. Except as provided in NRS 127.285 [.] and section 1 of this act, any person who, without holding a valid license to operate a child-placing agency issued by the welfare division of the department of human resources, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption or permanent free care shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. The natural parents and the adopting parents are not accomplices for the purpose of this section.

SUMMARY---Revises requirement that court give primary consideration to best interests of child in proceeding for termination of parental rights.
(BDR 11-179)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the termination of parental rights; revising the requirement that the court give primary consideration to the best interests of the child in making its determination; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

In determining whether grounds exist for the termination of parental rights, the court's primary consideration must be whether the best interests of the child would be served by the termination. Secondly, the court shall consider whether the parent or parents of the child, by reason of their fault or incapacitation, provided some cause for termination.

SUMMARY---Includes failure of parental adjustment as ground for termination of parental rights. (BDR 11-180)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the termination of parental rights; including failure of parental adjustment as a ground for termination; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. "Failure of parental adjustment" occurs when a parent or parents are unable or unwilling within a reasonable time to correct substantially the circumstances, conduct or conditions which led to the placement of their child outside of their home, notwithstanding reasonable and appropriate efforts made by the state or a private person or agency to return the child to his home.

Sec. 3. If a child is not in the physical custody of his parent or parents and the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the effective date of the plan, there is a presumption of failure of parental adjustment.

Sec. 4. NRS 128.010 is hereby amended to read as follows:

128.010 -- As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 128.011 to 128.018, inclusive, and section 2 of this act, have the meanings ascribed to them in those sections.

Sec. 5. NRS 128.105 is hereby amended to read as follows:

128.105 An order of the court for termination of parental rights may be made on the grounds that the termination is in the child's best interest in light of the considerations set forth in this section and NRS 128.106, 128.107 and 128.108:

1. Abandonment of the child;
 2. Neglect of the child;
 3. Unfitness of the parent;
 4. Failure of parental adjustment;
 5. Risk of serious physical, mental or emotional injury to the child if he were returned to, or remains in, the home of his parent or parents;
- [5.] 6. Only token efforts by the parent or parents:
- (a) To support or communicate with the child;
 - (b) To prevent neglect of the child;
 - (c) To avoid being an unfit parent; or
 - (d) To eliminate the risk of serious physical, mental or emotional injury to the child; or
- [6.] 7. With respect to termination of the parental rights of one parent, the abandonment by that parent.

Sec. 6. NRS 128.107 is hereby amended to read as follows:

128.107 If a child is not in the physical custody of the parent or parents, the court, in determining whether parental rights should be terminated, shall consider, without limitation:

1. The services provided or offered to the parent or parents to facilitate a reunion with the child.
2. The physical, mental or emotional condition and needs of the child and his

desires regarding the termination, if the court determines he is of sufficient capacity to express his desires.

3. The effort the parent or parents have made to adjust their circumstances, conduct or conditions to make it in the child's best interest to return him to his home after a reasonable length of time, including but not limited to:

(a) The payment of a reasonable portion of substitute physical care and maintenance, if financially able;

(b) The maintenance of regular visitation or other contact with the child which was designed and carried out in a plan to reunite the child with the parent or parents; and

(c) The maintenance of regular contact and communication with the custodian of the child.

4. Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent or parents within a predictable period . [of time.]

For purposes of this section, the court shall disregard incidental conduct, contributions, contacts and communications.

SUMMARY---Repeals specific factors to be considered by court in terminating parental rights where child has been placed in foster home. (BDR 11-181)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the termination of parental rights; repealing specific factors to be considered by the court where a child has been placed in a foster home; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 128.105 is hereby amended to read as follows:

128.105 An order of the court for termination of parental rights may be made on the grounds that the termination is in the child's best interest in light of the considerations set forth in this section and NRS 128.106 [, 128.107 and 128.108:] and 128.107:

1. Abandonment of the child;
2. Neglect of the child;
3. Unfitness of the parent;
4. Risk of serious physical, mental or emotional injury to the child if he were returned to, or remains in, the home of his parent or parents;
5. Only token efforts by the parent or parents:
 - (a) To support or communicate with the child;
 - (b) To prevent neglect of the child;
 - (c) To avoid being an unfit parent; or
 - (d) To eliminate the risk of serious physical, mental or emotional injury to the child; or
6. With respect to termination of the parental rights of one parent, the abandonment by that parent.

Sec. 2. NRS 128.108 is hereby repealed.

SUMMARY---Requires notice of hearing for termination of parental rights to be given to child's legal custodian or guardian. (BDR 11-182)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the termination of parental rights; requiring notice of a hearing therefor to be given to the child's legal custodian or guardian; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served [shall] voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if [such] that person desires to oppose the petition.

2. The following persons must be personally served with the notice:

(a) The father or mother of [such] the minor person, if residing within this state, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of [such] the father or mother is not known to the petitioner, then the nearest known relative of [such] that person, if there is any residing within the state, and if his residence and relationship are known to the petitioner [, shall be personally served with the notice herein described.] ; and

(b) The minor's legal custodian or guardian, if residing within this state and if his place of residence is known to the petitioner.

Sec. 2. NRS 128.070 is hereby amended to read as follows:

128.070 1. When the father or mother of [such] a minor child [on whom service is to be made] or the child's legal custodian or guardian resides out of the state, [or] has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court [or judge] thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother [in respect to whom the service is to be made] or custodian or guardian is a necessary or proper party to the proceedings, [such court or judge] the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the father or mother [on whom service is to be made] or custodian or guardian resides out of the state, and [the] his or her present address [of the father or mother] is unknown, it [shall be] is a sufficient showing of [such] that fact if the affiant states generally in [such] the affidavit that [at] :

(a) At a previous time [such] the person resided out of this state in a certain place (naming the place and stating the latest date known to the affiant when [such] the person so resided there); [that such]

(b) That place is the last place in which [such] the person resided to the knowledge of the affiant; [that such]

(c) The person no longer resides at [such place; that] that place;

(d) The affiant does not know the present place of residence of [such] the person or where [such] the person can be found; and [that]

(e) The affiant does not know and has never been informed and has no reason to believe that [such] the person now resides in this state . [; and, in]

In such case, it shall be presumed that [such] the person still resides and remains out

of the state, and [such] the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother [.] or custodian or guardian.

2. The order [shall] must direct the publication to be made in a newspaper, to be designated by the court ; [or judge thereof,] for a period of 4 weeks, and at least once a week during [such] that time. In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court [or judge] shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his place of residence. When publication is ordered, personal service of a copy of the notice of hearing and petition, out of the state, [shall be] is equivalent to completed service by publication and deposit in the post office, and the person so served [shall have] has 20 days after [such] the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from [such] the deposit.

3. Personal service outside the state upon a father or mother over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this state. When [such] the facts appear, by affidavit, to the satisfaction of the court ; [or judge thereof,] and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, [such court or judge] the court may grant an order that the service be made by personal service outside the state. [Such service shall] The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.

4. Whenever personal service cannot be made, the court may require, before ordering service by publication or by publication and mailing, such further and additional search to determine the whereabouts of [a parent or parents] the person to be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice [to a parent or parents shall] be given whenever possible.

5. If one or both of the parents of [such] the minor is unknown, or if the name of either or both of his parents is uncertain, then [such facts shall] those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either the father or the mother of [such] the person, and to all persons claiming to be the father or mother of the person. [Such] The notice, after the caption, [shall] must be addressed substantially as follows: "To the father and mother of the above-named person, and to all persons claiming to be the father or mother of [such] that person."

Sec. 3. NRS 128.080 is hereby amended to read as follows:

128.080 The notice must be in substantially the following form:

In the Judicial District Court of the State of Nevada,
in and for the County of

In the matter of parental rights
as to, a minor.

Notice

To, the father or, the mother of the above-named person; or, to the father and mother of the above-named person, and to all persons claiming to be the father or mother of this person; or, to, related to the above-named minor as [:] ; or, to
the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at, in the County of, on the day of, 19....., at o'clockm., at which time and place you are required to be present if you desire to oppose the petition.

Dated, 19.....

(seal)

.....

Clerk of court.

By.....

Deputy.

SUMMARY---Provides for check of fingerprints for certain persons in contact with children in foster care. (BDR 38-183)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to foster care; providing for a check of fingerprints for certain persons in direct continuous contact with children in foster care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

Each person in direct continuous contact with children in foster care shall submit to the welfare division of the department of human resources a complete set of his fingerprints and written permission authorizing the division to forward those fingerprints to the Federal Bureau of Investigation for its report. The welfare division may exchange with the Federal Bureau of Investigation any information respecting the fingerprints submitted.

Sec. 2. The provisions of this act do not apply to those persons in direct continuous contact with children in foster care before July 1, 1987.

SUMMARY---Provides for check of fingerprints for persons in contact with children in foster care. (BDR 38-184)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to foster care; providing for a check of fingerprints for persons in direct continuous contact with children in foster care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

Each person in direct continuous contact with children in foster care shall submit to the welfare division of the department of human resources a complete set of his fingerprints and written permission authorizing the division to forward those fingerprints to the Federal Bureau of Investigation for its report. The welfare division may exchange with the Federal Bureau of Investigation any information respecting the fingerprints submitted.