

LCB File No. R068-99

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

AUTHORITY: §§, NRS 432B.190

**Section 1.** Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2, inclusive, of this regulation:

*1. The permanency hearing is to determine the permanent plan for a child in foster care. The division will apply procedural safeguards to assure each child in foster care a permanency hearing to be held, by a court of competent jurisdiction (including a tribal court) or by an administrative body appointed or approved by the court to determine whether, and if applicable when:*

- (a) The child will be returned to the parent;*
- (b) The child will be placed for adoption, with the division filing a petition for termination of parental rights;*
- (c) The child will be referred for legal guardianship; or,*
- (d) In cases where the division has documented to the court a compelling reason for determining that it is not in the best interests of the child to return home:
  - (1) The child will be referred for termination of parental rights;*
  - (2) The child will be placed for adoption;*
  - (3) The child will be placed with a fit and willing relative;*
  - (4) The child will be placed with a legal guardian; or,*
  - (5) The child will be placed in another planned permanent living arrangement.**

**Sec. 2.** *Termination of parental rights.*

*1. The division is required to file a petition for the termination of parental rights for a child who has been in foster care under the responsibility of the state for 14 of the most recent 20 months or as amended in NRS432B unless:*

- (a) The child is placed with a relative at division option;*
- (b) The division has documented in the case plan available for court review a compelling reason for determining that filing such a petition would not be in the best interests of the child; or,*
- (c) The division has not provided to the family of the child, consistent with the time period in the division case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts are required to be made per amended NRS 432B.*

**THIS SECTION WAS NOT APPROVED AND HAS BEEN WITHDRAWN BY THE DIVISION**

**Sec. 3. Chapter 432B of NAC is hereby amended to read as follows:**

**NAC 432B.120 Members of staff who directly deliver services.**

1. Members of the staff of an agency which provides protective services who directly deliver those services are responsible for:
  - (a) Receiving reports regarding the alleged abuse or neglect of children, investigating the reports, and initiating appropriate intervention; and
  - (b) Case management, including planned services to each child and his family to achieve the goals established in the case plan.
2. Members of the staff who directly deliver protective services and who are employed after July 1, 1988, must have a bachelor's degree in social work or a related field of human service *and a license or certification in his field of practice.*

**Sec. 4. Chapter 432B of NAC is hereby amended to read as follows:**

**NAC 432B.1358 Members of staff who directly provide assessments.**

**(NRS 432B.190) [Expires by limitation on June 30, 2001.]**

1. Members of the staff of an agency which provides family assessment services who directly provide such assessments are responsible for:
  - (a) Receiving reports from an agency which provides protective services regarding the alleged abuse or neglect of children;
  - (b) Providing family assessments;
  - (c) Forwarding reports to an agency which provides protective services if the staff member determines that the child has been injured or is at risk for serious harm; and
  - (d) Case management, including, without limitation, planned services to each child and his family to achieve the goals established in the case plan.
2. Members of the staff who directly provide family assessment services must have a bachelor's degree in a field of human service *and a license or certification in his field of practice.*

**Sec. 5: Chapter 432B of NAC is hereby amended to read as follows:**

**NAC 432B.170 Determination of case findings; entry of findings in central registry. (NRS 432B.190)**

1. After the investigation of a report of the abuse or neglect of a child, an agency which provides protective services shall determine its case findings based on whether there is reasonable cause to believe a child is abused or neglected, or threatened with abuse or neglect. The agency shall make one of the following findings:
  - (a) The case required the involvement of the court, and the court found the abuse or neglect occurred.
  - (b) The abusive or neglectful situation was confirmed through the investigation, and it was determined that the involvement of the agency was essential for the safety of the child.
  - (c) The abusive or neglectful situation was confirmed through the investigation, but:
    - (1) It was not considered essential to provide protective services to assure the safety of the child; or

(2) The family refused services, and it was determined that the involvement of the court to order services was not appropriate at the time.

(d) The abusive or neglectful situation was not confirmed through the investigation.

(e) The agency was unable to prove or disprove the allegation of abuse or neglect because it was unable to locate the child or the person responsible for the welfare of the child.

2. The agency which provides protective services shall enter the findings of the investigation in the central registry established pursuant to NRS 432.100.

*3. When a finding of confirmed abuse or neglect by the individual responsible for the child's welfare has been made, an agency which provides protective services shall:*

*(a) Provide written notification to the individual about the right to appeal the decision; and*

*(b) Provide information on the appeals process.*

*4. The request for an appeal must be made in writing to the agency within fifteen days of the date of the notification letter.*

*5. A hearing which is held pursuant to this section will be conducted in accordance with chapter 233B of NRS.*

## **INFORMATIONAL STATEMENT**

The following information is provided pursuant to the requirements of NRS 233B.066.

A public workshop was held on May 13, 1999 in Reno and May 14, 1999 in Las Vegas with 2 in attendance in Reno and 2 who provided oral testimony and 1 in attendance in Las Vegas with 1 who provided oral testimony. A public hearing was held on June 17, 1999 in Las Vegas with 2 in attendance and 1 who provided oral testimony. Workshop notices and the public hearing notice were mailed to the Division general mailing list including Child Protective Agencies. Comments were solicited at the workshop and the public hearing. Minutes were taken at the workshop and the public hearing and are available for distribution to the public from the Division office as noted on the public hearing notice. A summary of the reasons any regulations were adopted without change is available from the Division office. Comments were positive and are described under each section in the informational statement. The Division solicited written comments at both the workshop and the public hearing. No written comment was received.

### **NAC 432B - Protection of Children from Abuse and Neglect**

#### **Permanency hearing documentation.**

1. The need and purpose of the proposed regulation amendments: Clarification needed.
2. Proposed regulation amendment(s) description: Ensures the permanency plan is documented for a child in foster care.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.The estimated economic effect of the regulation on the public:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: Adoption and Safe Families Act.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). ASFA assures safety for all children, assures permanent nurturing homes for these children, and is designed to enhance the well-being of children and their families.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.  
Comment summary from effected businesses: No comment was received.  
Comment from public: No comment was received.

#### **Termination of parental rights.**

1. The need and purpose of the proposed regulation amendments: Clarification needed.
2. Proposed regulation amendment(s) description: Allows the division not to pursue termination of parental rights if certain criteria exists.

3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.
 The estimated economic effect of the regulation on the public:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). ASFA assures safety for all children, assures permanent nurturing homes for these children, and is designed to enhance the well-being of children and their families.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.  
 Comment summary from effected businesses: No comment was received.  
 Comment from public: We Can asked for clarification of the mandated parenting training for children to be returned to their parents. We Can asked if this section added any teeth to the existing requirement.

**NAC 432B.1358**

1. The need and purpose of the proposed regulation amendments: to require this section on staff who directly deliver services to match the licensing or certification requirements outlined in section NAC 432N.1352(2)(a) and NAC 432B.110(3)(b).
2. Proposed regulation amendment(s) description: Requires a license or certification in field of practice.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.
 The estimated economic effect of the regulation on the public:
  - (a) adverse and beneficial: State law requires licensure or certification.
  - (b) immediate and long-term effects: None known as licensure currently required by State law.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: State law requires licensure of identified professions.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.  
 Comment summary from effected businesses: No comment was received.  
 Comment from public: No comment was received.

**NAC 432B.170**

1. The need and purpose of the proposed regulation amendments: To provide written notification to individual perpetrator(s) of the right to appeal a finding of child abuse.
2. Proposed regulation amendment(s) description: When a finding of confirmed abuse or neglect by the individual responsible for the child's welfare has been made, an agency which provides protective services shall provide written notification to the individual about the right to appeal the decision and provide information on the appeals process.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: None known.
  - (b) immediate and long-term effects: None known.The estimated economic effect of the regulation on the public:
  - (a) adverse and beneficial: None known as written notification is an assurance to provide information.
  - (b) immediate and long-term effects: Written notification provided within specified time frame.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.  
Comment summary from effected businesses: No comment was received.  
Comment from public: We Can asked how the new spanking law will impact the new system and if there is no substantiated abuse if a record would be kept.