

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

Authority: NRS 127.230

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

Agencies which provide child welfare services and child placing agencies shall permit the Division to audit their records to determine compliance with the provisions set forth in NRS 127 and NAC 127.

Agencies not in compliance with statutory requirements, regulations or contractual agreements with the Department of Human Resources, Division of Child and Family Services shall:

Establish a plan of corrective action for areas of noncompliance

As needed, seek consultative services to carry out the plan of corrective action.

The Division will provide assistance to the agency if required.

The Division will reevaluate areas of non-compliance within 4 to 6 months after the review. The maximum time to complete corrective action is 6 months except as provided for in NAC 127.130.2b.

Sec. 2. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Preparation and Placement.

Prior to placing a child in an adoptive home, the custodial agency shall prepare the child for adoption. Preparation activities will vary by the age of the child, the type of placement and whether the child and family are known to one another. Activities will include assessing the child's readiness for adoption, counseling the child and collecting mementos which the child can keep in the new home.

When the child and family are not known to one another the agency shall arrange for preplacement visits, leading up to and including overnight stays whenever feasible. After placement, the caseworker shall maintain contact with the family for at least six months, starting with weekly contact for the first month and continuing with a minimum of monthly contacts thereafter.

When foster parents are selected as the adoptive home, the child placing agency or agency which provides child welfare services shall:

- 1) *review licensing records and renewals*
- 2) *update the foster family home study*
- 3) *check for CAN reports or criminal activities of family and household members*
- 4) *determine eligibility for subsidy*
- 5) *continue monthly visits or visit more frequently as needed pending finalization of the adoption.*

Sec. 3. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Agencies which provide child welfare services shall provide quarterly reports to the division, on a form provided, unless the division can extract such information from UNITY, which includes the following:

- 1) *Number of legally free children awaiting adoption without a placement resource by gender; ethnic background; age; sibling group, special needs*
- 2) *Number of pending adoptions by foster parents*
- 3) *Number of approved adoptive families awaiting placement of a child*
- 4) *Number of finalized adoptions of children in custody of the agency*
- 5) *Number of children returned to agency custody due to failed adoption*
- 6) *Number of child placing agency licensing applications received*
- 7) *Outcome reports of complaints received and investigations conducted regarding licensed child placing agency.*

Sec. 4. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Parental Consent to Specific Adoption, preparation and witnessing:

Parental consents to specific adoptions must meet requirements of NRS 127.053 and 127.055; and 127.070

Preparation of consents is the responsibility of the prospective adoptive parent(s), not the agency which provides child welfare services or the child-placing agency.

Sec. 5. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

State register for adoptions: requirements, photo listing booklet

An agency which provides child welfare services shall:

- 1) *identify special-needs children free for adoption for more than 90 days and who do not have a placement resource*
- 2) *obtain photographs*

- 3) *prepare descriptive summary for each child (limited to non identifying information)*
- 4) *compile and publish photo listing booklet at least twice annually*
- 5) *utilize and distribute booklet as recruitment tool*

Sec. 6. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Recruitment

An agency which provides child welfare services shall diligently recruit, either directly or through contract, a pool of licensed foster and adoptive families whose racial and ethnic characteristics are consistent with the children available for adoption. Recruitment efforts shall seek to provide all children with the opportunity for adoptive placement.

An agency which provides child welfare services shall develop comprehensive recruitment plans which include:

- (a) a description of the characteristics of waiting children*
- (b) specific strategies to reach all parts of the community*
- (c) diverse methods of disseminating both general and specific information*
- (d) strategies for assuring that all prospective parents have timely access to the home study process, including location and hours of services that facilitate access by all members of the community*
- (e) strategies for training staff to work with diverse cultural, racial and economic communities*
- (f) strategies for dealing with linguistic barriers*
- (g) non-discriminatory fee structures*
- (h) procedures for a timely search for prospective parents for a waiting child, provided that such procedures are not delayed by the search for same race or ethnic placement.*

Sec. 7. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Training

Parents who adopt children with special needs are required to complete state-sponsored or state-approved pre-service training for foster and adoptive parents.

Sec. 8. Chapter 127 is hereby amended by adding thereto a new section to read as follows:

Non Agency-Specific Adoptions

For birth parents considering a specific (private) placement arrangement, the child placing agency or agency which provides child welfare services shall:

1) provide necessary information, counseling, and education regarding adoption to assist birth parent(s) in making an informed decision and to ensure that the decision is made without pressure or duress

2) provide information regarding alternatives to adoption

3) collect background information as outlined in NAC 127.230 1(a-b)

4) advise birth parent(s) of right to read home study of prospective adoptive parent(s)

5) provide information regarding the state adoption registry

6) facilitate Interstate Compact on the Placement of Children requests as required by NRS 127.330 when the prospective adoptive parent(s) reside out of state

Sec. 9. NAC 127.040 is hereby amended to read as follows:

“Indian child” defined. “Indian child” means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe

“Indian Child Welfare Act” defined. “Indian Child Welfare Act” means a federal law that creates strict standards for state courts to follow in Indian child custody proceedings. The Indian Child Welfare Act declares "the policy of this Nation is to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families."

“Agency consent” defined. “Agency consent” means written consent to adoption by an agency which provides child welfare services or child placing agency for a child in the custody of that agency for purposes of adoption.

“Parental consent” to a specific adoption defined. “Parental consent to a specific adoption” means voluntary surrender of parental rights by biological, legal parent(s) or legal guardian(s) to a specific individual(s) for purposes of child’s adoption.

“Relinquishment” defined. “Relinquishment” means voluntary surrender of parental rights by biological, legal parent(s) or legal guardian(s) to an agency which provides child welfare services or a child placing agency for purposes of adoption.

“Agency which provides child welfare services” defined. Agency which provides child welfare services” has the meaning ascribed to it in NRS 127.003.

“Child” defined. “Child” means a natural person who is less than 18 years of age.

“Child with special needs” defined. “Child with special needs” has the meaning ascribed to it in NRS 127.008.

“Child-placing agency” defined. “Child-placing agency” has the meaning ascribed to it in NRS 127.220.

“Degree of openness” defined. “Degree of openness” means the extent to which the biological parents and the adoptive parents of a child know and have contact with each other during and

after the adoption process.

“Director of adoption” defined. “Director of adoption” means the person designated by the board of directors of a child-placing agency to administer the agency’s program of services relating to adoption.

“Division” defined. “Division” has the meaning ascribed to it in NRS 127.003.

“Legal-risk placement” defined. “Legal-risk placement” means the placement of a child for adoption before the parental rights of both biological parents have been legally terminated.

“Permanent free care” defined. “Permanent free care” means the meaning ascribed to it in NRS 424.013.

“Person” defined. “Person” means a natural person or a corporation, partnership, association, trust or unincorporated organization, including a hospital.

“Personally identifying information” defined. “Personally identifying information” means any information which would lead to, or assist in, the identification of a specific family or person.

“Private adoption” defined. “Private adoption” means the adoption of a specific child who is not in the legal custody of an agency, if the adoption is arranged directly between the biological parents and the adoptive parents or through an intermediary which is not licensed as a child-placing agency. The term includes an independent adoption and a specific adoption.

Sec. 10. NAC 127.100 is hereby amended to read as follows:

Initial license: Qualification of applicant; required submissions An applicant for an initial license to operate a child-placing agency must be a nonprofit corporation organized pursuant to chapter 82 of NRS. The applicant must submit to the Division:

1. A completed application for an initial license on a form ~~provided~~ *approved* by the Division.
2. A copy of the articles of incorporation, bylaws and constitution, if any, of the corporation.
3. A list of the directors and officers of the corporation, and the chairmen of any committees of the corporation designated pursuant to NRS 82.206.
4. A list of the members of the professional staff of the corporation, and vitae regarding the education and experience of each of those members.
5. A copy of each license issued to a member of the staff of the corporation pursuant to chapter 641B of NRS.
6. A copy of the corporation’s written manual of policies and practices regarding personnel.
7. An itemized budget for the proposed activities of the agency relating to adoption, containing the expected expenses and revenue of the agency for the first year it proposes to provide services relating to adoption.

8. A statement of the geographic area in which the corporation proposes to provide services relating to adoption.

9. If the corporation is currently licensed by one or more states other than Nevada to place children for adoption or permanent free care:

(a) A copy of each of those licenses;

(b) The names and addresses of three persons having knowledge of the activities of the corporation in each of those states who may be contacted as references; and

(c) The report of an independent auditor regarding the complete financial affairs of the corporation during the previous fiscal year.

Sec. 11. NAC 127.110 is hereby amended to read as follows:

Renewal of license A child-placing agency desiring to renew its license must submit to the Division:

1. A completed application for renewal on a form ~~provided~~ *approved* by the Division.
2. A current list of the directors and officers of the agency, and the chairmen of any committees of the agency designated pursuant to NRS 82.206.
3. A copy of the budget for the current fiscal year regarding the activities of the agency relating to adoption.
4. A report of the expenditures during the immediately preceding fiscal year regarding the activities of the agency relating to adoption.
5. *A written explanation of agency involvement in any civil or criminal lawsuit.*
6. The following statistical information regarding services rendered during the immediately preceding fiscal year:
 - (a) The number of biological parents served.
 - (b) The number of prospective adoptive parents with applications on file.
 - (c) The number of applications accepted from prospective adoptive parents who have not previously filed applications with the agency.
 - (d) The number of children placed for foster care.
 - (e) The number of children placed for adoption.
 - (f) The number of adoptions completed.
 - (g) The number of orders for the termination of parental rights entered pursuant to NRS 128.110 in proceedings in which the agency participated.
 - (h) The number of foster homes operated by the agency which hold licenses issued pursuant

to chapter 424 of NRS.

- (i) Any other statistical information the Division requests.

Sec. 12. NAC 127.125 is hereby amended to read as follows:

License: Contents; restriction; display required; suspension. A license to operate a child-placing agency:

1. *Is dependent upon continued compliance with the licensing requirements of the Division.*

2. Must specify, in addition to the matters required pursuant to subsection 1 of NRS 127.250:

(a) The name under which, and the address of the facilities where, the agency provides services relating to adoption.

(b) That the license is for the operation of a child-placing agency.

3. Is not transferable.

4. Must be displayed in the administrative offices of the agency.

5. May be suspended by the Division for not more than 3 months if the Division determines that there are grounds for the revocation of the license.

Sec. 13. NAC 127.140 is hereby amended to read as follows:

Employees and volunteers: Background check; submission of information; criminal record ~~bars~~ *may prohibit* service

1. An applicant for an initial license as a child-placing agency must submit to the Division for the director of adoption of the agency and each employee or volunteer of the agency who provides services to children:

(a) Two sets of fingerprint cards;

(b) An executed Law Enforcement Record Form No. 3321-SA or equivalent authorization for the release of information contained in records of law enforcement;

(c) Written authorization for the Division to submit the fingerprint cards to the central repository for Nevada records of criminal history for further submission to the Federal Bureau of Investigation, and to receive reports regarding the criminal histories of the subjects of the fingerprint cards; and

(d) The amount of the fees charged by any local agencies of law enforcement, the central repository for Nevada records of criminal history, and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

2. The director of adoption of a child-placing agency shall submit to the Division the matters

required pursuant to subsection 1 for each additional employee or volunteer of the agency who, after the initial licensing of the agency, desires to provide services to children. The director of adoption shall not allow such a person to provide services to children until he has submitted to the Division:

- (a) The required fingerprint cards;
- (b) A satisfactory report from a local agency for law enforcement; and
- (c) Three satisfactory references.

3. ~~[The director of adoption of a]~~ A child-placing agency shall not allow an employee or volunteer of the agency to provide services to children if, based upon the person's record of criminal history, the Division deems the person to be unacceptable to provide services to children.

4. An agency which contracts for services shall ensure that contracted employees and providers meet the same qualifications as agency staff.

Sec. 14. NAC 127.175 is hereby amended to read as follows:

Consulting services

1. A child-placing agency shall:

(a) Maintain written agreements for *any* ~~[the receipt of]~~ medical, psychological, psychiatric and legal services *received* from consultants. Such an agreement may provide for the payment of a salary, a fee or no compensation to a consultant.

(b) Provide to the Division copies of the agreements maintained pursuant to paragraph (a):

- (1) Upon receipt of its initial license as a child-placing agency; and
- (2) Whenever requested by the Division.

(c) Ensure that clergymen, from each faith followed by persons to whom the agency provides services relating to adoption, are available for the provision of counseling.

2. The Division will, upon the request of a licensed child-placing agency, provide the agency with such consulting services as the Division has available.

3. An agency which provides child welfare services shall:

(a) Maintain written agreements for any medical, psychological, psychiatric and legal services received from consultants. Such agreements may provide for the payment of a salary, a fee or no compensation to a consultant.

(b) Provide to the Division copies of the agreements maintained pursuant to paragraph (a):

(1) Upon receipt of its initial license as an agency which provides child welfare services; and

(2) Whenever requested by the Division.

4. The agency which provides child welfare services may request consultation from the Division.

Sec. 15. NAC 127.183 is hereby amended to read as follows:

Discrimination prohibited. NRS 127.230127.2817 Except as otherwise provided in this section, ~~[the Division]~~ *an agency which provides child welfare services* ~~[will not]~~, and a child-placing agency shall not ~~[]~~ deny or delay:

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

based on the race, color or national origin of the person applying to become the adoptive parent or foster parent or of the child to be adopted or placed in foster care. The provisions of this section do not apply if the child is subject to the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.

Sec. 16. NAC 127.185 is hereby amended to read as follows

Finances: Plan for management; maintenance of fiscal records; budget; reserve; annual audit A child-placing agency shall:

1. Devise and carry out a plan for the management of its financial affairs which ensures that it has sufficient funding to support adequately its services relating to adoption.
2. Maintain fiscal records of:
 - (a) All its assets and liabilities.
 - (b) Any donations it receives.
 - (c) Any receipts collected and disbursements paid out relating to the placement of children for adoption.
3. Establish budgets that identify and distinguish:
 - (a) The direct costs of providing services relating to adoption, such as expenditures for the salaries and expenses of personnel, and for the medical expenses of biological mothers; and
 - (b) The indirect costs of providing services relating to adoption, such as expenditures for newspapers, telephone service and the rental of office space.
4. Apply any assets remaining in its budget at the end of each fiscal year to a reserve for possible future financial obligations.
5. Cause an annual audit of its financial affairs to be conducted by an independent auditor, maintain the report of the audit with its other financial records and make the report of the audit available for inspection by the Division *or agency which provides child welfare services*.

6. Make available to the Division *or agency which provides child welfare services* a copy of its current budget and report of expenditures relating to adoption.

Section 17. NAC 127.190 is hereby amended to read as follows:

Standards for setting fees

1. Any fees charged by a child-placing agency for the placement or arranging for the placement of a child for adoption must be imposed pursuant to a sliding schedule of fees established by the agency that:

(a) Sets forth a minimum and maximum fee; and

(b) Provides for a gradual reduction in the fee based on the financial resources of adoptive parents.

2. A child-placing agency may waive any part or all of its fees in appropriate cases.

3. A child-placing agency shall not accept any compensation for the placement or for arranging the placement of a child for adoption in excess of its average expenses for those services. The maximum fee ~~{a particular child placing agency may charge must be set by the Division from information provided by the agency}~~ should *approximate the cost of providing the service but not exceed the usual and customary fees of child placing agencies in that community.* ~~{The Division}~~ *A child-placing agency* may consider the following expenses ~~{of a child-placing agency}~~ when it sets ~~{the}~~ *its* maximum fee ~~{for the agency}~~:

(a) Investigation of prospective adoptive homes.

(b) Medical care of biological mothers of children to be placed for adoption.

(c) Financial support of biological mothers before and for a reasonable time after the birth of children to be placed for adoption.

(d) Medical and other care of children awaiting adoption.

(e) Legal services relating to the termination of parental rights regarding children awaiting adoption.

(f) Counseling of biological parents, adoptive parents and children awaiting adoption.

(g) Administrative costs associated with the expenses set forth in paragraphs (a) to (f), inclusive.

(h) Any other relevant expenses.

4. ~~{The Division}~~ *A child-placing agency* may increase the maximum fee it sets for *services detailed in NAC 127.190.3* ~~{a child-placing agency}~~ if the agency submits ~~{additional}~~ information ~~{the Division deems sufficient}~~ to justify the increase *to the Division.*

5. Unless specified otherwise by the board of county commissioners in Clark or Washoe counties, any fees charged by an agency which provides child welfare services for the

placement or arranging for the placement of a child for adoption must be imposed pursuant to a sliding schedule of fees established by the agency that:

(a) Sets forth a minimum and maximum fee; and

(b) Provides for a gradual reduction in the fee based on the financial resources of adoptive parents.

6. An agency which provides child welfare services may waive any part or all of its fees in appropriate cases.

7. An agency which provides child welfare services shall not accept any compensation for the placement or for arranging the placement of a child for adoption in excess of its average expenses for those services. The maximum fee ~~[a particular agency which provides child welfare services may charge must be set by the Division from information provided by the agency]~~ should approximate the cost of providing the service but not exceed the usual and customary fees of child placing agencies in that community. ~~[The Division]~~ An agency which provides child welfare services may consider the following expenses ~~[of a child-placing agency]~~ when it sets ~~[the]~~ its maximum fee ~~[for the agency]:~~

(a) Investigation of prospective adoptive homes.

(b) Medical care of biological mothers of children to be placed for adoption.

(c) Financial support of biological mothers before and for a reasonable time after the birth of children to be placed for adoption.

(d) Medical and other care of children awaiting adoption.

(e) Legal services relating to the termination of parental rights regarding children awaiting

(f) Counseling of biological parents, adoptive parents and children awaiting adoption.

(g) Administrative costs associated with the expenses set forth in paragraphs (a) to (f), inclusive.

(h) Any other relevant expenses.

8. An agency which provides child welfare services may increase the maximum fee it sets for services detailed in NAC 127.190.3 if the agency submits information to justify the increase to the Division and receives the approval of the Division and the Board of County Commissioners.

Sec. 18. NAC 127.200 is hereby amended to read as follows:

Maintenance of documentation; confidentiality

1. A child-placing agency shall maintain documentation of all information collected on and services provided to children for whom the agency is responsible, biological parents, adoptive parents and prospective adoptive parents, and for foster parents with whom it places children.

The documentation file must include:

- (a) A cover sheet containing demographic and other pertinent identifying information.
- (b) A written request for the provision of services by the agency.
- (c) A narrative record of:
 - (1) The date and source of referral to the agency.
 - (2) All relevant interviews, assessments and investigations conducted by the agency.
 - (3) The services provided by the agency.
 - (4) The reasons for termination of services by the agency.
- (d) Any pertinent:
 - (1) Written authorizations and agreements.
 - (2) Legal documents, such as relinquishments for adoption.
 - (3) Health records.
 - (4) Records regarding inspections for safety from fire or other hazards.
 - (5) Records of criminal history.
 - (6) Records of investigations for child abuse or neglect.

(7) Information pursuant to NAC 127.245 and NAC 432B.263.

2. In addition to the requirements of subsection 1, the documentation ~~for~~ must include:

(a) ~~A~~ Information obtained from the biological parent ~~must contain any available information~~ regarding the ~~birth of the child to be adopted~~ child's birth history.

(b) Evidence that the biological parent has received information about the state register for adoptions

(c) ~~An adoptive parent must contain a history of the placement, growth and development of the adopted child and any legal documentation regarding the adoption.~~

3. An adoptive parent shall be provided information about the child's legal, medical, social and placement histories and shall have access to any information in the record upon request. Information shall include reports of psychological examinations, information about the birth parents, known hereditary and other conditions, and reasons for relinquishment. An agency which provides child welfare services shall make efforts to obtain this information through interviews with biological families, diligent searches of educational and medical records, interviews with former foster families and searches of social services records. Information provided to adoptive families shall include recommendations for ongoing social services and treatment.

4. The documentation required pursuant to this section is confidential and must be protected from unauthorized use.

5. A child-placing agency shall provide the ~~[Division]~~ *agency which provides child welfare services* with access to the documentation required pursuant to this section.

6. The child placing agency shall maintain permanent adoption records. If the agency closes, those records shall be forwarded to the Division. However, it shall maintain duplicate information on adoption subsidy determinations and redeterminations.

7. The child-placing agency shall provide the agency which provides child welfare services any additional information required by State and Federal mandates.

8. An agency which provides child welfare services shall maintain documentation of all information collected on and services provided to children for whom the agency is responsible, biological parents, adoptive parents and prospective adoptive parents, and for foster parents with whom it places children. The documentation file must include:

(a) A cover sheet containing demographic and other pertinent identifying information.

(b) A written request for the provision of services by the agency.

(c) A narrative record of:

(1) The date and source of referral to the agency.

(2) All relevant interviews, assessments and investigations conducted by the agency.

(3) The services provided by the agency.

(4) The reasons for termination of services by the agency.

(d) Any pertinent:

(1) Written authorizations and agreements.

(2) Legal documents, such as relinquishments for adoption.

(3) Health records.

(4) Records regarding inspections for safety from fire or other hazards.

(5) Records of criminal history.

(6) Records of investigations for child abuse or neglect.

(7) Information pursuant to NAC 127.245 and NAC 432B.263.

9. In addition to the requirements of subsection 1, the documentation must include:

*(a) ~~[A]~~ Information obtained from the biological parent ~~[must contain any available information]~~ regarding the ~~[birth of the child to be adopted]~~ *child's birth history.**

(b) Evidence that the biological parent has received information about the state register for adoptions

~~(c) [An adoptive parent must contain a history of the placement, growth and development of the adopted child and any legal documentation regarding the adoption.]~~

10. An adoptive parent shall be provided information about the child's legal, medical, social and placement histories and shall have access to any information in the record upon request. Information shall include reports of psychological examinations, information about the birth parents, known hereditary and other conditions, and reasons for relinquishment. An agency which provides child welfare services shall make efforts to obtain this information through interviews with biological families, diligent searches of educational and medical records, interviews with former foster families and searches of social services records. Information provided to adoptive families shall include recommendations for ongoing social services and treatment.

11. The documentation required pursuant to this section is confidential and must be protected from unauthorized use.

12. An agency which provides child welfare services shall provide the Division with access to the documentation required pursuant to this section.

13. Once an adoption is finalized, an agency which provides child welfare services shall forward a copy of the closed adoption file to the Division. . However, it shall maintain duplicate information on adoption subsidy determinations and redeterminations.

14. The agency which provides child welfare services shall provide to the Division any additional information required by State and Federal mandate.

Sec. 19. NAC 127.205 is hereby amended to read as follows:

Maintenance of statistical information; submission of written reports to the Division

A child-placing agency shall:

1. Maintain statistical information regarding services requested by, rendered to and refused to children, biological parents, adoptive parents, prospective adoptive parents and foster parents.

2. Submit to the Division such written reports as the Division requests to comply with any federal or state requirements regarding the collection of statistical information relating to adoption.

Sec. 20. NAC 127.235 is hereby amended to read as follows:

Application for study of prospective adoptive home; application and evaluation of prospective adoptive parents.

1. A person who wishes to have his home studied by a child-placing agency *or agency which provides child welfare services* for the purpose of adoption must:

(a) Make a written application on a form provided by the agency;

(b) Submit a copy of his fingerprints as required by nrs 127.281, unless the applicant is also a foster parent licensed by the agency conducting the study of the prospective adoptive home;

(c) Sign a release of information, upon the request of the agency, authorizing the agency to contact any person who the agency determines may have information which is necessary to evaluate the home; and

(d) Cooperate with the agency by providing other information as necessary to evaluate the home.

2. Upon receiving applications from prospective adoptive parents, a child-placing agency *or agency which provides child welfare services* shall:

(a) Assist the applicants in determining whether adoption is in their best interests.

(b) Inform the applicants of the:

(1) Types of adoption that the agency offers.

(2) Types of children available for adoption.

(3) Types of financial assistance available for the adoption of children with special needs, and the procedures and criteria for obtaining that assistance.

(4) Procedures involved in adoption.

(c) Provide the applicants with a copy of the agency's schedule of fees.

(d) Evaluate the applicants to determine their suitability for becoming adoptive parents. Such an evaluation must include:

(1) An interview and assessment of each individual applicant and, if applicants are married, an interview and assessment of both applicants together.

(2) A visit to and assessment of the home of the applicants, including, without limitation, a fire and safety inspection that is conducted in a manner approved by the Division.

(3) A request for and review of any reports and investigations made pursuant to chapter 432B of NRS regarding the abuse or neglect of a child by the applicants *and household members over the age of 18*.

(4) A request for and review of any information concerning the applicants maintained by local agencies of law enforcement.

(5) A request for and review of any records of criminal history regarding the applicants *pursuant to NRS 127.281 and household members over the age of 18*. ~~Obtained pursuant to NRS 127.281~~

(6) The receipt and review of at least five satisfactory references from persons who have known the applicants for not less than 2 years. Not more than two of the references may be from members of the family of an applicant.

- (7) A medical examination of the applicants and each member of their household.
- (8) Verification of the marital status of the applicants, including the review of any applicable records regarding marriage, divorce and the death of a spouse.
- (9) Inquiry into the applicants' motivation for adoption.*
- (10) Information on whether the family has biological, adopted or foster children, their adjustments and family's ability to meet their current needs.*
- (11) Information on extended family's attitude toward acceptance of adopted child, and applicant's plans for discussing adoption with child.*
- (12) Inquiry into family's ability/experience coping with problems, stress; a child's difficult behavior*
- (13) Inquiry into substance use or abuse by family members and treatment received.*
- (14) Inquiry into history of abuse by family members and treatment.*
- (15) Inquiry into medical, mental or emotional conditions which may affect applicant's ability to parent child.*
- (16) Inquiry into awareness and ability to provide for child's physical, emotional needs and to respect child's cultural and religious identity.*
- (17) Statement regarding completion of special needs adoption training; awareness of community resources/services to address child's special needs; need for adoption subsidy*
- (18) Inquiry into discipline practices.*
- (19) Inquiry into attitude toward child's need to maintain contact or relationship with birth family – including siblings placed separately.*
- (20) Recommendation for type of child, number, age sex, characteristics of child family can best parent.*

Sec. 21. NAC 127.239 is hereby amended to read as follows:

1. A child-placing agency shall select an adoptive home for a child in the custody of that agency based on the ability of the members of that home to meet the needs of that child.
2. Except as otherwise provided in this subsection, ~~the Division~~ a child-placing agency will consider the list of approved adoptive homes for the placement of a child in the order of the date on which the homes were approved until a home which best meets the needs of the child to be adopted is identified. The ~~Division~~ child-placing agency may consider a prospective adoptive home out of order if the applicants are willing to:
 - (a) Provide financial or medical assistance related to the birth of the child which the biological parent is unable to provide;

- (b) Consider the degree of openness desired by the biological parent; or
- (c) Accept a legal-risk placement.

3. The child-placing agency shall make a comprehensive individualized assessment for the placement of a child based on the specific needs and circumstances of that child. The child-placing agency shall consider the following factors in the selection of an adoptive home for a particular child:

(a) Priority to placement of the child with a person within the third degree of consanguinity who is suitable and able to provide proper care and guidance ~~{member of his extended family}~~.

(b) Placement of the child with his siblings. If a child has one or more siblings who are also available for adoption, the child-placing agency will make every effort to place the children in the same adoptive home, regardless of whether the children were living in separate homes before the placement for adoption.

(c) How the home and the members of the adoptive family may meet the current and future specific needs of the child.

(d) The legal status of the child, whether the adoptive family is willing to accept a legal-risk placement and the extent to which the adoptive family is willing to assume such a legal risk.

(e) Any other special considerations which may be necessary based on the needs and circumstances of the child.

4. If the biological parent who relinquishes his parental rights to a child-placing agency wishes to be involved in the selection process, the agency shall allow that parent to review adoptive studies selected by the agency in accordance with subsections 2 and 3. The agency shall withhold information about the prospective adoptive family from the biological parent in accordance with the type of adoption desired pursuant to NAC 127.210.

5. For children who are not in the custody of an agency, the person responsible for the child may select the adoptive family.

6. The agency which provides child welfare services shall select an adoptive home for a child in the custody of that agency based on the ability of the members of that home to meet the needs of that child. The following shall be considered in assessing the child's needs:

(a) attachments to relatives, foster families, or others

(b) age

(c) race/ethnicity: federal and state laws prohibit discrimination in placement decisions based on race, color or national origin; it cannot be presumed that matching a child's race or ethnicity is in the child's best interest

(d) siblings

(e) special needs including physical, social, emotional, educational and behavioral

7. Except as otherwise provided in this subsection, the agency which provides child welfare services will consider the list of approved adoptive homes for the placement of a child in the order of the date on which the homes were approved until a home which best meets the needs of the child to be adopted is identified. The agency which provides child welfare services may consider a prospective adoptive home out of order if the applicants are willing to:

(a) Provide financial or medical assistance related to the birth of the child which the biological parent is unable to provide;

(b) Consider the degree of openness desired by the biological parent; or

(c) Accept a legal-risk placement.

8. The agency which provides child welfare services shall make a comprehensive individualized assessment for the placement of a child based on the specific needs and circumstances of that child. The agency which provided child welfare services shall consider the following factors in the selection of an adoptive home for a particular child:

(a) Priority to placement of the child with a person within the third degree of consanguinity who is suitable and able to provide proper care and guidance ~~[member of his extended family]~~.

(b) Placement of the child with his siblings. If a child has one or more siblings who are also available for adoption, the agency which provides child welfare services will make every effort to place the children in the same adoptive home, regardless of whether the children were living in separate homes before the placement for adoption.

(c) How the home and the members of the adoptive family may meet the current and future specific needs of the child.

(d) The legal status of the child, whether the adoptive family is willing to accept a legal-risk placement and the extent to which the adoptive family is willing to assume such a legal risk.

(e) Any other special considerations which may be necessary based on the needs and circumstances of the child.

9. If the biological parent who relinquishes his parental rights to the agency which provides child welfare services wishes to be involved in the selection process, the agency shall allow that parent to review adoptive studies selected by the agency in accordance with subsections 2 and 3. The agency shall withhold information about the prospective adoptive family from the biological parent in accordance with the type of adoption desired pursuant to NAC 127.210.

10. For children who are not in the custody of an agency, the person responsible for the child may select the adoptive family.

11. If the agency which provides child welfare services does not have a specific placement resource for a child in the agency's custody, or at the request of a birth parent, the agency must contact the state's other agencies which provide child welfare services and pursue

resources pursuant to NAC 127.370 to identify or develop a placement resource.

Sec. 22. NAC 127.240 is hereby amended to read as follows:

Approval of prospective adoptive home; denial of application to adopt; ineligible prospective adoptive parents.

To be approved as a prospective adoptive home, the applicant must demonstrate his capacity to be a parent and to meet the needs of an adopted child, including his ability to:

(a) Provide the child with conditions and opportunities to promote the healthy personality growth and development of the potential of the child;

(b) Assume responsibility for the safety, care, support, education and character development of the child; and

(c) Offer a reasonably happy and secure family life with love, understanding, guidance and companionship.

2. An application to adopt must be denied if:

(a) The applicant has submitted false information or withheld information relevant to the study of his home.

(b) The applicant refuses or fails to provide information requested by the child-placing agency within the period established by the agency.

(c) Two persons are jointly applying to adopt a child and the persons are not legally married to each other.

(d) The marriage of two persons ~~legally married to each other~~ who are jointly applying to adopt a child is determined by the child-placing agency to be unstable.

(e) The applicant is married and his spouse has not joined in the application.

(f) The size of the housing of the applicant is inadequate to accommodate an additional child.

(g) The living conditions of the home of the applicant are inadequate and could be hazardous to the health of the child.

(h) The applicant has not demonstrated financial responsibility and sound management of his finances.

(i) The applicant has not adequately prepared to provide ongoing physical and emotional care to the child.

(j) The agency has, based on its evaluation of the applicant, concerns relating to the applicant's moral character, mental stability or motivation for adopting a child.

(k) ~~Except as otherwise provided in subsection 3, the applicant has been convicted of a crime which involves harm to a child, or has a history, based on a substantiated investigation, of~~

~~abusing or neglecting a child.]~~ *The applicant has been investigated by an agency which provides child welfare services and has a finding of substantiated abuse or neglect of a child. Exceptions may be granted by the administrator or his designee.*

(l) The applicant has a felony conviction for:

(1) Child abuse or neglect;

(2) Spousal abuse;

(3) Any crime against children, including child pornography;

(4) Any crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery; or

(5) Physical assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years.

(m) The agency has concerns and reasonable doubts, based on any other relevant information, about the safety or well-being of the child, if the child is placed with the applicant.

3. A child-placing agency shall not, without the approval of the ~~[Division]~~ *administrator or the designee of the administrator*, assist in the adoption of a child by a person who the agency determines has been convicted of one or more *misdemeanors*, felonies or gross misdemeanors, has charges pending, or has been arrested and is awaiting final disposition. The ~~[Division]~~ *administrator or the designee of the administrator* will not approve such an adoption if the applicant has been convicted of a felony described in paragraph (l) of subsection 2. If the director of adoption of a child-placing agency recommends such an adoption, he shall submit to the ~~[Division]~~ *administrator or the designee of the administrator* a complete record and explanation of the situation. A child-placing agency may, without submitting the matter to the ~~[Division]~~ *administrator or the designee of the administrator*, deny an application by such a person to adopt a child.

3. *The child-placing agency shall notify the applicant in writing when the application has been approved or denied. If the application is denied, the notice must include the reason for the denial.*

4. *The agency which provides child welfare services shall not, without the approval of the administrator or the designee of the administrator, assist in the adoption of a child by a person who the agency determines has been convicted of one or more misdemeanors, felonies or gross misdemeanors. The administrator or the designee of the administrator will not approve such an adoption if the applicant has been convicted of a felony described in paragraph (l) of subsection 2. If the director of adoption of the agency which provides child welfare services recommends such an adoption, he shall submit to the administrator or the designee of the administrator a complete record and explanation of the situation. The agency which provides child welfare services may, without submitting the matter to the administrator or the designee of the administrator, deny an application by such a person to adopt a child.*

6. *The agency which provides child welfare services shall notify the applicant in writing*

when the application has been approved or denied. If the application is denied, the notice must include the reason for the denial.

Sec. 23. NAC 127.260 is hereby amended to be read as follows:

Relinquishment of child for adoption *to a child-placing agency or agency which provides child welfare services.*

1. Before ~~[a child-placing]~~ *an* agency accepts from biological parents a relinquishment of a child for adoption, the agency shall comply with the requirements of NAC 127.245 and, if the agency determines that the child is not an Indian child:

(a) Discuss with the parents the alternatives for keeping the child, and determine that the parents are prepared to relinquish their rights and responsibilities regarding the child.

(b) Assist the parents in reaching a decision regarding the most favorable plan of action for both the parents and the child, and determine the services necessary to carry out that plan.

(c) If appropriate, inform the parents that rights of visitation may be granted to certain relatives pursuant to NRS 125C.050.

(d) Determine that the parents have had ample time and received ample counseling to consider all the implications of their decision. ~~[A child-placing]~~ *An* agency shall not accept such a relinquishment within 72 hours after the birth of the child.

(e) Ensure that the relinquishment is:

(1) Executed in the presence of and acknowledged before a notary public or other person authorized to administer oaths in this state; and

(2) Attested by at least two competent and disinterested witnesses, including at least one person licensed by the board of examiners for social workers pursuant to chapter 641B of NRS and employed by a child placing agency or agency which provides child welfare services, who subscribe their names to the relinquishment in the presence of the relinquishing parent.

(f) If the child-placing agency is an agency other than the ~~[Division]~~ *agency which provides child welfare services*, arrange, if necessary, for the provision of:

(1) Living accommodations until no later than 3 months after the birth of the child.

(2) Financial assistance, such as for food, clothing, rent and utilities, until no later than 3 months after the birth of the child.

(3) Medical care, including prenatal, obstetrical, hospital and dental care.

(4) Psychiatric and psychological services.

(5) Legal assistance.

2. ~~[A child-placing]~~ *An* agency shall provide a relinquishing parent with a copy of his relinquishment of a child for adoption.

Sec. 24. NAC 127.270 is hereby amended to be read as follows:

Responsibilities and duties of child-placing agency *and agency which provides child welfare services.*

If ~~[a child-placing]~~ *the* agency decides to place a child in a foster home, the agency shall:

(a) Select a foster home that is:

(1) Licensed pursuant to chapter 424 of NRS; and

(2) Appropriate for the child, based upon the emotional and physical needs of the child, and the religious beliefs of the child and his parents.

(b) Visit the foster home not less than monthly, and more frequently if necessary to satisfy the needs of the child or foster parents.

(c) Assist the foster parents in understanding and meeting the individual needs of the children in their care.

(d) Ensure that the child receives an appropriate education in accordance with Title 34 of NRS.

(e) Provide the child with opportunities to obtain religious training in accordance with the religious beliefs of the child and his parents.

(f) *Develop a plan for the biological parents* ~~[Encourage the biological parents of the child, if available]~~ to visit the child on a continuing basis, unless the visits are clearly detrimental to the welfare of the child.

2. ~~[A child-placing]~~ *The* agency is responsible for the health and safety of a child it places in foster care. The agency shall:

(a) Cause medical and dental examinations to be conducted upon placement of the child in foster care and not less than annually thereafter;

(b) Ensure that the child receives prompt treatment for any illnesses, defects and deformities; and

(c) Take appropriate measures to correct remediable defects and deformities.

ADOPTION OF CHILD THROUGH ~~[DIVISION]~~ *AGENCY WHICH PROVIDES CHILD WELFARE SERVICES*

Sec. 25. NAC 127.300 is hereby amended to be read as follows:

Availability of application process for adoption of child through ~~[Division]~~ *agency which*

provides child welfare services. The application process for the adoption of a child through the **[Division] agency which provides child welfare services** is available to all persons regardless of age, color, race, gender, sexual orientation, ethnicity, disability, income, religion or national origin. These factors will be considered only to the extent that they affect or may affect the ability of a person to meet the needs of a specific child.

Sec. 26. NAC 127.310 is hereby amended to be read as follows:

List of inquiries for adoption of child with no special needs.

1. A person who wishes to adopt a child with no special needs who is in the custody of the **[Division] agency which provides child welfare services** may contact the **[Division] agency which provides child welfare services** and request to be placed on the list of inquiries.

2. The **[Division] agency which provides child welfare services** will not place a person on the list of inquiries if that person has two or more children with no special needs, including biological children, stepchildren and adopted children, who:

- (a) Are living with the person;
- (b) Lived with the person before they reached the age of majority or were emancipated; or
- (c) Lived with the person for 6 months or more during the preceding 12 months.

3. The **[Division] agency which provides child welfare services** will provide to each person who has requested to be placed on the list of inquiries a written confirmation which indicates the date on which his name was placed on the list of inquiries.

4. A person whose name has been placed on the list of inquiries shall immediately advise the **[Division] agency which provides child welfare services** if he:

- (a) Becomes a biological parent of a child;
- (b) Adopts a child;
- (c) Changes his residence; or
- (d) Gets divorced or married.

5. The **[Division] agency which provides child welfare services** will remove a person's name from the list of inquiries if the person:

- (a) Becomes a biological parent of a child;
- (b) Adopts a child through a private adoption;
- (c) Adopts a child with no special needs through another adoption agency;
- (d) Adopts a child through an intercountry adoption;
- (e) Establishes his residence out of this state;

(f) Requests to be removed from the list of inquiries; or

(g) Fails to respond to correspondence from the **[Division] agency which provides child welfare services** as requested.

(h) A person's name will be expunged after three years if he or she does not contact, in writing, the agency which provides child welfare services to confirm their interest in remaining on the list.

6. A person whose name is removed from the list of inquiries because of the birth or adoption of a child may have his name returned to the list of inquiries if the person is otherwise eligible pursuant to subsection 2 to be placed on the list of inquiries. A person whose name is returned to the list of inquiries pursuant to this subsection will be treated as a new inquiry.

7. As approved studies of prospective adoptive homes are needed pursuant to subsection 1 of NAC 127.320, the **[Division] agency which provides child welfare services** will release names from the list of inquiries in the order of the date on which the names were placed on the list of inquiries so that the **[Division] agency which provides child welfare services** may initiate studies of the prospective adoptive homes.

8. As used in this section, "list of inquiries" means a list of persons who, pending a study of their prospective adoptive home, wish to adopt a child with no special needs who is in the custody of the **[Division] agency which provides child welfare services**. The list will be maintained by the **[Division] agency which provides child welfare services**.

MISCELLANEOUS PROVISIONS

Section 27. NAC 127.320 is hereby amended to be read as follows:

Initiation of study of prospective adoptive home by **[Division] agency which provides child welfare services.** The **[Division] agency which provides child welfare services** will initiate a study of a prospective adoptive home:

1. When the **[Division] agency which provides child welfare services** determines that the study of the prospective adoptive home is necessary to provide a selection of approved adoptive homes for children in the custody of the **[Division] agency which provides child welfare services**;

2. Upon notification of a proposed placement of a child pursuant to NRS 127.280;

3. Upon the written request of *a parent, legal guardian or* an adoption agency licensed or authorized as such by another state, which is submitted through the Interstate Compact on the Placement of Children in accordance with NRS 127.330; or

4. Upon receipt of a written request from a licensed intercountry adoption agency or the Immigration and Naturalization Service of the United States Department of Justice.

Sec. 28. NAC 127.330 is hereby amended to be read as follows:

Waiver or reduction by ~~[Division]~~ *an agency which provides child welfare services* of fee for adoption services.

1. The ~~[Division]~~ *agency which provides child welfare services* will not charge a fee for the adoption services which it provides if:

(a) The child to be adopted is a child with special needs *pursuant to NRS 127.1861*;

(b) The child to be adopted is related, within the third degree of consanguinity, to the prospective adoptive parent;

(c) The prospective adoptive parent is the stepparent of the child to be adopted; or

(d) The annual income *and assets* of the prospective adoptive family is less than ~~[\$15,000]~~ *the standard set by the Division*.

~~[2. The Division will reduce the adoption fee of a prospective adoptive family who is a resident of the State of Nevada by 50 percent if the Division has completed a study of the prospective adoptive home for that family within the 5 years immediately preceding the date of the request for the subsequent study. If the placement of a specific child does not occur and the family requests services for the placement of another specific child in their home within the 5 years immediately following the completion of the subsequent study of their home, the Division will waive the fee.]~~

~~[3. The Division will refund one-half of the adoption fee if the applicant withdraws his application before the Division begins any interviews regarding that application.]~~

~~[4. The administrator of the Division or his designee may waive or reduce the adoption fee on a case-by-case basis upon good cause shown. An applicant may request a waiver or reduction of the adoption fee pursuant to this subsection by submitting a written explanation of the extenuating circumstances which would warrant the waiver or reduction.]~~

~~[5. If an applicant refuses to pay the adoption fee, the Division will not complete a study of the prospective adoptive home and will not provide to that applicant information regarding any child who is available for adoption. If an applicant refuses to pay the adoption fee in a private adoption, the child placing agency shall:~~

~~—(a) Notify the biological parent who is placing the child for adoption that the prospective adoptive parent refuses to pay the required fee; and~~

~~—(b) Discuss the other available options which the biological parent has with regard to that child.]~~

2. *An agency which provides child welfare services shall develop and publish policies which provide for the waiver reduction, refund and non-payment of adoption fees.*

~~[ADOPTION OR PLACEMENT OF CHILD WITH SPECIAL NEEDS]~~

ELIGIBILITY AND FINANCIAL ASSISTANCE

FOR ADOPTION OF SPECIAL NEEDS CHILDREN

Section 29. NAC 127.335 is hereby amended to be read as follows:

Eligibility for payments under federal adoption assistance program.

An agency which provides child welfare services shall work with adoptive parents to determine if the child is eligible for federal or state adoption assistance. ~~[The Division]~~ An agency which provides child welfare services will consider a child with special needs to be eligible for payments under the federal adoption assistance program pursuant to 42 U.S.C. § 673 and applicable amendments without regard to the parents' means. An agency which provides child welfare services must enter into an adoption assistance agreement with an adoptive parent of a child with special needs (as defined in 473(c) of the Social Security Act) and provide adoption assistance if the child meets specific requirements. There are four ways a child can be eligible for Title IV-E adoption assistance:

(a) child is eligible for AFDC and meets the definition of a child with special needs

(b) child is eligible for SSI and meets the definition of a child with special needs

(c) child is eligible as a child of a minor parent and meets the definition of a child with special needs

(d) child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

A child for whom eligibility for Title IV-E adoption assistance payments is being established need not have been continuously eligible for Title IV-E foster care during his tenure in foster care prior to initiation of adoption proceedings.

~~1. Was adopted in a prior adoption that occurred on or after October 1, 1997;~~

~~2. Was determined by the ~~[Division]~~ agency which provides child welfare services to be a child with special needs in the prior adoption;~~

3. Was determined to be eligible for payments under the federal adoption assistance program pursuant to 42 U.S.C. § 673 in the prior adoption;

4. Is available for adoption again because:

(a) The prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated; or

(b) The adoptive parents have died; and

5. Fails to meet the eligibility requirements to receive assistance from the aid to families with dependent children program pursuant to 42 U.S.C. §§ 601 et seq. or the supplemental security income program pursuant to 42 U.S.C. §§ 1381 et seq., but would meet such requirements if:

(a) The child were treated as if he were in the same financial and other circumstances that he was in the last time he was determined to be eligible for payments under the federal adoption assistance program; and

(b) The prior adoption were treated as never having occurred.]

Sec. 30. NAC 127.340 is hereby amended to be read as follows:

Financial assistance by ~~[Division]~~ *an agency which provides child welfare services* to prospective adoptive parent.

1. The ~~[Division]~~ *agency which provides child welfare services* may provide financial assistance to the prospective adoptive parent of a child with special needs if another prospective adoptive family who would be able to provide for the child without the assistance of the ~~[Division]~~ *agency which provides child welfare services* cannot be found. *These may include ongoing and non-recurring assistance.*

2. The ~~[Division]~~ *agency which provides child welfare services* may, before the adoption of a child with special needs who is in the custody of the ~~[Division]~~ *agency which provides child welfare services* is finalized, provide financial and medical assistance to the prospective adoptive parent upon the placement of that child in the prospective adoptive home *pursuant to NAC 424.460. ~~[To receive this assistance, the prospective adoptive parent must enter into a written agreement with the [Division] agency which provides child welfare services~~ which states the terms of the assistance to be provided.] Individualized consideration will be given to each request for retroactive adoption subsidy.*

~~[3. A prospective adoptive parent who will require financial assistance to care for a child with special needs after the adoption of that child is finalized, must submit his request for that assistance in writing on a form provided by the [Division] agency which provides child welfare services before the adoption is finalized. If the prospective adoptive parent is seeking reimbursement for nonrecurring expenses, verification of the costs incurred must be submitted.]~~

3. ~~[4.]~~ Financial assistance *provided* may be in the form of: ~~[cash or medical assistance, or both. Assistance in the form of cash may be in the form of:]~~

(a) A cash payment in an amount which is no greater than the rate of payment for foster care which is currently being paid or which would be paid if that child were placed into foster care which, when combined with the resources of the prospective adoptive parents, is sufficient to cover the ordinary and special needs of the child;

(b) Payment to reimburse the prospective adoptive parent for nonrecurring expenses incurred in connection with the adoption; or

(c) Any combination of paragraphs (a) and (b).

4. ~~[5.]~~ *Medical assistance may be provided to:*

(a) Title IV-E eligible children pursuant to NAC 127.360

5. ~~[6]~~ An agreement as to the terms of the assistance to be provided by the ~~[Division]~~ *agency*

which provides child welfare services must be signed by all interested parties to the agreement before the adoption is finalized.

5. The agreement shall be reviewed and renewed annually.

7 ~~[8]~~. If an application for financial aid is denied, or assistance is reduced or modified, the ~~[Division]~~ *agency which provides child welfare services* will advise the adoptive parent in writing of the decision, including the reason for the action and information on how the adoptive parent may appeal the decision. The notification must include the reasons for the denial, reduction or termination, as appropriate.

Sec. 31. NAC 127.350 is hereby amended to be read as follows:

Appeal of decision regarding financial assistance; hearing.

An adoptive parent or their *legal designee* may appeal the decision of the ~~[division]~~ *agency which provides child welfare services* to deny, reduce or terminate assistance pursuant to NAC 127.340 by requesting a hearing from the hearing officer ~~[at 711 East Fifth Street, Carson City, Nevada 89701]~~ *appointed by the agency which provides child welfare services* . The ~~[request]~~ *written request for hearing* must be *postmarked or* received by the hearing officer , ~~for~~ ~~postmarked if mailed]~~ not later than 30 calendar days after the date on which the written decision to deny, reduce or terminate assistance is made *and from the date the applicant received the decision notice as determined by a the applicant's signature on a United States Postal Service, Certified Mail Return Receipt*. An applicant who fails to ~~[request timely a hearing]~~ *make a written request for hearing within 30 days of notification of a decision to deny, reduce or terminate assistance* ~~[waives]~~ *may* waive his right to a hearing.

1. A hearing must be scheduled not later than ~~[15]~~ *30* calendar days after the date on which the *written* request for a hearing *is postmarked and* received by the hearing officer *from the adoptive parent or their legal designee*. The hearing, with good cause, be delayed if the hearing officer approves the delay *and notifies all parties in writing of the delay*. The hearing office shall render a decision on the hearing within ~~[15]~~ *30* ~~[working]~~ *calendar* days after the date of the hearing *adjournment as documented in the hearing officer's official electronic, audio or written record of the proceedings*. The decision of the hearing officer must be provided in writing to the applicant not later than ~~[7]~~ *15 calendar* days after the date on which the hearing officer renders the decision as documented in the hearing *officer's official Findings of Fact and Conclusions of Law to be issued in each instant case*.

2. A hearing which is held pursuant to this section will be conducted in accordance with ~~[chapter]~~ *Chapter* 233B of NRS.

Sec. 32. NAC 127.360 is hereby amended to be read as follows:

1. The ~~[Division]~~ *agency which provides child welfare services shall* ~~[will]~~ provide health insurance, through one or more state *or county* programs for medical assistance, for any child:

(a) Determined to be a child with special needs for whom there is in effect an agreement for adoption assistance between the ~~[state]~~ *agency which provides child welfare services* and the adoptive parent, other than an agreement under the federal adoption assistance program under

Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq.; and

(b) Who the ~~[Division]~~ *agency which provides child welfare services* has determined cannot be placed for adoption without medical assistance because of the special needs of the child for medical, mental health or rehabilitative care.

2. The health insurance provided by the ~~[Division]~~ *agency which provides child welfare services* pursuant to subsection 1 must provide the same type and kind of benefits as those benefits that would be provided for a child by this state *or county* in accordance with Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., or a comparable state *or county* medical plan.

3. If the ~~[Division]~~ *agency which provides child welfare services* provides coverage for a child pursuant to subsection 1 through a state *or county* program for medical assistance other than the program under Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., and the ~~[Division]~~ *agency which provides child welfare services* exceeds its funding for services under the other program, the child shall be deemed to be receiving aid or assistance as provided under the state plan for Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq.

4. In determining the cost-sharing requirements for health-care services provided pursuant to subsection 3, the ~~[Division]~~ *agency which provides child welfare services* will, to the extent that coverage is provided through a state *or county* medical assistance program, take into consideration the circumstances of the adopting parents and the needs of the child being adopted consistent with the rules governing that program.

Sec. 33. NAC 127.370 is hereby amended to be read as follows:

Placement with resident of another state.

1. The ~~[Division]~~ *agency which provides child welfare services* will ~~[consider]~~ *develop and implement policies to ensure:*

(a) the placement of a child with special needs with a resident of another state who has ~~[applied]~~ *been approved by their resident state* to adopt the child if the out-of-state resident appears to be a suitable placement candidate.

(b) The ~~[Division]~~ *agency which provides child welfare services* will respond with reasonable promptness to a request by an out-of-state resident for the placement of a child through adoption.

(c) The ~~[Division]~~ *agency which provides child welfare services* will not delay or deny the placement of a child in accordance with this section when an approved family is available outside the jurisdiction of the Division.

(d) The ~~[Division]~~ *agency which provides child welfare services* will grant a fair hearing to a person approved to adopt a child who alleges the Division delayed or denied placement of a child with the person because the person resides outside the jurisdiction of the Division. The provisions of NAC 127.350 apply to requests for hearings and hearings held pursuant to this subsection.

Section 34. NAC 127.150 is hereby repealed.

~~[Duties of board of directors or trustees—The board of directors or trustees of a child-placing agency shall:~~

- ~~—1. Appoint a director of adoption to administer the agency’s program of services relating to adoption.~~
- ~~—2. With the assistance of the director of adoption, prepare and adopt a program and policies for the activities of the agency relating to adoption.~~
- ~~—3. Prepare and adopt adequate budgets, secure adequate funding and ensure that money is properly expended with regard to the activities of the agency relating to adoption.~~
- ~~—4. Explain to interested persons residing in the geographic area where the agency operates, its program, policies and financial needs regarding the activities of the agency relating to adoption.~~
- ~~—5. Periodically evaluate the activities of the agency relating to adoption to determine whether the agency is meeting the needs of the geographic area where it operates.~~
- ~~—6. Ensure that the agency complies with the provisions of this chapter and chapter 127 of NRS.~~
- ~~—7. Obtain the approval of the [Division] *agency which provides child welfare services* before authorizing a committee designated pursuant to NRS 82.206 to perform any of its powers relating to adoption. The [Division] *agency which provides child welfare services* shall not approve such an authorization unless it is satisfied that the committee will exercise the particular powers competently and responsibly.]~~