

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

LCB File No. R045-02

June 3, 2002

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

AUTHORITY: §1, NRS 127.230; §§2-17, NRS 423.137 and 432.032; §§18-30, NRS 432.032; §§31-46, 48-63, 65-71, 73 and 74, NRS 432B.190; §47 and 72, NRS 432B.190 and 432.032; §64, NRS 432B.190 and 432B.360.

Section 1. Chapter 127 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Before a child is placed in an adoptive home, the agency which provides child welfare services shall:

(a) If the agency which provides child welfare services determines it is necessary, provide counseling for the child and training or counseling for the prospective adoptive family; and

(b) Ensure that the adoptive family is provided with the information regarding the background of the child set forth in NAC 127.255 and any other written records relevant to the care of the child, including, without limitation, education records.

2. As used in this section, “education records” means a report card or other report of progress and an individual education plan, if applicable.

Sec. 2. Chapter 423 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this regulation.

Sec. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 4. “Administrator” means the administrator of the division.

Sec. 5. “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 6. “Division” means the division of child and family services of the department of human resources.

Sec. 7. “Former foster youth” means a person who attained the age of 18 years while in the custody of an agency which provides child welfare services or in foster care provided by an Indian tribe as defined in NRS 383.150 and who has not attained the age of 21 years.

Sec. 8. “Self-sufficiency program” means a program established:

1. For the purpose of assisting a former foster youth to attain economic self-sufficiency by providing goods and services to him, including, without limitation, job training, housing assistance, case management and medical insurance; and

2. With money disbursed by the administrator as set forth in section 11 of this regulation.

Sec. 9. An agency which provides child welfare services that wishes to provide a self-sufficiency program must provide goods and services to former foster youths for the purpose of assisting the former foster youths to attain economic self-sufficiency, including, without limitation, job training, housing assistance, case management and medical insurance. The agency may provide those goods and services directly or through a contract or agreement with a nonprofit community organization.

Sec. 10. 1. *In addition to the requirements set forth in section 9 of this regulation, an agency which provides child welfare services that wishes to provide a self-sufficiency program must establish an oversight committee that consists of at least:*

- (a) One child in foster care;*
- (b) One former foster youth; and*
- (c) One caseworker who provides child welfare services to older children in foster care.*

2. *The oversight committee shall:*

(a) Develop a plan for the self-sufficiency program that is consistent with the state plan submitted to the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677;

(b) Update the plan developed pursuant to paragraph (a) on or before April 1 of each year;
and

(c) Meet at least two times a year to review the progress of the self-sufficiency program.

3. *The plan developed pursuant to subsection 2 must include a description of:*

- (a) The manner in which the needs of former foster youth will be assessed;*
- (b) A procedure to be used to involve former foster youth in designing the activities of the self-sufficiency program;*
- (c) The manner in which former foster youth will access goods and services; and*
- (d) The goals and objectives of the self-sufficiency program.*

Sec. 11. 1. *At the beginning of each fiscal year, the administrator shall determine the amount of money in the account established pursuant to NRS 423.137 and received from the Federal Government pursuant to 42 U.S.C. § 677 to assist former foster youth to be disbursed quarterly that year to each agency which provides child welfare services that wishes to provide or that provides a self-sufficiency program. To receive such a disbursement, the agency must:*

- (a) Satisfy the requirements set forth in sections 9 and 10 of this regulation;*
- (b) Submit to the division a written request for a disbursement from the account established pursuant to NRS 423.137 as required by that section; and*
- (c) Submit to the division a satisfactory plan for the self-sufficiency program or an update of such a plan developed pursuant to section 10 of this regulation.*

2. Except as otherwise provided in this subsection, the administrator shall base the determination made pursuant to subsection 1 upon the proportion of children in foster care who are in the custody of the agency and who will attain the age of 17 years in the year preceding the determination relative to the number of children in foster care in this state who will attain the age of 17 years in the year preceding the determination. Each agency which provides child welfare services that receives a disbursement of money pursuant to this section must receive not less than 10 percent of the total amount of money available for disbursement pursuant to this section.

Sec. 12. *An agency which provides child welfare services that provides a self-sufficiency program and wishes to receive a disbursement pursuant to section 11 of this regulation during the next fiscal year must submit to the division an updated plan for the self-sufficiency program on or before May 1 of the immediately preceding fiscal year.*

Sec. 13. 1. *An agency which provides child welfare services shall account separately for money disbursed to the agency pursuant to section 11 of this regulation.*

2. Not less than 90 percent of the money disbursed to an agency which provides child welfare services pursuant to section 11 of this regulation must be used for services provided directly by the agency or by a nonprofit community organization pursuant to a contract or other agreement entered into with the agency.

3. The money disbursed pursuant to section 10 of this regulation must be used for the purpose required by NRS 423.137 which may include obtaining goods and services for former foster youth, including, without limitation:

- (a) Room and board;*
- (b) Housing assistance;*
- (c) Job training;*
- (d) Vocational services, including, without limitation, job placement assistance;*
- (e) Educational assistance;*
- (f) Medical insurance;*
- (g) Services to reduce high-risk behaviors in the former foster youth; and*
- (h) Mental health services.*

Sec. 14. 1. *Each former foster youth who wishes to obtain goods or services from a self-sufficiency program provided by an agency which provides child welfare services must:*

- (a) Submit a signed, written release authorizing the agency which provides child welfare services to verify that he was formerly in foster care;*
- (b) Participate directly in designing his program activities and accept responsibility for achieving self-sufficiency; and*
- (c) Obtain goods or services pursuant to a self-sufficiency program provided by an agency which provides child welfare services that is located in the county in this state in which he resides at the time of obtaining those goods or services regardless of which county in this state the former foster youth resided in on his 18th birthday.*

2. *The agency which provides child welfare services that provides a self-sufficiency program shall request that each former foster youth who wishes to obtain goods or services*

from the self-sufficiency program sign an agreement stating that he will participate in any evaluations or other studies conducted pursuant to the self-sufficiency program.

3. An agency which provides child welfare services must not deny goods or services to a former foster youth based on a failure to sign an agreement described in subsection 2.

Sec. 15. *1. An agency which provides child welfare services that provides a self-sufficiency program shall establish and maintain a record for each former foster youth served pursuant to the self-sufficiency program.*

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the self-sufficiency program to the administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of former foster youth who received goods or services pursuant to the self-sufficiency program;

(b) The type and quantity of goods or services provided to the former foster youth;

(c) The amount of money spent pursuant to the self-sufficiency program reported by type of good or service provided; and

(d) The success of the self-sufficiency program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the division such additional information as the division may require.

Sec. 16. The administrator may, on an annual basis, disburse to an agency which provides child welfare services in the manner described in section 11 of this regulation and for the purposes described in section 13 of this regulation any unspent money in the account established pursuant to NRS 423.137 or received from the Federal Government pursuant to 42 U.S.C. § 677 to assist former foster youth.

Sec. 17. The division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of this chapter, chapter 423 of NRS and 42 U.S.C. § 677. The records that are subject to such an audit include, without limitation, information contained in the files of the agency which provides child welfare services relating to a self-sufficiency program provided by the agency.

Sec. 18. Chapter 432 of NAC is hereby amended by adding thereto the provisions set forth as sections 19 to 30, inclusive, of this regulation.

Sec. 19. As used in sections 19 to 30, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 20 to 23, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 20. “Administrator” means the administrator of the division.

Sec. 21. “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 22. “Division” means the division of child and family services of the department of human resources.

Sec. 23. “Program” means a program established with money received from the Federal Government pursuant to 42 U.S.C. § 677 and disbursed by the administrator as set forth in section 25 of this regulation.

Sec. 24. An agency which provides child welfare services that wishes to provide a program must provide services to identify children in foster care who are likely to remain in foster care until 18 years of age and assist those children in making the transition from foster care to economic self-sufficiency. The agency may provide those services:

- 1. Directly;*
- 2. Through a contract or agreement with a nonprofit community organization; or*
- 3. Through a contract in which the services are provided on a fee-for-service basis.*

Sec. 25. 1. At the beginning of each fiscal year, the administrator shall determine the amount of money received from the Federal Government pursuant to 42 U.S.C. § 677 to be disbursed quarterly that year to each agency which provides child welfare services that wishes to provide a program. To receive such a disbursement, the agency must submit to the division:

- (a) A written request for such a disbursement; and*
- (b) A satisfactory plan for the program which is:*

(1) Developed with the input and participation from young persons and representatives of public and private organizations and other federal and state programs; and

(2) Consistent with the state plan submitted to the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677.

2. Except as otherwise provided in this subsection, the administrator shall base the determination made pursuant to subsection 1 upon the proportion of children in foster care who are in the custody of the agency which provides child welfare services and who are at least 15 years of age but are not more than 17 years of age in the year preceding the determination relative to the number of children in foster care in this state who are at least 15 years of age but are not more than 17 years of age in the year preceding the determination.

Each agency which provides child welfare services that receives a disbursement of money pursuant to this section must receive not less than 5 percent of the total amount of money available for disbursement pursuant to this section.

Sec. 26. 1. *An agency which provides child welfare services shall account separately for money disbursed to the agency pursuant to section 25 of this regulation.*

2. Not less than 90 percent of the money disbursed to an agency which provides child welfare services pursuant to section 25 of this regulation must be used for services provided directly:

(a) By the agency;

(b) By a nonprofit community organization pursuant to a contract or other agreement entered into with the agency; or

(c) Pursuant to a contract in which the services are provided on a fee-for-service basis.

3. The money disbursed pursuant to section 25 of this regulation must be used to identify children who are likely to remain in foster care until they are 18 years of age and to assist those children to make the transition from foster care to economic self-sufficiency by providing services, which may include, without limitation, services relating to:

(a) Obtaining skills required for daily living, including, without limitation, budgeting and financial management;

(b) Career exploration;

(c) Job training;

(d) Obtaining a vocation, including, without limitation, job placement assistance;

(e) Obtaining a high school diploma;

(f) Preparation for postsecondary training and education;

(g) Prevention of substance abuse;

(h) Preventative health activities, including, without limitation, abstention from smoking, nutritional education and prevention of pregnancy;

(i) Providing personal and emotional support through mentors and interactions with adults;

(j) Obtaining knowledge concerning resources that are available locally, including, without limitation, human service agencies and facilities that provide medical and mental health services; and

(k) Obtaining interpersonal skills.

4. The money disbursed pursuant to section 25 of this regulation must not be used to:

(a) Supplant money available from other sources for current programs; or

(b) Pay for the room and board or other housing assistance of a child in foster care who is under 18 years of age and is in the care and custody of an agency which provides child welfare services.

5. If the agency has not spent the total amount of money disbursed to it pursuant to section 25 of this regulation by the end of the fiscal year in which the money was disbursed, the agency shall remit to the administrator the unspent portion of the money that was disbursed.

Sec. 27. 1. *A child in foster care who is eligible and who wishes to obtain services from a program provided by an agency which provides child welfare services must:*

(a) Participate directly in designing his program activities and accept responsibility for achieving self-sufficiency; and

(b) Obtain services pursuant to a program provided by an agency which provides child welfare services that is located in the county in this state in which he resides at the time of obtaining those services.

2. A child in foster care provided by an Indian tribe as defined in NRS 383.150 may obtain services from a program provided by an agency which provides child welfare services if he is otherwise eligible and satisfies the requirements set forth in subsection 1.

Sec. 28. *1. An agency which provides child welfare services that provides a program shall establish and maintain a record for each child in foster care served pursuant to the program.*

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the program to the administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of the children in foster care who received goods or services pursuant to the program;

(b) The type and quantity of goods or services provided to the children in foster care;

(c) The amount of money spent pursuant to the program reported by type of good or service provided; and

(d) The success of the program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the division such additional information as the division may require.

Sec. 29. The administrator may, on an annual basis, disburse any unspent money obtained from the Federal Government pursuant to 42 U.S.C. § 677 to an agency which provides child welfare services in the manner described in section 25 of this regulation and for the purposes described in section 26 of this regulation.

Sec. 30. The division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of 42 U.S.C. § 677. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to a program provided by the agency.

Sec. 31. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 32 to 41, inclusive, of this regulation.

Sec. 32. "Administrator" means the administrator of the division.

Sec. 33. "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

Sec. 34. As used in NRS 432B.090, the division interprets the term "disfigurement" to mean a mark, welt, abrasion, scar, bruise or deformity that:

1. Damages the appearance of a person wherever it is located on the body of the person;
or

2. Limits the bodily functions of the person.

Sec. 35. 1. After a petition for termination of the parental rights has been filed pursuant to NAC 432B.262, the caseworker assigned to the child and the supervisor of the caseworker shall document any progress made towards completing an adoption or plan for the

permanent placement of the child, giving preference to prospective parents to whom the child is known.

2. If a child has not been placed into an adoptive home within 90 days after the termination of parental rights, the agency which provides child welfare services shall:

(a) Identify and document the obstacles to placement of the child; and

(b) Specify the steps that will be taken to find an appropriate home for the child.

3. The information set forth in subsection 2 must be reported to the court at the hearing conducted pursuant to NRS 432B.590.

Sec. 36. 1. *Except as otherwise provided in this subsection, to ensure the safety of the child, an agency which provides child welfare services shall not close a case concerning a child who has been placed in foster care for at least 6 months after it is opened. The agency which provides child welfare services may close a case concerning a child who is placed in foster care if instructed to do so by the court.*

2. A caseworker shall visit the home of each child who is placed into protective custody at least monthly.

Sec. 37. 1. *An agency which provides child welfare services shall ensure that:*

(a) A caseworker visits each child placed in foster care at least monthly;

(b) At least bimonthly, the visit conducted pursuant to paragraph (a) takes place in the home in which the foster care is provided; and

(c) A caseworker spends at least a portion of each visit conducted pursuant to paragraph (a) alone with the child.

2. The caseworker shall document the results of each visit conducted pursuant to subsection 1.

3. *When a child is in foster care, the agency which provides child welfare services shall ensure that services are delivered to the child and his parents in accordance with the terms of the case plan developed pursuant to NAC 432B.400. If the child or his parents refuse to participate in the services, the caseworker shall document the efforts used by the agency which provides child welfare services to involve the child and his parents in the services and the responses of the child and his parents to those efforts.*

4. *When a child is in foster care, the caseworker assigned to the child and the supervisor of the caseworker shall each document his review of the progress of the family of the child at least quarterly. Before a child is returned to the home of his parent, the caseworker shall:*

(a) Complete an assessment of the safety of the child; and

(b) If he determines it is necessary, ensure that a safety plan is implemented by the parent of the child.

Sec. 38. *1. Before an agency which provides child welfare services places a child who is in the custody of the agency in the home of a relative of the child who is not licensed pursuant to NRS 424.030 and who resides in this state, the requirements set forth in this section and section 39 of this regulation must be satisfied.*

2. Each member of a household described in subsection 1 who is 18 years of age or older must submit to the agency which provides child welfare services or its approved designee a complete set of his fingerprints and written permission authorizing the agency or its approved designee to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report. The agency or its approved designee may exchange with the central repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted. When a report from the

Federal Bureau of Investigation is received by the central repository, it shall immediately forward a copy of the report to the agency or its approved designee.

3. A local law enforcement agency must have provided to the agency which provides child welfare services a satisfactory report concerning each member of such a household who is 18 years of age or older.

4. The agency which provides child welfare services must have received a satisfactory clearance through the statewide central registry established pursuant to NRS 432.100 on each member of such a household who is 18 years of age or older.

5. The home must satisfy the requirements set forth in:

(a) NAC 424.400 for safety equipment, including, without limitation, smoke detectors and fire extinguishers; and

(b) NAC 424.420, as applicable, relating to pools and spas.

Sec. 39. 1. *A child who is in the custody of an agency which provides child welfare services must not be placed in the home of a relative of the child who is not licensed pursuant to NRS 424.030 and who resides in this state, if the relative of the child or any member of the household who is 18 years of age or older has a felony conviction for, has charges pending against him for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him for a felony conviction for:*

(a) Child abuse or neglect;

(b) Spousal abuse;

(c) Any crime against children, including, without limitation, child pornography;

(d) Any crime involving violence other than an offense set forth in paragraph (e), including, without limitation, rape, sexual assault or homicide; or

(e) Assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years, unless the administrator or designee of the administrator approves the placement. The administrator or his designee may approve the placement if such an approval is in the best interest of the child.

FLUSH

2. A child who is in the custody of the agency which provides child welfare services must not be placed in the home of a relative of the child who is not licensed pursuant to NRS 424.030 and who resides in this state, if the relative of the child or any member of the household who is 18 years of age or older:

(a) Has been convicted of a crime involving harm to a child other than a crime set forth in subsection 1;

(b) Has charges pending against him for a crime involving harm to a child other than a crime set forth in subsection 1; or

(c) Has been arrested and is awaiting final disposition of the charges pending against him for a crime involving harm to a child other than a crime set forth in subsection 1, unless the administrator or designee of the administrator approves the placement.

FLUSH

Sec. 40. *The agency which provides child welfare services shall assess the safety of a child at the time of the initial placement in the home of a relative of the child who is not licensed pursuant to NRS 424.030 and who resides in this state.*

Sec. 41. *The agency which provides child welfare services shall assess the safety of a child who is the subject of a report made pursuant to NRS 432B.220 or an investigation initiated pursuant to NRS 432B.260 at each phase of intervention in which child welfare services are provided. Those phases include, without limitation:*

1. *The initial intake for protective services performed by the agency;*
2. *The initial face-to-face contact with the child;*
3. *Any time the agency is considering removal of the child from the custody of his parents;*
4. *Before any unsupervised visitations between the child and his parents;*
5. *Before returning the child to the custody of his parents;*
6. *Any time a significant event or change occurs that affects the household of a parent of the child or a foster parent or other provider of substitute care for the child, including, without limitation, a birth, marriage, death or major illness;*
7. *Before each court review conducted by a court pursuant to NRS 432B.580 or 432B.590;*
8. *Any time, as determined by the agency, there is an indication that the safety of the child may be jeopardized;*
9. *After reunification of the family of the child; and*
10. *The closure of a case for the provision of child welfare services to a child.*

Sec. 42. NAC 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432B.011 to 432B.017, inclusive, *and sections 32 and 33 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 43. NAC 432B.013 is hereby amended to read as follows:

432B.013 “Agency which provides family assessment services” means ~~fa person who~~ *an agency which* has entered into a written agreement with an agency which provides 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.]~~ 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 services ~~[.]~~; *or*

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

Sec. 44. NAC 432B.017 is hereby amended to read as follows:

432B.017 “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 which provides child welfare services* for a child in the custody of the ~~[division.]~~ *agency which provides child welfare services* pursuant to NRS 127.050 or 432B.550, or for whom the ~~[division.]~~ *agency which provides child welfare services* is responsible pursuant to NRS 432B.360.

Sec. 45. NAC 432B.030 is hereby amended to read as follows:

432B.030 1. The evaluation required by subsection 6 of NRS 432B.180 must:

(a) Include:

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

(2) An assurance that each agency which provides child welfare services is complying with ~~[statutory requirements, regulations and contractual]~~ *this chapter, chapter 432B of NRS, any other applicable state and federal law, and any written* agreements *entered into* with the *division or the* department of human resources.

(b) Be conducted by ~~[review]~~ *audit* teams composed of ~~[representatives]~~ :

(1) *Representatives* from the division ~~[, a]~~ ;

(2) *A* representative of the agency being reviewed ; and ~~[a]~~

(3) *A* representative from a related discipline, ~~[such as]~~ *including, without limitation,* law enforcement, mental health, a medical program or a school district.

2. Each ~~[review]~~ *audit* team *described in subsection 1* shall provide a written evaluation of the ~~[review]~~ *audit* to the agency *which provides child welfare services* being ~~[reviewed]~~.

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

~~—(a) Establish] audited.~~

3. *Within 30 days after the completion of an audit performed pursuant to subsection 1, the division will issue a written notice to the agency which provides child welfare services if the division determines as a result of the audit that the agency is not in compliance with the provisions of this chapter, chapter 432B of NRS, any applicable state or federal law, or any written agreements entered into with the division or the department of human resources. The notice must set forth the nature of the noncompliance.*

4. *Within 30 days after receipt of a notice issued pursuant to subsection 3, the agency which provides child welfare services shall submit to the division a plan of corrective action for the areas of noncompliance.*

~~[(b) As needed, seek consultative services]~~ *The agency may use the services of a consultant to carry out the plan of corrective action. [The] Upon request by an agency which provides child welfare services, the division will provide to the agency assistance [if requested. Each review] relating to carrying out its plan of corrective action.*

5. *Each audit team shall reevaluate the areas of noncompliance within 4 to [9] 6 months after the [review. The maximum time to take] completion of the audit. The agency which provides child welfare services shall complete the corrective action [is 9 months.] within 6 months after completion of the audit.*

6. *The division may, pursuant to subsection 6 of NRS 432B.180, withhold money from an agency which provides child welfare services based upon the failure of the agency to complete the corrective action within the period set forth in subsection 5.*

Sec. 46. NAC 432B.050 is hereby amended to read as follows:

432B.050 A plan submitted pursuant to NRS 432B.395 *must be submitted by May 1 of each year and* must:

1. Describe how the agency which provides 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 of the child;*
- (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;

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

~~[(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 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 child welfare services will ensure compliance with NRS 432B.540.

Sec. 47. NAC 432B.060 is hereby amended to read as follows:

432B.060 An agency which provides 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.]~~ *federal money for services and activities relating to child welfare.*

Sec. 48. NAC 432B.070 is hereby amended to read as follows:

432B.070 1. An agency which provides 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]~~ *child welfare* 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 services for children in a family,]~~ *child welfare services for a child*, 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 the personnel of the agency and providers of foster care.

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

432B.080 An agency which provides 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. *Submit an annual report to the division on or before May 1 of each year that sets forth the efforts made by the agency which provides child welfare services concerning the prevention of abuse and neglect.*

Sec. 50. NAC 432B.090 is hereby amended to read as follows:

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

2. An agency which provides child welfare services shall:

(a) Assess the needs of its staff for development and training every 2 years. The agency shall ensure that each new member of its staff engaged in ~~protective services for children~~ *child welfare services* 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 services for children~~ *child welfare services* must obtain ~~16 annual~~ 30 hours *biennially* 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 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. 51. NAC 432B.110 is hereby amended to read as follows:

432B.110 1. Members of the supervisory staff of an agency which provides 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 services for children]~~ *child welfare services* 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 work as an associate in social work and 3 years of related experience.

Sec. 52. NAC 432B.120 is hereby amended to read as follows:

432B.120 1. Members of the staff of an agency which provides 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 victims or the subject of a report made pursuant to NRS 432B.220;*

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

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

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

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.

Sec. 53. NAC 432B.1358 is hereby amended to read as follows:

432B.1358 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 child welfare services regarding the alleged abuse or neglect of children;

(b) Providing family assessments;

(c) Forwarding reports to an agency which provides 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. 54. NAC 432B.1366 is hereby amended to read as follows:

432B.1366 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.

(e) The agency which provides family assessment services shall forward a copy of the assessment to an agency which provides child welfare services.

2. ~~[If]~~ *Except as otherwise required by NRS 432B.220, if*, during the course of the assessment, it is determined by the agency *which provides family assessment services* that the child has been injured or is at risk ~~[for]~~ *of* serious harm, ~~[a record of the assessment will be immediately forwarded]~~ *the agency shall report the abuse or neglect* to an agency which provides child welfare services for an investigation in accordance with NAC 432B.150.

3. *If, during the course of the assessment, it is determined by the agency which provides family assessment services 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, the agency which provides family assessment services may provide those services to the family.*

Sec. 55. NAC 432B.150 is hereby amended to read as follows:

432B.150 1. If an agency which provides 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 child welfare services pursuant to NRS 432B.260, the agency must determine , *in the order of priority that follows*, as part of the investigation whether ~~[the child and his]~~ :

(a) *The child is safe considering the factors set forth in NAC 432B.160;*

(b) *The child is at risk of future harm; and*

(c) *The child and his* parents should receive ~~[protective]~~ *child welfare* 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]~~ *caseworker* 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]~~ *caseworker* 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 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. 56. NAC 432B.160 is hereby amended to read as follows:

432B.160 1. An evaluation or investigation required by NAC 432B.150 must be conducted in such a manner as to ~~f~~:

~~—(a) Determine]~~ *determine* how the child is being affected by the situation and whether the child is ~~[neglected or abused or threatened]~~:

(a) Currently safe;

(b) At risk of abuse or neglect; or

(c) Threatened with harm . ~~f~~;

~~—(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;~~

~~—(c)]~~ 2. *In determining whether the child is currently safe, the agency which provides child welfare services shall consider:*

(a) The age of the child;

(b) Any exceptional needs of the child that the caregiver cannot satisfy, including, without limitation, needs relating to behavioral or medical problems;

(c) The need of the child for medical care;

(d) Any need of the child for food, clothing, shelter or protection from environmental hazards;

(e) An observation of anxious or fearful behavior on the part of the child when the child is in his home;

(f) Any refusal by the family to allow the agency which provides child welfare services access to the child who is the subject of the evaluation or investigation or other children in the household or whether the agency has reason to believe that the family may flee;

(g) Whether the child has sustained a serious injury for which there is no reasonable or credible explanation;

(h) Whether a weapon or other object was used in any act of maltreatment of the child who is the subject of the evaluation or investigation;

(i) Whether an adult caregiver, any member of the household who resides in the home, or a person with frequent access to the household in which the child who is the subject of the evaluation or investigation resides has a history that includes any act of maltreatment of a child, violence, including, without limitation, domestic violence, or has any other behavioral indicators that may suggest that the child is in immediate danger;

(j) Whether the agency has received multiple reports concerning the safety of the child pursuant to NRS 432B.220 or from a law enforcement agency;

(k) Whether the caregiver of the child who is the subject of the evaluation or investigation provides a negative description of the child and has acted threateningly towards the child either verbally or physically;

(l) Whether the caregiver of the child or any other person who frequently visits the household in which the child who is the subject of the evaluation or investigation resides is violent or loses control of his temper;

(m) Whether a caregiver of the child lacks knowledge, skill or motivation relating to parenting;

(n) Whether the actions or behaviors of the caregiver of the child appear to be symptomatic of a mental or physical illness;

(o) Any justification or denial by the caregiver of the child relating to the harmful behavior of the caregiver or the harmful behavior of other persons;

(p) Whether there has been any change or improvement in the behavior of the caregiver of the child after child welfare services have been provided to the caregiver;

(q) Whether the caregiver of the child is unable or unwilling to satisfy the immediate needs of the child for food, clothing or shelter;

(r) Any environmental hazards;

(s) Any suspected or immediate use of drugs or alcohol by the caregiver of the child; and

(t) Such other information as the agency considers necessary to make its determination.

3. If the agency determines that the child is unsafe in his home, the agency shall establish a safety plan to address the immediate safety concerns of the child. The plan:

(a) Must be established, if possible, to allow the child to remain in his home;

(b) Must be time-limited;

(c) Must not be established as a means to address risks of future harm to the child; and

(d) May include removal of the child from his home initially or as a result of a violation of the plan.

4. After the agency addresses the immediate safety concerns of the child who is the subject of the evaluation or investigation, the agency shall:

(a) 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) Provide~~

(b) *Use the evaluation or investigation as* a basis for future treatment of the problems of the parents and child.

~~[2.]~~ 5. 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 services for children}~~ *child welfare services* and the parents' right to be free of involuntary services when there is no risk to the child.

Sec. 57. NAC 432B.170 is hereby amended to read as follows:

432B.170 1. After the investigation of a report of the abuse or neglect of a child, an agency which provides 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 credible evidence of alleged abuse or neglect of the child.* 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 is substantiated; or*~~

(b) The allegation of abuse or neglect ~~[because it was unable to locate the child or the person responsible for the welfare of the child.] is unsubstantiated.~~

2. The agency which provides child welfare 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 child welfare 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. A communication or request relating to information contained in the central registry established pursuant to NRS 432.100 must be retained in the manner set forth in chapter 239 of NAC.

7. As used in this section:

(a) "Substantiated" means that a report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists.

(b) "Unsubstantiated" means that a report made pursuant to NRS 432B.220 was investigated and that no credible evidence of the abuse or neglect exists. The term includes efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child.

Sec. 58. NAC 432B.180 is hereby amended to read as follows:

432B.180 An assessment of risks to a child must be conducted and considered as part of ~~every decision-making process in~~ *each significant decision made in a child welfare case.*

Those decisions include the provision of ~~protective~~ *child welfare* 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.

Sec. 59. NAC 432B.190 is hereby amended to read as follows:

432B.190 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~~ *caseworker* 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 *of the caseworker* 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 services for children~~ *child welfare services* 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,~~ *supervisor of the caseworker* 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. 60. NAC 432B.200 is hereby amended to read as follows:

432B.200 When providing ~~[protective]~~ *child welfare* services to a child, a ~~[case worker]~~ *caseworker* 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 *the* 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. 61. NAC 432B.220 is hereby amended to read as follows:

432B.220 A ~~[case worker]~~ *caseworker* 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~~ *caseworker* 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~~ visits *with his parents and siblings* for a child who is placed out of his home.

Sec. 62. NAC 432B.230 is hereby amended to read as follows:

432B.230 An agency which provides child welfare services shall ~~;~~
~~—1.— Establish~~ *establish* interagency agreements with related agencies, ~~[such as]~~ *including, without limitation,* other public agencies providing social services, public agencies providing community services for mental health, *public agencies providing housing, public agencies providing preparation for employment,* 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. 63. NAC 432B.240 is hereby amended to read as follows:

432B.240 An agency which provides *child welfare* 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.]~~ *The agency is not required to make efforts to prevent placement of a child outside his home 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 ~~and~~;

(k) Services for the treatment of substance abuse; and

(l) Services to victims of domestic violence or treatment of persons who commit domestic violence.

Sec. 64. NAC 432B.250 is hereby amended to read as follows:

432B.250 1. The decision to seek voluntary placement of a child ~~[outside his home must]~~ *in foster care 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 case worker]~~ *The caseworker* and *the* caretaker shall enter into a written agreement specifying the length of placement, *which may not 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 services. When the child returns home, the case worker shall continue to help. The case worker]~~ *child welfare services. The caseworker* 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. 65. NAC 432B.261 is hereby amended to read as follows:

432B.261 For a hearing concerning the permanent placement of a child to be held pursuant to NRS 432B.590, the ~~[division will]~~ *agency which provides child welfare services shall* 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;

3. Whether the child should be referred for legal guardianship; or

4. 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) Referred for termination of parental rights;
- (b) Placed for adoption;
- (c) Placed with a fit and willing relative;
- (d) Placed with a legal guardian; or
- (e) Placed in another planned permanent living arrangement.

Sec. 66. NAC 432B.262 is hereby amended to read as follows:

432B.262 The ~~[division-will]~~ *agency which provides child welfare services shall* 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 which provides child welfare services* to be necessary for the safe return of the child to the child's home.

Sec. 67. NAC 432B.263 is hereby amended to read as follows:

432B.263 1. For the purposes of complying with the provisions of NRS 432B.397, the agency which provides child welfare services shall, upon taking a child into protective custody, ask a parent, legal guardian or relative of the child, if available, whether 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. *The agency shall provide the court with verification that the inquiries set forth in subsections 1 and 2, as applicable, were made for each child for whom a petition has been filed.*

5. As used in this section, “Indian child” has the meaning ascribed to it in NRS 432B.067.

Sec. 68. NAC 432B.300 is hereby amended to read as follows:

432B.300 *1.* An agency which provides child welfare services shall establish and maintain a ~~[system through which applicants for and recipients]~~ *procedure for the review of a grievance of an applicant for or recipient* of its services . ~~[may present grievances about the operation of the program of service . 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.]~~

2. *An applicant for or recipient of the services of an agency which provides child welfare services who wishes to obtain a review of a grievance concerning an action or decision of the agency affecting the services that may or are being provided to the applicant or recipient must file a written request with the agency which provides child welfare services within 30 days after the date on which the action or decision that is the subject of the grievance occurred or was made.*

3. *A grievance must not be resolved through a process of review established pursuant to this section if:*

(a) The applicant or recipient is entitled to a hearing because the grievance constitutes a contested case as defined in NRS 233B.032;

(b) The matter which is the subject of the grievance is presently the subject of a proceeding before a court of competent jurisdiction;

(c) The applicant or recipient has initiated an action or proceeding in a court of competent jurisdiction to resolve the matter which is the subject of the grievance;

(d) The subject of the grievance has already been decided by a court of competent jurisdiction; or

(e) The subject of the grievance is a term or condition of a case plan or written agreement for services entered into with an agency which provides child welfare services.

Sec. 69. NAC 432B.310 is hereby amended to read as follows:

432B.310 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 ~~[case worker,]~~ *caseworker*, 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 *the* 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]~~ *Except as otherwise provided in section 35 of this regulation, after* an assessment of *safety and an assessment of risks of future harm* to a child ~~[,]~~ *have been completed*, if it has been determined that ~~[the]~~ :

(a) *The child is safe;*

(b) *The risk of future harm to the child* is minimal ; and ~~[the]~~

(c) *The* parent is protecting the child,

FLUSH the case may be closed.

Sec. 70. NAC 432B.350 is hereby amended to read as follows:

432B.350 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 child welfare services shall ~~[notify the administrative office of the division 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,]~~ *determine if such a report received from a residential institution indicates that the safety of the child is or may be*

compromised and that an immediate intervention is needed to protect the child. If the assessment indicates that the child may not be safe in this environment, the agency shall ~~intervene immediately~~ take such action as it determines is necessary to protect the child . ~~such as by~~ The action taken by the agency to protect the child may include, without limitation, removing the child pending an investigation or requesting that the institution ~~to~~ remove the alleged perpetrator ~~pending~~ or limit the access of the alleged perpetrator to the child until an investigation ~~is~~ is completed.

Sec. 71. NAC 432B.400 is hereby amended to read as follows:

432B.400 1. The ~~division will~~ agency which provides child welfare services shall develop a *written* case plan for ~~each child who is receiving foster care within 60~~ a child within 45 days after the date on which the child ~~was placed into the custody of the division.~~ is removed from his home. The case plan ~~will be~~ :

(a) *Must:*

(1) *If possible, be developed jointly with a parent or guardian of the child who is receiving foster care; and*

(2) *Be developed with input from the child;*

(b) *Must include a plan to ensure that:*

(1) *The care that the child receives is safe and proper; and*

(2) *The parent or guardian of the child receives services to improve the condition of the home as well as to facilitate the safe return of the child to his home or another permanent placement; and*

(c) *Must 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 ~~[will]~~ *developed pursuant to subsection 1 must* include:

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

~~—(e) An assessment of how the child is currently functioning and the special needs which he may have; and~~

~~—(f)] prevent removal of the child from his home and to reunify the family of the child;~~

(e) A description of the ~~[child's current placement.]~~ *type of home or institution in which the child is placed;*

(f) *A description of the safety and appropriateness of the placement to ensure that the child receives proper care, including, without limitation, a description of the manner in which the agency will accomplish this goal;*

(g) *A description of the manner in which the agency will ensure that services are provided to the child and the foster parents which address the needs of the child while in foster care,*

including, without limitation, the appropriateness of services that have been provided pursuant to the case plan;

(h) A description, as applicable, of the programs and services which will assist a child in foster care who is 16 years of age or older prepare for the transition from foster care to independent living;

(i) If the goal of the case plan is adoption or placement in another permanent home, a description of the steps that will be taken to finalize the adoption or placement, including any steps that will be taken to recruit adoptive parents through the use of electronic or other types of state, regional and national adoption exchanges, or by other means;

(j) A description of the manner in which a placement will be made and the reasons that such a placement will be in the best interest of the child, with particular consideration given to a placement that is safe and in the least restrictive familial environment available;

(k) In addition to the factors set forth in paragraph (j), if the goal of the case plan is reunification of the child and his family, the description provided pursuant to paragraph (j) must indicate that particular consideration will be given to a placement that is in close proximity to the home of the parent of the child;

(l) If the child will be placed in a family foster home or institution for child care that is located a substantial distance from or in a different state than where the family of the child resides, a description of the reasons that such a placement will be in the best interest of the child;

(m) If a child is placed in a family foster home or institution for child care that is located in a different state than where the parents of the child reside, a description of the frequency with which a caseworker from an agency that provides child welfare services and that is

located in the state in which the child is placed or the state in which the parents of the child reside will visit the foster home or institution and will submit a report to the agency that provides child welfare services in the state in which the parents of the child reside;

(n) A description of the efforts that will be made to place children who are siblings together;

(o) A plan for family visitation, including, without limitation, visiting siblings if the siblings are not residing together;

(p) A statement indicating that the proximity of the school in which the child was enrolled at the time that he was placed in foster care was considered as a factor in the selection of the placement for foster care; and

(q) The health and education records of the child to the extent those records are available, including, without limitation:

(1) The names and addresses of the providers of health care and education of the child;

(2) The grade level at which the child performs;

(3) Documentation of the immunizations that the child has had;

(4) Documentation of any known medical problems of the child;

(5) Documentation of any medications prescribed for the child; and

(6) Such other health or educational information concerning the child as the agency which provides child welfare services determines is necessary.

3. The agency which provides child welfare services shall ensure that the report described in paragraph (m) of subsection 2 is submitted to the agency located in the county in which the parents of the child reside at least once every 12 months.

4. As used in this section:

(a) *“Education records” means a report card or other report of progress and an individual education plan, if applicable.*

(b) *“Family foster home” has the meaning ascribed to it in NRS 424.013.*

Sec. 72. NAC 432B.410 is hereby amended to read as follows:

432B.410 1. The ~~{division will}~~ *agency which provides child welfare services shall* 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; ~~{and}~~
- (b) *Is likely to remain in foster care until he is 18 years of age; 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 ~~{division will}~~ *agency which provides child welfare services shall* assess the child’s skills related to independent living.

3. The ~~{division will}~~ *agency which provides child welfare services shall* 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}~~ *agency which provides child welfare services shall* 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}~~ *agency which provides child welfare services* 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 *with* the terms of an agreement for independent living.

Sec. 73. NAC 432B.420 is hereby amended to read as follows:

432B.420 1. The ~~[division will]~~ *agency which provides child welfare services shall* complete an assessment for each child in the custody of the ~~[division]~~ *agency which provides child welfare services* at least semiannually. The assessment ~~[will]~~ *must* 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]~~ *used* 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 will]~~ *agency which provides child welfare services shall* 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. 74. 1. This section and sections 1 to 56, inclusive, and 58 to 73, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Section 57 of this regulation becomes effective on January 1, 2003, or upon filing with the secretary of state, whichever occurs later.