

LCB File No. R045-02

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

(Replaces Initial Draft posted on 4/03/02)

CHAPTER 432B - PROTECTION OF CHILDREN FROM ABUSE AND NEGLECT

Revision dated April 18, 2002 and sent to LCB April 22, 2002

Yellow = new 04/18/02 material

Green = delete 04/02/02 material

AUTHORITY: NRS 432B.190

Section 1 Chapter 432B of NAC is hereby requested to be amended by adding thereto the provisions as set forth as sections 2 through 7, inclusive, of this regulation:

Sec. 2 *“Disfigurement” defined. “Disfigurement” is defined as a ~~serious blemish, protracted blemish,~~ mark, welt, abrasion, scar, bruise or deformity that damages a person’s appearance at any location on their body or limits bodily functions.*

Sec. 3 *“Administrator” defined. “Administrator” means the administrator of the division.*

Sec. 4 *Provision of out-of-home services*

The agency which provides child welfare services shall, upon placement of the child into a foster home share written records, to the extent available, of the child’s history with the foster parents, including health and education and any other available records relevant to the care of the child.

Foster parents are an essential part of the child welfare system. Foster parents fulfill an integral role for the agency which provides child welfare services by participating, along with other professionals, in the planning and services provided for foster children and their families. The agency which provides child welfare services shall provide direct services to foster parents who are caring for children in the agency’s which provide child welfare services custody. Services may include:

1. Thoroughly discussing the child’s situation and needs, and assisting foster parents to develop their capability to meet those needs.

2. Responding in a timely manner to foster parents’ requests for assistance in meeting the child’s needs.

3. Sharing the agency's which provides child welfare services plan for the child with the foster parents and considering their suggestions.

The agency providing child welfare services shall ensure that a caseworker visits each child placed in out-of-home care at least monthly, with at least every other visit being in the foster care setting and a portion of each visit being spent alone with the child. After each visit the caseworker shall document the results of the visit in the Unified Nevada Information Technology Information for Youth computer system.

When a child is in out-of-home care, the agency providing child welfare services shall ensure that services are delivered to both the child and the parents in accordance with the terms of the case plan. If the parents or child refuse to participate in services, the caseworker shall document the efforts to involve them along with their responses.

When a child is in out-of-home care, the assigned caseworker and the caseworker's supervisor shall document their review of the family's progress at least quarterly, in Unified Nevada Information Technology for Youth computer system.

Prior to the return of a child to the home of the parent, a safety assessment will be completed and a safety plan implemented as needed.

Unless instructed otherwise by the court, an agency which provides child welfare services shall maintain the case, of a child who had been placed into protective custody, in an open status for a minimum of six months for the purpose of ensuring the safety of the child. Supervisory visits will be made to the home at least monthly.

Sec. 5 Provision of adoption and other permanency services

If a child is in foster care for 14 of 20 consecutive months, a petition is filed to terminate parental rights, unless the agency providing child welfare services documents compelling reasons why such a petition would not be in the best interests of the child. After the filing of the petition, the assigned caseworker and the caseworker's supervisor shall include in their quarterly review of the case documentation as to the progress made in completing an adoption or other permanent plan for the child, giving preference to prospective parents to whom the child is known. If a child has not been placed into an approved adoptive home within 90 days of the termination of parental rights, the agency shall further document what the barriers to placement are and shall specify what additional steps shall be taken to find an appropriate home for the child. Such information will be reported to the court at the case review.

Prior to the placement of a child into an adoptive home, both the child and the family are prepared for the adoption through preplacement visits, if necessary, counseling for the child and either training or counseling for family. Upon placement of the child into an adoptive home, the child's social summary together with any other written records of the child's history

are shared with the adoptive parents, including health and education records and any other available records relevant to the care of the child.

Sec. 6 *Placement of children in an unlicensed relative home.*

Prior to placement of a child, who is in the custody of an agency which provides child welfare services in the home of an unlicensed Nevada relative by the agency which provides child welfare services the following requirements shall be met:

For all household members age 18 and over the following requirements shall be met:

- 1. Fingerprints submitted for federal criminal background checks.*
- 2. Local law enforcement record checks completed.*
- 3. Child Abuse and Neglect clearances completed.*

In Addition, the following safety checks shall be completed:

- 1. A check of all safety equipment, including smoke alarms and fire extinguishers.*
- 2. An assessment of safety regarding pools and spas in accordance with NAC 424.270.*

In addition

Placement of a child shall not occur if:

- 1. Except as otherwise provided in subsection 3, the relative or any household member over the age of 18 has been convicted or has charges filed of a crime involving harm to a child.*
- 2. Except as otherwise provided in subsection 3, the relative or any household member has a felony conviction or has charges filed for:*
 - a) Child abuse or neglect; Spousal abuse;*
 - b) Any crime against children, including child pornography;*
 - c) Any crime involving violence, including rape, sexual assault or homicide; or*
 - d) Physical assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years.*
- 3. If any of the persons specified in subsection 1 has been convicted or has charges filed:*
 - a) A felony or a gross misdemeanor, the placement must not be made by the agency which provides child welfare services without the approval of the administrator or the designee of the administrator. The administrator or designee of the administrator may approve the placement if the relative or household member has been convicted of a felony or has charges filed described in subsection 2, if the administrator determines that such an approval is in the best interest of the child.*
 - b) One or more misdemeanors, the child must not be placed without the approval of the administrator or the designee of the administrator.*

Sec. 7 *Former Foster Youth Independence Program*

“Former foster youth” defined.

“Former foster youth” means a youth who attained the age of 18 while in custody of a Nevada agency which provides child welfare services or of a recognized Nevada tribe and who has not reached the 21st birthday. Former foster youth who were in custody of another state may be eligible for funds or services authorized by the federal Foster Care Independence Program.

“Assessment” defined.

“Assessment” means an evaluation of a former foster youth for purposes which include, but are not limited to determining the youth’s needs for transitioning to economic self sufficiency.

“Former Foster Youth Independence Program” defined.

Former Foster Youth Independence Program, established pursuant to NRS 423, means a program to assist former foster youth to attain economic self sufficiency by providing to them goods and services including, but not limited to, job training, housing assistance, case management and medical insurance.

Qualifications for receipt of funds.

An agency which provides child welfare services is eligible to receive funding under the Former Foster Youth Independence Program. It may provide services directly and/or through contract(s) to nonprofit community organizations.

Oversight Committee established.

Eligible agencies shall establish an oversight committee to develop a program plan consistent with the federally-approved state plan. The oversight committee shall include at least one youth in foster care, one former foster youth, and one child welfare caseworker serving older foster youth. The plan shall address how to needs of former foster youth will be assessed, the process for involving youth in direct design of program activities, a description of services available, the way youth will access goods and services, and program goals and objectives. The oversight committee shall meet at least two times a year to review the progress of the program. The plan shall be provided to the Administrator and updated annually.

Allocation of funds.

Each state fiscal year the Administrator will make an annual allocation, distributed quarterly, to agencies which provided child welfare services upon receipt of an acceptable program plan or annual update and a written request for disbursement which includes information to demonstrate that all other resources to pay for the goods and services have been exhausted. The allocation will be derived from the state gift fund established for this purpose as well as the federal funds allotted to Nevada for former foster youth. The allocation will be based upon the agency’s proportion of youth in foster care who reach the 17th birthday as reported in UNIFIED NEVADA INFORMATION TECHNOLOGY FOR YOUTH SYSTEM in the year prior to the allocation relative to the entire state population of 17-year-olds in foster care with no less than 10 percent of the total allotment going to each agency which provides child welfare services.

Use of funds.

Agencies which provide child welfare services shall establish a separate program account or financial code to account for funding allocations under the Former Foster Youth Independence Program.

No less than 90 percent of an agency's allocation shall be used for direct services.

Funds may be used for services designed to promote economic self sufficiency and include, but are not limited to:

- 1. Room and board*
- 2. Housing assistance*
- 3. Job training*
- 4. Vocational services such as job seeking, interviewing, resume production*
- 5. Educational assistance*
- 6. Medical insurance*
- 7. Combating high risk behaviors*
- 8. Financial assistance associated with listed services above*
- 9. Assessment and mental health services*

Requirements for eligible youth.

Youth must sign a release authorizing the agency which provides child welfare services to verify former foster care status.

Eligible youth must participate directly in designing their program activities and accept responsibility for achieving self-sufficiency.

Eligible youth must be asked to sign an agreement to participate in program evaluations or longitudinal studies although services will not be denied or withheld if the youth refuses.

Nevada youth shall be served in the current county of residence regardless of where they resided in foster care at their 18th birthday.

Reporting.

Agencies shall maintain a record for each youth served under this program and record all relevant information in the Unified Nevada Information Technology for Youth computer system.

Agencies shall track, at a minimum:

- 1. number and characteristics of youth served*
- 2. type and quantity of services provided*
- 3. amount of funds spent by type of service*
- 4. performance on outcome measures developed by the US Department of Health and Human Services for the federal Foster Care Independence Program.*

Agencies shall submit reports quarterly to the Administrator covering the items above.

On an annual basis, the Administrator may reallocate unspent funds for purposes described in this section.

Agencies shall provide to the Division additional information as needed for the five-year plan that the Division must submit to the US Department of Health and Human Services for receipt of federal Foster Care Independence Program funding.

Audit.

Agencies which provide child welfare services shall permit the Division to audit Former Foster Youth Independence Program records, both financial and programmatic, to determine compliance with provisions set forth in Chapter 423 of NRS and the federal Foster Care Independence Program.

GENERAL PROVISIONS

Sec. 8 NAC 432B.013 “Agency which provides family assessment services” defined. (NRS 432B.190)

NAC 432B.013 is hereby amended to read as follows:

“Agency which provides family assessment services” means ~~[a person who]~~ *an agency which* has entered into a written agreement with an agency which provides ~~[protective]~~ *child welfare* services to:

~~[1. Provide counseling, training or other services relating to child abuse and neglect to the family of a child; or]~~

~~[2.]~~ *1.* Conduct an assessment of the family of a child to determine what services, if any, are needed by the family and ~~[,if appropriate,]~~ to provide ~~[any such]~~ *available* services.

2. Provide counseling, training or other services relating to child abuse and neglect to the family of a child.

3. Refer the child to an agency which provides child welfare services for an investigation when there is reasonable cause to believe that a child has been abused or neglected pursuant to NRS 432B.220.

Sec. 9 NAC 432B.017 “Foster care” defined. (NRS 432B.190)

NAC 432B.017 is hereby amended to read as follows:

“Foster care” means any out-of-home placement of a child. The term includes:

1. The placement of a child into:

(a) A family foster home, as that term is defined in NRS 424.013;

(b) A group foster home, as that term is defined in NRS 424.015; or

(c) Any other similar institution having the appropriate qualifications and facilities to provide the necessary and desirable degree and type of care to the child.

2. The placement of a child with a relative other than the relative who had a legal responsibility for providing a home for the child before the child was placed into the custody of the ~~[division]~~ *agency which provides child welfare services.*

3. An independent living arrangement approved by the ~~[division]~~ *agency which provides child welfare services* in accordance with NAC 432B.410, made by the ~~[division]~~ *agency* for a child in the custody of the ~~[division]~~ *agency* pursuant to NRS 127.050 or 432B.550, or for whom the ~~[division]~~ *agency* is responsible pursuant to NRS 432B.360.

ADMINISTRATION

Sec. 10 NAC 432B.030 Evaluation of protective services in state; corrective action by non-complying agencies.

NAC 432B.030 is hereby amended to read as follows:

NAC 432B.030 Evaluation of ~~protective~~ *child welfare* services in state; corrective action by non-complying agencies.

1. The evaluation required by subsection 6 of NRS 432B.180 must:

(a) Include:

(1) ~~Biennial reviews~~ *Audits* of each agency which provides ~~protective~~ *child welfare* services.

(2) An assurance that each agency which provides ~~protective~~ *child welfare* services is complying with statutory requirements, regulations, state policies and contractual agreements with the department of human resources.

(b) Be conducted by ~~review~~ *audit* teams composed of representatives from the division, a representative of the agency being reviewed and *may include participation* ~~a representative~~ from a related discipline, such as law enforcement, mental health, a medical program or a school district. Each ~~review~~ *audit* team shall provide a written evaluation of the review to the agency being reviewed.

2. Agencies in noncompliance with statutory requirements, regulations, or contractual agreements with the department of human resources shall:

(a) Establish a plan of corrective action for areas of noncompliance.

(b) As needed, seek consultative services to carry out the plan of corrective action. The division will provide assistance if requested.

Each ~~review~~ *audit* team shall reevaluate areas of noncompliance within 4 to ~~9~~ *6* months after the review. The maximum time to take corrective action is ~~9~~ *6* months.

3. Failure to complete the corrective action plan within the required timeframe may result in the withholding of funds pursuant to subsection 6 of NRS 432B.180.

Sec. 11 NAC 432B.050 Plans submitted pursuant to NRS 432B.395: Contents.

NAC 432B.050 is hereby amended to read as follows:

A plan submitted pursuant to NRS 432B.395 *by May 1st of each year* must:

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

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

~~(a)~~ *(b)* An assessment of the need for services;

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

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

~~(d)~~ *(e)* A structure for the delivery of services;

~~(e)~~ *(f)* Training for the personnel of the agency;

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

~~(g)~~ *(h)* Written guidelines, procedures, and protocols; and

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

2. Specify how the agency which provides ~~[protective]~~ *child welfare* services will ensure that it makes good faith efforts to:
 - (a) Prevent removal of the child from his home, including:
 - (1) A careful assessment of the familial situation, including an identification of the specific problems, if any, placing the child at imminent risk of serious harm, to determine the likelihood of protecting the child effectively in the home.
 - (2) Consideration of the specific problems of the child or family to determine whether any of the services available within the agency or in the community might effectively address those problems without removal of the child.
 - (3) Consideration of alternative ways of addressing the family's needs, that would enable the child to be protected without removal, when the services regularly provided by the agency appear unlikely to meet the family's needs, or when waiting lists for those services are too long to prevent removal of the child.
 - (4) Notice to the family concerning the services available within the agency and in the community that might address the problems of the family or child.
 - (5) An offer to the family to provide those services the agency considers most likely to address the problems identified as creating the risk of removal of the child.
 - (6) An opportunity for the family to request other services not offered by the agency that the family believes might mitigate the risk of removal.
 - (7) A mechanism for the child or family to seek a review of the agency's failure to provide the assistance or services the family believes would eliminate the need for removal of the child.
 - (b) Reunify the family, including the efforts required by paragraph (a) and the:
 - (1) Development of an appropriate case plan.
 - (2) Establishment of an appropriate schedule for visitation and other measures to ensure visitation is facilitated and actually occurs.
3. Describe how the agency which provides ~~[protective]~~ *child welfare* services will ensure compliance with NRS 432B.540.

**Sec. 12 NAC 432B.060 Cooperation with division to obtain federal funding.
NAC 432B.060 is hereby amended to read as follows:**

An agency which provides ~~[protective]~~ *child welfare* services ~~[in Washoe County or Clark County]~~ shall cooperate with the division in such a manner as necessary for the state to obtain funding pursuant to 42 U.S.C. § 627.

AGENCIES WHICH PROVIDE ~~[PROTECTIVE]~~ CHILD WELFARE SERVICES

**Sec. 13 NAC 432B.070 Organizational requirements.
NAC 432B.070 is hereby amended to read as follows:**

1. An agency which provides ~~[protective]~~ *child welfare* services shall establish an organizational structure which ensures that there is a clearly defined and logical hierarchy of authority and responsibility for all matters associated with the administration and operation of its program for protective services. The structure must create opportunities for frequent communication between the administrative and policymaking staff and the staff which provides services.

2. The agency's pattern of organization for its staff which provides services must be designed to facilitate achievement of the program's goals and the objectives of individual plans for services. The agency shall include, as a minimum, the following factors in establishing its structure for the delivery of services:

(a) The assignment of responsibility for the management of cases regarding all the children in any one family under the care of the agency to one member of the staff.

(b) The need for continuity of responsibility for each child and his family throughout the process for the delivery of services. When more than one agency or person is involved in ~~[protective]~~ *child welfare* services for children in a family, there must be a formal process for the coordination and transfer of services.

(c) The coordination of an agency's efforts to achieve established objectives for the delivery of services to each child and his family.

(d) The creation of opportunities for frequent communication and collaboration between agency personnel and the providers of foster care services.

3. The policies and procedures of the agency must be in written form.

4. The agency shall establish an internal process for the review of cases to ensure conformity with the law, regulations, and the policies and procedures of the agency. A sample of cases must be reviewed on a quarterly basis. The sample must be representative of all reports of child maltreatment.

Sec. 14 NAC 432B.080 Efforts to prevent abuse and neglect in the community.

NAC 432B.080 is hereby amended to read as follows:

An agency which provides ~~[protective]~~ *child welfare* services shall:

1. Participate in community programs to educate the public and promote awareness about programs regarding the abuse and neglect of children and services to prevent the abuse and neglect of children.

2. Encourage residents to act as advocates and volunteers on behalf of children and families served by the agency.

3. Make the community aware of the need for specific services and resources related to programs regarding the abuse and neglect of children and services to prevent the abuse and neglect of children.

4. Coordinate the activities of agencies, schools, and organizations in the community to strengthen services to families who are at risk of committing the abuse or neglect of a child, and increase the ability of those families to keep their children at home.

5. Encourage and assist in the development of community councils involving public and private organizations.

6. Document its efforts for prevention of abuse and neglect and provide an annual report to the division by May 1st of each year.

Sec. 15 NAC 432B.090 General Requirements for staff. (NRS 432B.190)

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

1. All members of the staff of an agency which provides ~~[protective]~~ *child welfare* services must have demonstrated competence in their areas of responsibility, as measured by educational achievement, years of experience and other qualifications, so that the agency can provide

high-quality services in an efficient and professional manner. All members of the staff must have the training and experience required by their job descriptions.

2. An agency which provides [protective] *child welfare* services shall:

(a) Assess the needs of its staff for development and training every 2 years. The agency shall ensure that each new member of its staff engaged in [protective] *child welfare* services [for children] receives at least 40 hours of training related to the principles and practices of those [protective] *child welfare* services and completes a course of training related to the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., prescribed by the division. After the first year of employment, all members of the staff engaged in [protective] *child welfare* services for children must obtain [16] 30 biannual hours of training related to those [protective] *child welfare* services.

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

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

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

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

Sec. 16 NAC 432B.100 Administrative, clerical and support staff.

NAC 432B.100 is hereby amended to read as follows:

1. An agency which provides [protective] *child welfare* services shall employ such administrative staff as needed in accordance with the agency's size, scope of responsibility and overall organizational structure.

2. All members of the clerical and support staff of an agency which provides [protective] *child welfare* services must possess the necessary education, training and experience for their specific jobs.

NAC 432B.110 Supervisory staff.

NAC 432B.110 is hereby amended to read as follows:

1. Members of the supervisory staff of an agency which provides [protective] *child welfare* services are responsible for:

(a) Providing their staff with consultation and day-to-day training;

(b) Management, including the delegation of functions regarding case work to their staff and assistance with the development and implementation of case plans; and

(c) Ensuring that the goals of their program of [protective] *child welfare* services for children are achieved.

2. Supervisory staff must have technical knowledge and skills in the field of child welfare, and demonstrated ability in promoting effective practices and the coordination of services and training.

3. Supervisors employed after July 1, 1988 must have at least:

- (a) A bachelor's degree in social work, or in a related field of human service, and 3 years of related experience; or
- (b) A license to engage in social.

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

NAC 432B.120 is hereby amended to read as follows:

1. Members of the staff of an agency which provides ~~protective~~ *child welfare* 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) *Assessing the immediate safety of children who are the victims or subject of the report;*

~~(b)~~ (c) Case management, including planned services to each child and his family to achieve the goals established in the case plan;

(c) *Removal and placement of children who cannot remain safely at home; and*

(d) *Reunification, adoption or other permanency services for children who have been placed.*

~~(d)~~

2. Members of the staff who directly deliver ~~protective~~ *child welfare* 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.

AGENCIES WHICH PROVIDE FAMILY ASSESSMENT SERVICES

Sec. 17 NAC 432B.1358 Members of staff who directly provide assessments. (NRS 432B.190)

NAC 432B.1358 is hereby amended to read as follows:

~~Members~~ *Functions* of staff who directly provide assessments *and in-home services*. (NRS 432B.190)

1. Members of the staff of an agency which provides family assessment services ~~who directly provide such assessments~~ are responsible for:

(a) Receiving ~~reports~~ *referrals* from an agency which provides ~~protective~~ *child welfare* services regarding the alleged abuse or neglect of children;

(b) Providing family assessments;

(c) Forwarding reports to an agency which provides ~~protective~~ *child welfare* 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 must be licensed or certified in their respective fields of practice.

Sec. 18 NAC 432B.1366 Procedures for conduct of family assessment. (NRS 432B.190)

NAC 432B.1366 is hereby amended to read as follows:

1. If an agency which provides family assessment services provides a family assessment:

(a) The primary focus of the assessment must be the safety of the child, not the alleged incident of abuse or neglect.

(b) The assessment must be conducted with the cooperation of the family.

(c) The assessment must take into account the strengths of the family and its need for available **[protective] child welfare** services.

(d) A record of the assessment must not be entered into the central registry established pursuant to NRS 432.100.

2. If, during the course of the assessment, it is determined by the agency that the child has been injured or is at risk for serious harm, a **[record] report will be made immediately to the agency which provides child welfare services**. A copy **[a-record]** of the assessment will be **[immediately]** forwarded to an agency which provides **[protective] child welfare** services for an investigation in accordance with NAC 432B.150.

3. If, during the course of the assessment, it is determined that the child is not at risk of serious harm but the family could benefit from services to address the areas of need identified in the assessment, then the agency which provides assessment services may provide services to the family on a voluntary basis.

REPORTS OF ABUSE OR NEGLECT

Sec. 19 NAC 432B.150 is hereby amended to read as follows:

1. If an agency which provides **[protective] child welfare** services receives a report made pursuant to NRS 432B.220 or a report from a law enforcement agency, an initial evaluation must be conducted to determine if the situation or condition of the child makes **[protective] child welfare** services appropriate or whether the child and his parents may be referred to an agency which provides family assessment services. Such an evaluation must be the practice even when the referral has been made by a professional or official person on the basis of his specialized knowledge. A family must not be referred to an agency which provides family assessment services if the report involves sexual abuse or abuse that occurred in an institution or the child has been placed in custody by a law enforcement agency or held at a hospital by a physician.

2. If an investigation is initiated by an agency which provides **[protective] child welfare** services pursuant to NRS 432B.260, the agency must determine ***first and foremost*** as part of the investigation whether the child ***is safe, using the criteria outlined below, then whether the child is at risk of future harm, whether the child*** and his parents should receive protective services or ***whether the family should*** be referred to an agency which provides family assessment services.

3. If an agency which provides **[protective] child welfare** services receives a report pursuant to NRS 432B.220 or initiates an investigation pursuant to NRS 432B.260:

(a) A case worker must evaluate the familial situation to decide what needs to be done and what can be done, taking into consideration the problems and the strengths in the given situation as they relate to the neglect or abuse of the child.

(b) The child must be seen immediately if the allegations suggest imminent harm.

(c) The case worker must, when other children are in the same household, also assess the protective needs of the children who are not the subject of the report.

4. An agency which provides **[protective] child welfare** services shall have a written protocol for reports of sexual abuse which:

(a) Specifies the process of investigation and initial intervention;

(b) Contains provisions to minimize the additional trauma to a child caused by repetitive interviewing; and

(c) Specifies the roles to be played by medical providers and agencies for law enforcement and social services.

Sec. 20 NAC 432B.155 Investigation of report: Face-to-face meeting; documentation. (NRS 432B.190)

NAC 432B.155 is hereby amended to read as follows:

1. If an investigation is initiated by an agency which provides ~~protective~~ *child welfare* services pursuant to NRS 432B.260 and that investigation was initiated by telephone or a review of a case record, a face-to-face meeting with the child and his family must be attempted on the next business day and on each successive business day until the supervisor of the case manager of the case determines that a resolution has been achieved.

2. An agency which provides ~~protective~~ *child welfare* services shall document the manner in which the investigation was initiated and record in writing the information obtained.

3. As used in this section, “business day” means Monday through Friday, excluding state and federal holidays.

Sec. 21 NAC 432B.160 Conduct of evaluation and investigation of report. (NRS 432B.190)
NAC 432B.160 is hereby amended to read as follows:

1. An evaluation or investigation required by NAC 432B.150 must be conducted in such a manner as to ~~to~~:

~~—(a) [D]~~ determine how the child is being affected by the situation and whether the child is *currently safe and potentially at risk of abuse or neglect* ~~neglected or abused~~ or threatened with harm;

2. In judging the safety of a child, the following factors shall be considered:

a) the age of the child;

b) the child’s exceptional needs, including behavioral or special medical needs, that the caregiver cannot or is unable to provide;

c) the child’s need for medical care;

d) the child’s need for food, clothing or shelter or other protection from environmental hazards;

e) the child’s anxious or fearful behavior when in the home setting;

f) the family refuses access to the child or other children in the household and/or there is reason to believe the family may flee;

g) the child has sustained a serious injury or injuries that cannot be reasonably or credibly explained;

h) a weapon or other object was used in an act of child maltreatment with the intent to inflict or threaten harm;

j) an adult caregiver or household member residing in the home or a person with frequent access to the household in which the child resides, has a history of child maltreatment, violence, including domestic violence, or other behavioral indicators that may suggest that a child is in immediate danger;

i) there have been multiple reports about the safety of the child;

j) the caregiver provides a negative description of the child and has demonstrated verbal or physical threatening acts towards the child;

k) the caregiver or other persons frequently visiting the home are violent or out of control, the caregivers' lack knowledge, skill or motivation in parenting which may place the child in immediate danger;

l) the caregiver's actions or behaviors that appear to be symptomatic of mental or physical illness that may place the child in immediate danger;

o) the caregiver's justification or denial of their own harmful behavior or the harmful behavior of others that may place the child in immediate danger;

m) there has been no change or improvement in the caregiver's behavior although services have been provided;

n) the caregiver is unable or unwilling to meet child's immediate needs for food, clothing, or shelter;

o) environmental hazards place the child at immediate risk; or

p) the caregivers' suspected or immediate use of drugs or alcohol that place the child in immediate danger.

3. A child shall be considered safe when there are no threats of harm present or when the protective capacities in the family are sufficient to manage potential threats of harm. A child may be considered unsafe when the present or emerging threats of harm cannot be managed by the family's protective capacity nor does the agency's short term intervention reduce the threat of harm.

4. If the child is considered unsafe, a safety plan shall be developed to address the child's needs. While efforts should be made to make the child safe at home, the plan for the child may include removal or may result in removal if the safety plan is violated. The plan should be time-limited and temporary and not intended to address long-term risks.

~~*[(b) Determine whether the child, or any other children in the family, are in immediate danger and whether the parents can take necessary steps to correct the condition detrimental to the child or can voluntarily seek and use the help of other available services, including, without limitation, day care, public assistance, family counseling, or health or psychiatric services;*~~

~~*—(e)] 5. Once immediate safety concerns are addressed the agency shall [E]evaluate*~~
whether the parents have the capacity to change and to provide adequate care, and can begin to use the help of social work in meeting the problem, or whether, in the interest of the child, legal action must be taken to remove the child from the situation and to obtain suitable care; and

~~*[(d)-P]p*~~*provide a basis for future treatment of the problems of the parents and child.*

~~*[2.] 6.*~~ *When conducting an evaluation or investigation required by NAC 432B.150, a person shall:*

(a) Prepare appropriate documentation;

(b) Apply his knowledge of and sensitivity about different family life-styles, child-rearing patterns, and cultural and ethnic differences among families;

(c) Assess the environmental factors within the home, school, neighborhood and community that have an impact on the family;

(d) Confront and resolve conflicting opinions and values regarding appropriate standards of care for children, and exercise professional judgment without being judgmental;

(e) Establish priorities for assessment based on the evaluation of risk to the child;

(f) Demonstrate the ability to make decisions which take into account the rights and needs of children, parents and families;

(g) Commit to persistent outreach and offers of supportive and concrete services, even to hostile, resistant or apathetic families; and

(h) Recognize the limits of ~~[protective]~~ *child welfare* services for children and the parents' right to be free of involuntary services when there is no risk to the child.

Sec. 22 NAC 432B.170 Determination of case findings; entry of findings in central registry; appeal. (NRS 432B.190)

NAC 432B.170 is hereby amended as follows:

1. After the investigation of a report of the abuse or neglect of a child, an agency which provides ~~[protective]~~ *child welfare* 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 *and whether there is ~~[some]~~ credible evidence of alleged abuse or neglect of a child. ~~[(NRS 432.120 (2))]~~* The agency shall make one of the following findings *effective January 1, 2003*:

(a) ~~[The case required the involvement of the court, and the court found the abuse or neglect occurred.]~~ *The allegation of abuse or neglect is substantiated. This means that a report made pursuant to the Child Protection Act in NRS 432B was investigated and that ~~[some]~~ credible evidence of the abuse or neglect exists.*

(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.]~~ *The allegation of abuse or neglect is unsubstantiated. This means that a report made pursuant to the Child Protection Act in NRS 432B was investigated and that no credible evidence of abuse or neglect exists, including diligent efforts made when*

~~[(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) [F]~~ *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 of a child by the person responsible for the welfare of the child has been made, the agency which provides protective services shall:

(a) Provide written notification to the person concerning his right to appeal the finding; and

(b) Provide information on the appeals process.

4. A request for an appeal must be made in writing to the agency within 15 days after the date on which the written notification is sent.

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

6. Communications and requests regarding information contained in the central registry will be retained in accordance with NAC 239.

~~[PROTECTIVE]~~ CHILD WELFARE SERVICES AND CUSTODY

Sec. 23 NAC 432B.180 Assessments of risk required.

NAC 432B.180 is hereby amended to read as follows:

An assessment of risk to a child must be conducted and considered as part of ~~every~~ key decisions *in a child welfare case*. *These include* making process in the provision of protective services for the child, from intake through case closure. The assessment must be future-oriented rather than based solely on the child's injuries or current condition.

~~Determining~~ *The safety of a child must be* ~~completed~~ *assessed at all phases of child welfare intervention.* ~~This includes~~ *Including:*

1. *Initial child protective service intake;*
2. *At the time of the initial face-to-face contact with the subject of an investigation of a child protective report;*
3. *At the time of considering removal of a child from his or her home;*
~~At the time of initial placement in an unlicensed relative home and at each replacement of child in a substitute home (foster, group, institution, relative, other);~~
- ~~5.~~ 4. *Prior to unsupervised visitations between child and parent;*
- ~~6.~~ 5. *Prior to returning the child to the parent's home;*
- ~~7.~~ 6. *At any time there is a major event or life change in either the parental home or in the substitute home (birth, marriage, death, major illness, etc.);*
- ~~8.~~ 7. *Prior to each court review;*
- ~~10.~~ 8. *Whenever circumstances suggest that the child's safety may be jeopardized;*
- ~~10.~~ 9. *After reunification; and*
- ~~11.~~ 10. *At case closure.*

Sec. 24 NAC 432B.190 Requirements for case plans and agreements with parents.

NAC 432B.190 is hereby amended to read as follows:

1. When it is decided that a case is to be opened for the provision of ~~protective~~ *child welfare* services to a child, the case worker must assume responsibility for planning the ~~protective~~ *child welfare* services to be provided, whether the child remains at home, goes into foster care, or is in temporary out-of-home protective custody. It is the case worker's responsibility to determine the long-range and short-range goals to be achieved for the protection of the child and the improvement of his care.

2. All ~~protective~~ *child welfare* services for children must be delivered in a planned manner. Each case must have a written case plan which identifies barriers to the provision of a safe environment for the child, clarifies responsibilities of the involved persons to address those barriers, and defines the overall goals of the case and the step-by-step proposed actions of all persons to reach the goal within a specified time. Each case plan must be reviewed and signed by the case worker's supervisor, and updated at least every 6 months. Each case plan must include: identifying information, a statement of the goal, objectives and activities of the case, and the time to meet each goal, objective, and activity. Case plans must be realistically related to the familial situation, safeguard the child, and help the parents to gain the confidence and capacity to care appropriately for their child, and be sufficiently flexible to allow changes in the situation and the use of the services based on a continuing reevaluation of how the child is being affected.

3. Parents must be encouraged to participate in the development of a written agreement for services, which must be for a specified period of not less than 45 nor more than 90 days, to engage in a set of processes for receiving resources.

Sec. 25 NAC 432B.200 Use of family's strengths and resources.

NAC 432B.200 is hereby amended to read as follows:

When providing ~~[protective]~~ *child welfare* services to a child, a case worker shall engage the child's family in using its own strengths and resources throughout the process for planning services, by:

1. Fully exploring the needs of the child's family and alternatives to separation of the family;
2. Identifying each family member's strengths and using those strengths in the process of solving problems;
3. Developing individualized goals for services and treatment, time-limited steps to accomplish these goals, and target dates for their evaluation and completion;
4. Exploring and selecting remedial measures and resources which are based on differential use of methods of social work in accordance with varying family needs and dynamics;
5. Explaining the family's ~~[needs]~~ *strengths* and problems to community resources *that are serving the family* so that their approaches or responses to the family can be modified; and
6. Preparing the family for the use of resources and plans for monitoring and follow-up.

Sec. 26 NAC 432B.220 Objectives for children.

NAC 432B.220 is hereby amended to read as follows:

A case worker shall promote the right of a child to be with his family, fully exploring all alternatives to placement of the child outside his home. When temporary placement is necessary, it is to be made as close to the child's home as possible, with immediate plans established for the child's return home. When the child cannot be returned to his home, the case worker shall seek a permanent alternative for the child. To carry out these objectives, there must be:

1. Implementation of a specific plan of services that is responsive to the child's needs and strengths, with active involvement of the parents in the planning process;
2. Delineation, within the plan of services, of specific goals, steps to accomplishment, and target dates for completion and evaluation;
3. Full use of any community resources necessary to meet the child's needs; and
4. An arrangement of regular and frequent parental *and sibling* visits for a child who is placed out of his home.

Sec. 27 NAC 432B.230 Use of resources in community. (NRS 432B.190)

NAC 432B.230 is hereby amended to read as follows:

An agency which provides ~~[protective]~~ *child welfare* services shall:

1. Establish interagency agreements with related agencies, such as other public agencies providing social services, public agencies providing community services for mental health, *housing, employment preparation*, courts, agencies of law enforcement, health departments, schools and private agencies, to ensure that cooperative and mutually facilitative services are provided to children and families.

~~[2. Develop procedures for referral of a family to an agency which provides family assessment services.]~~

Sec. 28 NAC 432B.240 Provision of services to prevent placement of child.

NAC 432B.240 is hereby amended to read as follows:

Provision of services to prevent placement *or to promote reunification* of child.

An agency which provides services shall:

1. Provide a range of services and commit its resources to preserve a child's family and prevent inappropriate placement of the child outside his home. ~~["The agency shall ensure that placement is arranged only after services to ameliorate conditions which may necessitate placement have been provided and failed, or offered and refused, and when there is a clear danger to the physical and emotional well-being of the child."] Efforts to prevent placement are not required if there is reasonable cause to believe that immediate action is necessary to protect the child from serious injury, abuse or neglect.~~

2. Make available, through its own resources, ~~["by purchase or"]~~ by referral to another agency, a full range of services designed to prevent placement, including:

- (a) Social work and counseling;
- (b) Psychological services;
- (c) Economic assistance, including emergency short-term funding;
- (d) Preparation for employment, including training and education;
- (e) Information regarding housing and transportation;
- (f) Homemaking services;
- (g) Medical services, including outpatient psychiatric care;
- (h) Care of children during the day;
- (i) Parental education and support groups; ~~["and"]~~
- (j) Respite care~~[";"]~~;
- (k) Substance abuse services; and*
- (l) Domestic violence services.*

Sec. 29 NAC 432B.250 Voluntary placement of child.

NAC 432B.250 is hereby amended to read as follows:

1. The decision to seek voluntary placement of a child ~~["outside his home must"]~~ *may* be made only after a thorough discussion of resources available in the community, and an exploration of relatives as a resource for placement or other appropriate services to prevent an unnecessary placement in foster care.

2. ~~["Unless otherwise specified at the time of placement, the"]~~ *The* case worker and caretaker shall enter into a written agreement specifying the length of placement, *not to exceed 180 days*, and a plan of action for the return of the child. Copies of such a voluntary agreement must be provided to all parties to the agreement.

3. When the return of the child to the family is the plan, work must continue with the parents during and after placement to help them use their potential strengths to make the home safer and better for the child, integrating plans for placement with the goals of ~~["protective"]~~ *child welfare* services. ~~["When the child returns home, the case worker shall continue to help."]~~ The case worker must ascertain whether care of the child has improved in such a manner as to meet the essential standards of child care and to consolidate the gains that have been made.

Sec. 30 NAC 432B.261 Factors in consideration of permanent placement of child. (NRS 432B.190)

NAC 432B.261 is hereby amended to read as follows:

For a hearing concerning the permanent placement of a child to be held pursuant to NRS 432B.590, the ~~["division"]~~ *agency which provides child welfare services* will make its

recommendation to the court as to the most appropriate placement of the child based on the consideration by the ~~[division]~~ *agency which provides child welfare services* ~~[of]~~:

1. Whether the child should be returned to his parents;
2. Whether the child should be placed for adoption and the ~~[division]~~ *agency which provides child welfare services* should file a petition for termination of parental rights; *or*
3. Whether the child should be referred for legal guardianship. ~~[; or]~~
~~[4.]~~ *Other factors to be considered* ~~[H]~~ in cases where the ~~[division]~~ *agency which provides child welfare services* has documented to the court a compelling reason for determining that it is not in the best interests of the child to return home, whether the child should be:
 - ~~[(a)]~~ 1. Referred for termination of parental rights;
 - ~~[(b)]~~ 2. Placed for adoption;
 - ~~[(e)]~~ 3. Placed with a fit and willing relative;
 - ~~[(d)]~~ 4. Placed with a legal guardian; or
 - ~~[(e)]~~ 5. Placed in another planned permanent living arrangement.

Sec. 31 NAC 432B.262 Termination of parental rights.

NAC 432B.262 is hereby amended to read as follows:

The ~~[division]~~ *agency which provides child welfare services* will file a petition for the termination of the parental rights of the parents of a child who has been in foster care under the responsibility of the state and for whom the presumption that the best interests of the child would be served by the termination of parental rights has become effective pursuant to subsection 4 of NRS 432B.590 unless:

1. The child has been placed with a relative at the option of the ~~[division]~~ *agency which provides child welfare services*;
2. The ~~[division]~~ *agency which provides child welfare services* 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
3. The ~~[division]~~ *agency which provides child welfare services* has not, in accordance with NRS 432B.393, provided to the family of the child, consistent with the time set forth in the case plan, such services as are determined by the ~~[division]~~ *agency* to be necessary for the safe return of the child to the child's home.

Sec. 32 NAC 432B.263 Inquiry to determine whether child is an Indian child; recording of information provided by parent, legal guardian or relative of child.

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

1. For the purposes of complying with the provisions of NRS 432B.397, the agency which provides ~~[protective]~~ *child welfare* services shall, upon taking a child into protective custody, ask a parent, legal guardian or relative of the child, if available, whether the child is an Indian child.
2. If the parent, legal guardian or relative of the child indicates that the child is or may be an Indian child, the agency shall ask the person to provide the following information:
 - (a) The name and location of the tribe to which the child belongs;
 - (b) The enrollment number of the child, if the tribe to which the child belongs has assigned such a number;
 - (c) Whether the child has resided or been domiciled on a reservation or has been a ward of a tribal court;

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

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

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

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

4. As used in this section, "Indian child" has the meaning ascribed to it in NRS 432B.067.

5. *The child welfare agency will provide the court with verification of the inquiry of the Indian Child Welfare status of each child for whom a petition has been filed.*

Sec. 33 NAC 432B.300 is hereby amended to read as follows:

NAC 432B.300 Resolution of grievances.

NAC 432B.300 is hereby amended to read as follows:

An agency which provides ~~[protective]~~ *child welfare* services shall establish and maintain a *grievance [system] procedure for applicants and recipients to review any substantive action or decision affecting their services. [through which applicants for and recipients of its services may present grievances about the operation of the program of services.] The request for a grievance review must be made in writing by the client, or his representative within 30 days of the disputed action. [Whenever such an applicant or recipient makes a proper request for a hearing, the agency shall make arrangements to provide such a hearing through its regular hearing procedures or as provided by agreement with the division.] No grievance may be reviewed or resolved through the grievance procedure if:*

- 1. the client is entitled to a contested hearing;*
- 2. the matter, which would be the subject of a grievance review, is presently the subject of a court hearing;*
- 3. the client has initiated a court action or filed a notice to file a tort claim;*
- 4. the subject matter of the grievance has already been decided by a judge; or*
- 5. the subject matter of the grievance is a term or condition of a case plan or services contract with an agency which provides child welfare services.*

Sec.34 NAC 432B.310 Termination of services and closure of cases.

NAC 432B.310 is hereby amended to read as follows:

1. If a child is found to be neglected, abused, or exploited, services must be continued until the child is receiving proper care at home or elsewhere.

2. Cases must be continually assessed for achievement of the goals and objectives of the case plan. Services must be terminated when:

(a) The *caseworker*, ~~[case worker,]~~ in conference with his supervisor, determines that the goal of the case has been achieved;

(b) The child is receiving care that meets at least his minimum needs, and the parents have demonstrated their ability to continue to care for the child without the agency's services;

(c) The family requests termination and the case is one of voluntary ~~[protective]~~ *child welfare* services only;

(d) The court disposition is dismissal;

(e) The family can sustain adequate care;

- (f) It is determined that the family is unable to benefit from further services and there is no immediate likelihood of an occurrence of abuse or neglect;
 - (g) The family cannot be located in the state and reasonable efforts to locate the family in another state have failed so that referral procedures cannot be followed;
 - (h) The applicant for services or client is deceased and no other children in the family are at risk of abuse or neglect;
 - (i) An adolescent client marries, reaches 18 years of age, or becomes emancipated;
 - (j) The family moves out of the state and the case is referred to the other state for ~~protective~~ *child welfare* services; or
 - (k) The family refuses services and no legal alternative is available to the agency.
3. At all times, an effort must be made to involve the client in helping to make the decision to terminate services.
4. Following an assessment of *safety and* risks to a child, if it has been determined that the risk is minimal and the parent is protecting the child, the case may be closed.
- ~~[5. A safety assessment must be completed prior to case closure.]~~

RESIDENTIAL INSTITUTIONS

Sec. 35 NAC 432B.350 Reporting of abuse or neglect; action by agency when complaint indicates immediate danger to child.

NAC 432B.350 is hereby amended to read as follows:

1. Residential institutions may establish internal procedures for reporting the suspected abuse or neglect of a child. However, such procedures do not relieve any person from the requirements of NRS 432B.220.
2. An agency which provides ~~protective~~ *child welfare* services shall *determine if the report indicates that the safety of the child(ren) is or may be compromised and that an immediate intervention is needed to protect the child(ren).* ~~[notify the administrative office of the [division] agency within 72 hours after it receives a complaint of the abuse or neglect of a child in a residential institution.] [If the complaint reveals immediate danger to a child,]~~ *If the assessment indicates that the child may not be safe in this environment,* the agency shall ~~[Intervene immediately to protect the child]~~ *take necessary action to protect the child which could include removal of the child from danger [, such as by removing the child]* pending an investigation, or *the agency may* request ~~[ing]~~ *that* the institution ~~[to]~~ remove the alleged perpetrator *or limit his or her access to children [pending an] until the* investigation ~~[.]~~ *is completed.*

PROTECTIVE SERVICES ~~[BY DIVISION]~~ FOR CHILDREN IN FOSTER CARE OR CUSTODY OF ~~[division]~~ *AN AGENCY WHICH PROVIDES CHILD WELFARE SERVICES*

Sec 36 NAC 432B.400 Development of case plan for child receiving services.

NAC 432B.400 is hereby amended to read as follows:

1. The ~~[division]~~ *agency which provides child welfare services* will develop a *written* case plan ~~[for each child who is receiving foster care]~~ *that is jointly developed, whenever possible, with the parents or guardians of the child in foster care, with input from the child,* within ~~[60]~~ *45* days ~~[after the date on which the child was placed into the custody of the division]~~ *of the*

child's removal from the home. The case plan will assure that the child receives safe and proper care and that the parents receive services to improve the conditions of their home as well as to facilitate the child's return to his/her safe home or other permanent placement. The case plan will be updated at least once every 6 months and submitted to the court with the report required by NRS 432B.580.

2. The case plan includes a plan for assuring that the child receives safe and proper care and services are provided to the parent(s) in order to improve the conditions in the parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child.

3. ~~[2.]~~ The case plan will include:

(a) A statement addressing the long-term goals of the plan, including ~~[whether the child is to be returned to his parent, placed]~~ reunification with a parent, or permanent placement with a relative, placed for adoption, placed into a legal guardianship, ~~[placed into long term foster care, or placed into an independent living arrangement;]~~ or other permanent living arrangement;

(b) A projected time by which these goals should be achieved;

(c) A description of the current strengths of the family, and problems ~~[and obstacles]~~ which must be resolved ~~[or overcome]~~ to achieve these goals;

(d) A description of services offered or provided to ~~[the parent, child, and provider of foster care for the purpose of achieving these goals, including planned visitations between the child and his parent;]~~ prevent removal of the child from the home and to reunify the family;

(e) ~~[An assessment of how the child is currently functioning and the special needs which he may have; and]~~ A description of the type of home or institution in which the child ~~[may be]~~ is placed;

(f) A ~~[description of the child's current placement]~~ discussion about the safety and appropriateness of placement to ensure that the child receives proper care and a discussion of how the agency plans to accomplish the case plan goal;

(g) A plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care and includes a discussion of the appropriateness of the services that have been provided to the child under the plan;

(h) A written description, where appropriate for a child age 16 or over, of the programs and services which will help the child prepare for the transition from foster care to independent living;

(i) Documentation of the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home. At a minimum, such documentation shall include child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges including electronic exchange systems;

(j) A discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive and most family-like setting available and in close proximity to the home of the parent when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;

(k) A discussion about the reason why it is in the best interest of a child to be placed in a family foster home or child care institution that is a substantial distance from his/her family home or in a different state,

(l) A discussion of efforts to place sibling groups together;

(m) A discussion regarding the placement of a child placed in foster care outside of the state in which the child's parents are located, that assures that an agency caseworker of either

state visits the foster home or institution not less frequently than every 12 months and submits a report of the visit to the agency which provides child welfare services where the child's parents are located;

(n) Health and education records of the child, to the extent available and accessible including:

(1) the names and addresses of the child's health and educational providers;

(2) the child's grade level performance;

(3) the child's school record;

(4) ~~Insurance~~ a discussion regarding ~~that~~ the child's placement in foster care ~~that~~ takes into account the proximity to the school in which the child is enrolled at the time of placement;

(5) a record of the child's immunizations;

(6) the child's known medical problems;

(7) the child's medications; and

(8) any other relevant health and education information concerning the child determined to be appropriate.

(o) Includes an appropriate family visitation plan, and includes a plan for sibling visits if separated.

Sec. 37 NAC 432B.410 Provision of services to prepare child in foster care to live independently as adult.

1. The agency which provides child welfare services will provide services designed to prepare a child in foster care to live successfully and independently as an adult. These services will be provided to each child in foster care who:

(a) Is 16 years of age or older; or

(b) *Is likely to remain in foster care until age 18 although children who maintain a plan of return home or adoption are nonetheless eligible;* and

(c) Demonstrates a willingness to participate in such services.

2. Within 6 months of a child's eligibility to receive the services related to independent living pursuant to this section, the agency which provides child welfare services will assess the child's skills related to independent living.

3. The agency which provides child welfare services will ensure that each child in foster care who is eligible for services related to independent living pursuant to this section has a written case plan for his transitional independent living based on the assessment of his skills made pursuant to subsection 2.

4. The division will discontinue services related to independent living provided to the child pursuant to this section and any other assistance which it is providing to the child if:

(a) The child has achieved self-sufficiency to the extent that financial support or the services of the division are no longer needed by the child;

(b) The child refuses to participate further in services related to independent living, or refuses further financial assistance; or

(c) Has demonstrated a general inability or unwillingness to comply with the requirements for the services related to independent living, or the terms of an agreement for independent living.

Qualifications for receipt of funds.

An agency which provides child welfare services is eligible to receive funding under the federal Foster Care Independence Program. It may provide services directly and/or through contract(s) to profit or nonprofit community organizations or through fee for services contracts.

Allocation of funds.

Each state fiscal year, the Administrator will make an annual allocation, distributed quarterly, to agencies which provide child welfare services upon receipt of an acceptable program plan which is consistent with the state's five-year federal plan under the Foster Care Independence Act and includes input from representatives of public and private organizations, other federal and state programs, and young people. The allocation will be derived from the federal funds allotted to Nevada for foster youth. It will be based upon the agency's proportion of youth in foster care who have reached the 15th birthday but not the 18th birthday as reported in the Unified Nevada Information Technology for Youth computer system in the year prior to the allocation relative to the entire state population of 15- to 17-year-olds in foster care with no less than five percent of the total allotment going to each agency which provides child welfare services.

Unspent funds will revert back to the Division of Child and Family Services for distribution in the next fiscal year or returned to the Federal Government as directed.

Use of funds.

Agencies which provide child welfare services shall establish a separate program account or financial code to account for funding allocations under the Foster Care Independence Program.

No less than 90 percent of an agency's allocation shall be used for direct services.

Funds may not be used to supplant financial support for current programs.

Funds may not be used to pay for room, board, or housing assistance to a foster youth who is under 18 or is in the care and custody of the Agency which provides child welfare services.

Funds may be used for services designed to identify children who will be in foster care up to age 18 and help them make a transition to self-sufficiency; help them receive the education, training and services necessary to obtain employment; help them prepare for and enter post-secondary training and educational institutions; and provide personal and emotional support. These may include but are not limited to:

- 1. Basic living skills (money management, cooking, decision making, etc.)*
- 2. Career exploration and job seeking skills*
- 3. Training and employment services*
- 4. Obtaining high school diplomas*
- 5. Preparation for post-secondary training and education*

6. *Substance abuse prevention*
7. *Preventive health activities (including smoking avoidance, nutritional education and pregnancy prevention)*
8. *Mentors and interactions with adults*
9. *Access to and knowledge of local resources (human service agencies, medical and mental health facilities, etc.)*
 1. *Interpersonal skills*

Foster youth in the care or custody of a Nevada Indian Tribe may receive Independent Living services provided by the Agency which provides child welfare services.

Requirements for eligible youth.

Eligible youth must participate directly in designing their program activities and accept responsibility for achieving self sufficiency.

Nevada youth shall be served in the current county of residence.

Reporting.

Agencies shall maintain a record for each youth served under this program and record all relevant information in the Unified Nevada Information Technology for Youth computer system.

1. *Agencies shall track, at a minimum:*
2. *number and characteristics of youth served*
3. *type and quantity of services provided*
4. *amount of funds spent by type of service*
5. *performance on outcome measures developed by the US Department of Health and Human Services for the federal Foster Care Independence Program which include:*
 - a. *educational attainment*
 - b. *employment*
 - c. *avoidance of dependency*
 - d. *homelessness*
 - e. *nonmarital childbirth*
 - f. *incarceration*
 - g. *high-risk behaviors*

Agencies shall submit reports quarterly to the Administrator covering the items above.

On an annual basis, the Administrator may reallocate unspent funds for purposes described in this section.

Agencies shall provide to the Division additional information as needed for the five-year plan that the Division must submit to the US Department of Health and Human Services for receipt of federal Foster Care Independence Program funding.

Audit.

Agencies which provide child welfare services shall permit the Division to audit Foster Care Independence Program records, both financial and programmatic, to determine compliance with the federal Foster Care Independence Program.

Sec. 38 NAC 432B.420 Semiannual assessment of child in custody of division.

NAC 432B.420 is hereby amended to read as follows:

NAC 432B.420 **[Semiannual]** Assessment of child in custody of **[division]** agency which provides child welfare services.

1. The **[division]** agency which provides child welfare services will complete an assessment for each child in the custody of the **[division]** agency which provides child welfare services at least semiannually. The assessment will include:

- (a) The current level of functioning of the child's family;
- (b) An update of the history of the family as it pertains to the risk which prompted the placement of the child into foster care;
- (c) The current risk to the child if he were to be returned to the custody of his parents or legal guardian;
- (d) The services required to meet the child's needs as addressed in the case plan;
- (e) The strengths and resources of the family of the child which can be utilized to meet the identified needs; and
- (f) Any other information which may affect the factors set forth in paragraphs (a) to (e), inclusive, of this subsection.

2. The **[division]** agency which provides child welfare services will base its assessment of the child and his family on:

- (a) Direct interviews with family members of the child;
- (b) Personal observation of the interaction, at home and within the community, between the child and his family members;
- (c) A review of written materials, including records of the case, medical records of the child, school records, and records of the appropriate law enforcement agencies;
- (d) Contacts which the members of the child's family may have with other agencies; and
- (e) The results of referrals of family members for a specialized evaluation by a qualified professional.

Sec. 39 Unlicensed Relative Placement

The safety of child must be assessed at the time of initial placement in an unlicensed relative home.