

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

LCB File No. R056-02

June 5, 2002

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

AUTHORITY: §§1-9, 11-20, 29, 30, 32-44, 46, 52, 54-60 and 66, NRS 127.230; §§ 10, 31, 45 and 53, NRS 127.152 and 127.230; §§ 21-27, and 47-50, NRS 127.2817; §§ 28 and 51, NRS 127.052; §§ 61-65, NRS 127.186 and 127.230.

Section 1. Chapter 127 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 38, inclusive, of this regulation.

Sec. 2. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 127.003.*

Sec. 3. *“Indian child” has the meaning ascribed to it in 25 U.S.C. § 1903.*

Sec. 4. *“Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.*

Sec. 5. *“Relinquishment” means the voluntary termination of parental rights to a child to an agency which provides child welfare services or a child-placing agency.*

Sec. 6. *“Specific adoption” means the relinquishment of a child for adoption by an identified person.*

Sec. 7. *A specific adoption must comply with the provisions of this chapter, chapter 127 of NRS, and any other applicable laws and regulations.*

Sec. 8. *A person who adopts a child with special needs shall complete a training program regarding the care of children with special needs that is sponsored or approved by the division or an agency which provides child welfare services.*

Sec. 9. 1. *Any fees charged by an agency which provides child welfare services for the placement or for arranging the placement of a child for adoption must be imposed pursuant to a sliding schedule of fees established pursuant to NRS 127.275 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. An agency which provides child welfare services may waive any part or all of its fees in appropriate cases.

3. 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. When setting a maximum fee for an agency which provides child welfare services, the division or the board of county commissioners, as appropriate, may consider the following expenses:

(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. An agency which provides child welfare services in a county whose population is less than 100,000 may increase the maximum fee it sets for its expenses as set forth in subsection 3 if the agency submits additional information that the division deems sufficient to justify the increase.

5. An agency which provides child welfare services in a county whose population is 100,000 or more may raise the maximum fee it sets for its expenses as set forth in subsection 3 if the agency submits additional information to the board of county commissioners in the county in which the agency is located that the board deems sufficient to justify the increase.

Sec. 10. 1. *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, prospective adoptive parents and foster parents with whom it places children. The documentation file must include:*

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

(b) Any written request for the provision of services by the agency other than by an order of a court of competent jurisdiction.

(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) Records regarding the status of the child as an Indian child.*
- (e) Information obtained from a biological parent regarding the birth of the child to be adopted.*
- (f) Written acknowledgment from a biological parent that he has received information regarding the state register for adoptions.*
- 2. The documentation required pursuant to this section is confidential and must be protected from unauthorized use.*
 - 3. An agency which provides child welfare services shall provide the division with access to the documentation required pursuant to this section and any additional information required by state or federal law.*
 - 4. An agency which provides child welfare services shall submit to the division the documentation file required pursuant to subsection 1 at the time the agency completes an adoption.*
 - 5. An agency which provides child welfare services shall maintain a copy of any determination regarding an adoption subsidy made pursuant to NAC 127.340.*

6. An agency which provides child welfare services shall collect and maintain statistical information regarding services requested by, rendered to and refused to children, biological parents, adoptive parents, prospective adoptive parents and foster parents.

Sec. 11. 1. *An agency which provides child welfare services shall:*

(a) Maintain written agreements for the receipt of medical, psychological, psychiatric and legal services from consultants. Such an agreement may provide for the payment of a salary or fee to the consultant, or may provide that no compensation be paid.

(b) Provide to the division copies of the agreements maintained pursuant to paragraph (a) whenever requested by the division.

2. The division will, upon the request of the agency, provide the agency with such consulting services as the division has available.

Sec. 12. 1. *Unless the division informs an agency which provides child welfare services that the division is able to retrieve such information from a different source, an agency shall submit quarterly reports to the division, on a form provided by the division, which contain the following information:*

(a) The number of children in the custody of the agency who are legally able to be adopted, including the gender, race, age, special needs and number of siblings of such children;

(b) The number of foster parents who have expressed an interest in adopting a child who is currently living with the foster parent;

(c) The number of prospective adoptive parents who have been approved by the agency to adopt a child and who are awaiting a placement;

(d) The number of adoptions of children who were in the custody of that agency which were completed in the immediately preceding quarter;

(e) The number of children who were returned to the custody of that agency following a failed adoption or the death of the adoptive parent in the immediately preceding quarter; and

(f) Any other information required for an intercountry adoption, as determined by the division.

2. The agency which provides child welfare services shall 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. 13. *1. Pursuant to NRS 127.008, an agency which provides child welfare services shall identify each child with special needs in the custody of the agency for whom a prospective adoptive parent is not identified within 3 months after the child becomes available for adoption.*

2. An agency shall submit to the division on a quarterly basis photographs of and information regarding the children described in subsection 1. Such information must be limited to information that does not divulge the identity of the child.

Sec. 14. *1. The division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of this chapter, chapter 127 of NRS, any other applicable state and federal law, and any written agreements entered into with the division or the department of human resources. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to:*

(a) Any complaint concerning the agency, including, without limitation, the investigation of such a complaint; and

(b) Adoption services provided by the agency.

2. 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 127 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.

3. Within 30 days after receipt of a notice issued pursuant to subsection 2, the agency which provides child welfare services shall submit a plan of corrective action for the areas of noncompliance to the division. The agency may use the services of a consultant to carry out the plan of corrective action. Upon request by an agency, the division will provide assistance to the agency relating to carrying out its plan of corrective action.

4. The agency shall complete the corrective action within 6 months after completion of the audit. The division will reevaluate the areas of noncompliance within 6 months after the completion of the audit.

Sec. 15. *An agency which provides child welfare services:*

1. Shall offer traditional adoptions in which:

(a) The adoptive parents are selected by the agency;

(b) No personally identifying information regarding the adoptive parents is provided to the biological parents; and

(c) No personally identifying information regarding the biological parents is provided to the adoptive parents.

2. May offer semitraditional adoptions in which:

(a) The adoptive parents are selected by the biological parents based upon information provided by the agency;

(b) No personally identifying information regarding the adoptive parents is provided to the biological parents; and

(c) No personally identifying information regarding the biological parents is provided to the adoptive parents.

3. May offer semiopen adoptions in which:

(a) The adoptive parents are selected by the biological parents based upon information provided by the agency and meetings between the biological parents and prospective adoptive parents at the facilities of the agency; and

(b) With the agency acting as a facilitator, any information may be exchanged between the biological parents and prospective adoptive parents except their respective names and addresses.

4. May offer open adoptions in which:

(a) The adoptive parents are selected by the biological parents based upon information provided by the agency;

(b) Personally identifying information is shared between the biological and prospective adoptive parents if both parties agree after an introductory face-to-face meeting at the facilities of the agency; and

(c) Contact between the adoptive family and biological parent may be arranged, if that contact is agreed upon by all persons involved.

5. Shall, for each type of adoption it provides, offer counseling to biological and adoptive parents, and to adopted children and adults, following the completion of adoption.

Sec. 16. *An agency which provides child welfare services shall:*

1. Allow biological parents and prospective adoptive parents to choose, from among the types of adoption the agency provides, the types of adoption in which they are willing to participate. The choice of a particular type of adoption must be in written form, executed by the persons making the choice and by a representative of the agency.

2. Consider biological parents and prospective adoptive parents solely for the types of adoption they have chosen.

3. Maintain a list of its applicants to become adoptive parents, categorized by the types of adoption they have chosen.

Sec. 17. *An agency which provides child welfare services:*

1. Shall inform the general public of the types of adoptions it provides.

2. Shall inform the biological parents, adoptive parents and adopted children it serves regarding the state register for adoptions.

3. May, upon request, provide to any biological parents it serves copies of any documents those parents execute relating to an adoption and advise those parents if the child has been adopted.

4. Shall, upon request, provide to the adoptive parents or other legal guardians of an adopted child, and to an adopted person who is at least 18 years of age, the following information, if available, in a form that does not divulge the identity of the biological parents:

(a) The location, date and time of birth of the adopted person.

(b) The weight, the length, and the size of the head and chest of the adopted person at birth.

(c) The scores obtained from any administration of an Apgar test of the adopted person near the time of birth.

(d) The type of blood, any known hereditary conditions, and the medical and psychological history of the adopted person.

(e) Whether the adopted person has siblings and, if so, their age and sex when the adopted person was placed for adoption.

(f) The age, height, weight, build, complexion, color of eyes and hair, marital status, religion, and educational, medical and psychological history of the biological parents when the adopted person was placed for adoption.

(g) The ethnic history of the biological parents.

(h) Any special interests or talents of the biological parents.

5. May, upon request, provide to an adopted person a copy of the court order for his adoption and may inform him if his biological parents are deceased.

Sec. 18. *An agency which provides child welfare services shall, pursuant to the provisions of 42 U.S.C. § 622:*

1. Recruit, directly or through a contractor, a pool of prospective adoptive parents who reflect the ethnic and racial diversity of the children with special needs in this state.

2. Develop a plan to recruit prospective adoptive parents for children with special needs in the custody of the agency awaiting adoption. Such a plan must include, without limitation:

(a) A description of the characteristics of such children;

(b) Strategies to inform all members of the community about such children;

(c) Multiple methods of disseminating information about such children;

(d) Strategies to ensure that a person who wishes to become an adoptive or foster parent has access to the home study process;

(e) Training programs for the employees of the agency regarding the racial, ethnic, economic and cultural background of such children and prospective adoptive parents;

(f) Training for employees of the agency that work with prospective adoptive parents who have limited proficiency in the English language;

(g) A fee structure that does not discriminate against a person with a low income; and

(h) Procedures for efficient and effective searches for prospective adoptive parents.

Sec. 19. *During its initial interview of biological parents, an agency which provides child welfare services shall attempt to:*

1. Elicit information regarding the overall situation of the parents and, if appropriate, offer to provide necessary services or to refer the parents to local providers of those services.

2. Determine whether the biological mother is receiving proper medical care and, if appropriate, arrange for the biological mother to obtain that care.

3. Determine whether the biological parents require financial assistance and, if appropriate, arrange for the provision of that assistance.

4. Make arrangements for future meetings with the biological parents to obtain additional information and to provide additional services.

Sec. 20. *1. During its contacts with biological parents subsequent to its initial interview, an agency which provides child welfare services shall attempt to:*

(a) Obtain information regarding the background of the biological family for two or three generations, including:

(1) The occurrence of any childhood diseases or serious illnesses.

(2) Psychiatric and psychological histories.

(3) Demographic information and social history.

(4) Any use of drugs.

(5) Abuse of alcohol.

(6) Blood types.

(7) Any congenital deformities.

(8) Any other pertinent information.

(b) Obtain, if the child to be placed for adoption has already been born, information regarding:

(1) The developmental and medical history of the child.

(2) The educational and social development of the child.

(3) The personal relationship between the child and his biological parents, including their attitudes toward one another.

(4) Any religious affiliation of the child.

(c) Collect as much specific information as possible about any putative father named by the biological mother, and attempt to contact and interview the putative father.

(d) Provide counseling for any grief experienced by the biological parents after the placement of the child.

(e) Provide information requested by the biological parents regarding the progress of the child following placement.

2. An agency which provides child welfare services shall place in the case file it maintains regarding the biological parents a record of the information obtained and services provided pursuant to subsection 1.

Sec. 21. 1. *A person who wishes to have his home studied by an 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 an application from a prospective adoptive parent, an agency which provides child welfare services shall:*

(a) Assist the applicant in determining whether adoption is in his best interests.

(b) Inform the applicant 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 applicant with a copy of the agency's schedule of fees.

(d) Evaluate the applicant to determine his suitability for becoming an adoptive parent.

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) An assessment conducted pursuant to subparagraph (1) must include, without limitation, an inquiry into any factor that the case worker determines is necessary to assess the ability of the applicant to meet the needs of the child to be adopted.

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

(4) 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 applicant or any member of the applicant's household who is 18 years of age or older.

(5) A request for and review of any information concerning the applicant and any member of the applicant's household who is 18 years of age or older maintained by local agencies of law enforcement.

(6) A request for and review of any records of criminal history regarding the applicant and any member of the applicant's household who is 18 years of age or older obtained pursuant to NRS 127.281.

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

(8) A medical examination of the applicant and each member of his household.

(9) Verification of the marital status of the applicant, including the review of any applicable records regarding marriage, divorce and the death of a spouse.

Sec. 22. *An agency which provides child welfare services shall assist each prospective adoptive parent in preparing to become an adoptive parent by providing him with information, during the study of his prospective adoptive home, about the adoption process and issues which may arise once a child is placed in that home.*

Sec. 23. *An agency which provides child welfare services may release a copy of a study of a prospective adoptive home that it conducted to another agency which is licensed or approved to place children for adoption, if the applicant on whom the study was conducted has signed a release of that information.*

Sec. 24. 1. *An agency which provides child welfare services shall annually update the study of the prospective adoptive home of an applicant approved for the placement of a child until:*

(a) A child is placed with that applicant;

(b) The applicant requests that his name be removed from the list of approved adoptive homes; or

(c) The agency removes the applicant from the list of approved homes in accordance with subsection 3,

whichever occurs first.

2. *An updated study of a prospective adoptive home must include:*

(a) All the changes that have occurred since the initial study or the most recent updated study of the home, as appropriate;

(b) 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 applicant or any member of the applicant's household who is 18 years of age or older; and

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(c) A request for and review of any information concerning the applicant or any member of the applicant's household who is 18 years of age or older maintained by local agencies of law enforcement.

3. Except as otherwise provided in subsection 3 of section 26 of this regulation, an agency which provides child welfare services shall remove an applicant from the list of approved adoptive homes if the updated information indicates concerns or conditions that constitute a reason pursuant to section 26 of this regulation for a denial of an application for adoption.

Sec. 25. 1. *An 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.*

2. Except as otherwise provided in this subsection, an agency which provides child welfare services shall 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 that best meets the needs of the child to be adopted is identified. The agency may consider a prospective adoptive home out of order if the applicant is willing to:

(a) Provide financial or medical assistance related to the birth of the child that 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. An 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 shall consider the following factors in the selection of an adoptive home for a particular child:

(a) Placement of the child with a person who is within the third degree of consanguinity to the child and is a suitable adoptive parent.

(b) Placement of the child with his siblings. If a child has one or more siblings who are also available for adoption, the agency shall 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 that may be necessary based on the needs and circumstances of the child.

4. If the biological parent who relinquishes his parental rights to an 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 section 15 of this regulation.

5. With respect to the adoption of a child who is not in the custody of an agency which provides child welfare services, the person responsible for the child may select the adoptive family.

Sec. 26. 1. *To be approved as a prospective adoptive parent, 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 has withheld information relevant to the study of his home.

(b) The applicant refuses or fails to provide information requested by the agency which provides child welfare services 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 agency which provides child welfare services 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 which provides child welfare services 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 agency which provides child welfare services determines that, based upon a substantiated investigation, the applicant or a member of the applicant's household who is 18 years of age or older:

(1) Has been convicted of a crime involving harm to a child;

(2) Has charges pending against him for a crime involving harm to a child; or

(3) Has been arrested and is awaiting final disposition of the charges pending against him for a crime involving harm to a child.

(l) The applicant or a member of the applicant's household who is 18 years of age or older has charges pending against him for a felony conviction involving, or has been arrested and is awaiting final disposition of possible or pending charges against him involving:

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

4. 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. 27. *If the foster parent of a child who is currently living with that foster parent is chosen as the adoptive parent of that child, before the child's permanent placement in that home, in addition to meeting the applicable requirements of this chapter, chapter 127 of NRS and any other applicable laws, the agency which provides child welfare services shall:*

- 1. Review the licensing records of the foster parents;*
- 2. Update the study of the prospective adoptive home pursuant to section 24 of this regulation;*
- 3. Request and review any reports and investigations made pursuant to chapter 432B of NRS regarding the abuse or neglect of a child by the applicant or any member of the prospective adoptive family and household who is 18 years of age or older and any records of criminal history of such persons; and*
- 4. Determine whether the adoptive family is eligible for financial or other assistance pursuant to NAC 127.335 or 127.360, or any other program.*

Sec. 28. *1. If an agency which provides child welfare services has reason to believe that a child under consideration for adoption is an Indian child, the agency shall consult and comply with the requirements of the Indian Child Welfare Act.*

2. An agency which provides child welfare services shall ask a biological parent of a child who is under consideration for adoption whether the child is an Indian child. If the parent indicates that the child is or may be an Indian child, the agency shall ask the parent 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, without limitation, the parents and grandparents of the child if the tribe to which the relative belongs has assigned such a number;

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

FLUSH *The agency which provides child welfare services shall record, in writing, the information provided by a parent pursuant to this subsection.*

Sec. 29. *If, pursuant to the provisions of NRS 128.150, it is necessary to conduct a proceeding to terminate the parental rights of the biological father of a child awaiting adoption, an agency which provides child welfare services shall attempt to obtain from the biological mother of the child an affidavit responding to the inquiry required pursuant to subsection 3 of NRS 128.150.*

Sec. 30. 1. *An agency which provides child welfare services shall provide services that are appropriate, based on the age of the child, to prepare a child for adoption, including, without limitation, emotional counseling of the child if appropriate, collection of relevant material regarding the child's history, collecting personal items for the child to keep in the adoptive home and discussing the selected adoptive family with the child before his placement with that family.*

2. In determining the type of service to be provided pursuant to subsection 1, the agency shall consider, without limitation, the type of placement being considered, the relationship between the child and the members of the prospective adoptive home, and the readiness of the child for adoption.

3. If a child and a prospective adoptive family are not personally acquainted, the agency shall arrange preplacement visits of the child to the prospective adoptive home, including, without limitation, such overnight visits as are feasible.

Sec. 31. *Before an agency which provides child welfare services places a child in an adoptive home, the agency shall:*

1. Provide the adoptive family with information, in a written form that does not provide identifying information of the biological parents, regarding the background of the child. The information must include:

(a) The information set forth in:

(1) Subsection 4 of section 17 of this regulation; and

(2) Paragraphs (a) and (b) of subsection 1 of section 20 of this regulation;

(b) An analysis of the personality and temperament of the child;

(c) The developmental and familial history of the child;

(d) Copies of any available medical records regarding the child;

(e) The reasons for the relinquishment of the child; and

(f) If the child was in foster care:

(1) The reason the child was placed in foster care, including any history pertinent to the abuse, neglect or abandonment of the child; and

(2) A history of the child's previous placements outside his home, including, without limitation, foster care and adoptive placements.

2. In addition to any other information provided to an adoptive parent, provide to the adoptive parent the report required pursuant to subsection 1 of NRS 127.152. The agency shall obtain written confirmation that the adoptive parent has received the report.

3. *Comply with all applicable requirements of the Interstate Compact on the Placement of Children, as set forth in NRS 127.330.*

Sec. 32. 1. *An agency which provides child welfare services shall:*

(a) *Make at least one supervisory visit to the adoptive home:*

(1) *Per week during the month following the placement; and*

(2) *Per month until the adoption becomes final. The actual number, timing and place of those visits must be determined for each specific placement.*

(b) *Document all contacts with the prospective adoptive family, child, and other persons who know or have contact with the child.*

(c) *Assist the prospective adoptive parent to develop any skills related to parenting that may be needed to meet the specific needs of the child to be adopted.*

2. *The prospective adoptive parent shall:*

(a) *Participate in the supervisory visits made in accordance with this section; and*

(b) *Allow the agency unlimited access to the child.*

3. *If the agency has concerns regarding the placement of a child, the agency may contact teachers, babysitters, counselors, providers of medical care, governmental agencies, and any other persons who know or have contact with the child for the purpose of ensuring that the specific needs of the child are being met.*

Sec. 33. 1. *If the parental rights of the parents of a child in the custody of an agency which provides child welfare services have not been relinquished or terminated, the agency may consider a legal-risk placement if:*

(a) *The agency has determined that grounds for the termination of parental rights pursuant to chapter 128 of NRS exist, pending a determination by a court;*

(b) A parent of that child has relinquished custody of the child to the agency or the agency has been given custody of the child pursuant to a court order; and

(c) The other relatives of the child have been eliminated as possible adoptive parents for that child.

2. Before the agency which provides child welfare services places a child with a prospective adoptive family in a placement that is considered to be a legal-risk placement, the prospective adoptive parent must agree to:

(a) Accept a child who may be returned to the home of the biological parent;

(b) Work toward the return of the child to his biological family if attempts to terminate the parental rights of the biological parent are unsuccessful;

(c) Maintain an attitude of acceptance toward the biological parent;

(d) Work in cooperation with the agency and the plan established by the agency, even if the long-term goal of the plan ceases to be the adoption of that child;

(e) Observe the priorities set forth by the agency concerning the placement of children and the rights of biological parents;

(f) Take no independent actions to terminate the parental rights of the biological parent of the child or to petition the court for the adoption of the child, without the consent of the agency; and

(g) Become licensed as a foster home, if necessary, and comply with the requirements of that licensing.

3. An agency which provides child welfare services shall aggressively pursue the legal termination of the parental rights of the biological parent of a child who is placed in a legal-risk placement.

4. An agency which provides child welfare services shall:

(a) Inform the prospective adoptive parent of the progress or problems, if any, in terminating the parental rights of the biological parent; and

(b) Involve the prospective adoptive parent in all plans developed for that child.

Sec. 34. If a biological parent is considering relinquishing a child for a specific adoption, the agency which provides child welfare services shall:

1. Provide information regarding counseling, the state register for adoptions and education regarding adoption to the biological parent to ensure that his decision to relinquish the child is made without coercion and not under duress or undue influence;

2. Provide information to the biological parent regarding alternatives to relinquishment of the child for adoption;

3. Collect the information required pursuant to subsection 1 of section 20 of this regulation;

4. Advise the biological parent that he may read the home study conducted of the prospective adoptive parent; and

5. Facilitate a request pursuant to the Interstate Compact on the Placement of Children as required by NRS 127.330, if applicable.

Sec. 35. 1. Before an agency which provides child welfare services accepts a relinquishment of a child for adoption by a biological parent, the agency shall comply with the requirements of section 28 of this regulation, and, if the agency determines that the child is not an Indian child:

(a) Discuss with the parent the alternatives for keeping the child, and determine that the parent is prepared to relinquish his rights and responsibilities regarding the child.

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

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

(d) Ensure that the parent has had ample time and received ample counseling to consider all the implications of his decision. An agency which provides child welfare services 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 an agency which provides child welfare services, who subscribe their names to the relinquishment in the presence of the relinquishing parent.

2. An agency which provides child welfare services shall provide a relinquishing parent with a copy of his relinquishment of a child for adoption.

Sec. 36. *Except as otherwise provided in this section, an agency which provides child welfare services 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,

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based on the race, color or national origin of the person applying to become the adoptive or foster parent 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.

Sec. 37. 1. *The division will audit the records of a child-placing agency to determine compliance with the provisions of this chapter, chapter 127 of NRS, any other applicable state and federal law, and any written agreements entered into with the division or the department of human resources. The records that are subject to such an audit include, without limitation, information contained in the files of the child-placing agency relating to:*

(a) The license to operate a child-placing agency, including, without limitation, information indicating the name and address of the licensee;

(b) A complaint concerning a licensee, including, without limitation, the investigation of such a complaint; and

(c) Whether the requirements for notification set forth in NAC 127.135 and the procedure for hearing grievances relating to a license to operate an agency set forth in NRS 127.270 were satisfied.

2. Within 30 days after the completion of an audit performed pursuant to subsection 1, the division will issue a written notice to the child-placing agency if the division determines as a result of the audit that the agency is not in compliance with the provisions of this chapter, chapter 127 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.

3. Within 30 days after receipt of a notice issued pursuant to subsection 2, the child-placing agency shall submit a plan of corrective action for the areas of noncompliance to the

division. The child-placing agency may use the services of a consultant to carry out the plan of corrective action. Upon request by a child-placing agency, the division will provide assistance to the agency relating to carrying out its plan of corrective action.

4. The child-placing agency shall complete the corrective action within 6 months after completion of the audit. The division will reevaluate the areas of noncompliance within 6 months after the completion of the audit.

5. The division may revoke or suspend a license to operate a child-placing agency pursuant to NAC 127.130 based upon a failure to comply with the provisions of this chapter or chapter 127 of NRS by the agency as determined by the division as a result of an audit performed pursuant to subsection 1.

Sec. 38. *If a biological parent is considering relinquishing a child for a specific adoption, the child-placing agency shall:*

1. Provide information regarding counseling, the state register for adoptions and education regarding adoption to the biological parent to ensure that his decision to relinquish a child is made without coercion and not under duress or undue influence;

2. Provide information to the biological parent regarding alternatives to relinquishment of the child for adoption;

3. Collect the information required pursuant to subsection 1 of NAC 127.230;

4. Advise the biological parent that he may read the home study conducted of the prospective adoptive parent; and

5. Facilitate a request pursuant to the Interstate Compact on the Placement of Children as required by NRS 127.330, if applicable.

Sec. 39. NAC 127.010 is hereby amended to read as follows:

127.010 As used in this chapter, unless the context otherwise requires, the terms and words defined in NAC 127.015 to 127.060, inclusive, *and sections 2 to 6, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 40. NAC 127.110 is hereby amended to read as follows:

127.110 A child-placing agency desiring to renew its license must submit to the division:

1. A completed application for renewal on a form provided by the division.
2. A current list of the directors and officers of the *child-placing* 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 *child-placing* agency relating to adoption.
4. A report of the expenditures during the immediately preceding fiscal year regarding the activities of the *child-placing* agency relating to adoption.
5. *A written explanation of any civil or criminal litigation in which the child-placing agency is involved.*
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 *child-placing* 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 *child-placing* agency participated.

(h) The number of foster homes operated by the *child-placing* agency which hold licenses issued pursuant to chapter 424 of NRS.

(i) Any other statistical information the division requests.

Sec. 41. NAC 127.140 is hereby amended to read as follows:

127.140 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 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. A child-placing agency that uses an independent contractor to provide to the agency any service relating to adoptions shall ensure that the contractor meets the requirements of this section.

Sec. 42. NAC 127.175 is hereby amended to read as follows:

127.175 1. A child-placing agency shall:

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

(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.

Sec. 43. NAC 127.183 is hereby amended to read as follows:

127.183 Except as otherwise provided in this section ~~[, the division will not,]~~ and *if the provisions of 42 U.S.C. § 622 apply to an adoption*, 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,

FLUSH 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. 44. NAC 127.190 is hereby amended to read as follows:

127.190 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

~~[/del>division from information provided by the] agency. The ~~[/del>division] *child-placing agency* may consider the following expenses ~~[/del>of a child-placing agency] when it sets ~~[/del>the] *its* maximum fee : ~~[/del>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 ~~[/del>division] *child-placing agency* may increase ~~[/del>the] *its* maximum fee ~~[/del>it sets for a child-placing agency] if the agency submits additional information *that* the division deems sufficient to justify the increase.~~~~~~

Sec. 45. NAC 127.200 is hereby amended to read as follows:

127.200 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 , ~~[/del>and] prospective adoptive parents ~~[/del>and for] *and* 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.

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

~~—(a) A]~~

(7) Records regarding the status of the child as an Indian child.

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

~~—(b) An], including, without limitation, the date, time and place of birth and weight of the child;~~

(f) Written acknowledgment from the biological parent that he has received information regarding the state register for adoptions.

2. *The information regarding an adoptive parent must contain a history of the placement, growth and development of the adopted child, ~~and~~ any legal documentation regarding the adoption ~~and any information required pursuant to NRS 127.152.~~*

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

4. A child-placing agency shall provide the division with access to the documentation required pursuant to this section ~~and any additional information required by state or federal law.~~

5. *A child-placing agency shall submit to the division the documentation file required pursuant to subsection 1 when the agency completes an adoption.*

6. *A child-placing agency shall maintain a copy of any determination regarding an adoption subsidy made pursuant to NAC 127.340.*

7. *If a child-placing agency closes, it must forward to the division any record required to be maintained by this section.*

Sec. 46. NAC 127.230 is hereby amended to read as follows:

127.230 1. During its contacts with biological parents subsequent to its initial interview, a child-placing agency shall attempt to:

(a) Obtain information regarding the background of the biological family for two or three generations, including:

- (1) The occurrence of any childhood diseases or serious illnesses.
- (2) Psychiatric and psychological histories.
- (3) Demographic information and social history.
- (4) Any use of drugs.

(5) *Abuse of alcohol.*

(6) Blood types.

~~[(6)]~~ (7) Any congenital deformities.

~~[(7)]~~ (8) Any other pertinent information.

(b) Obtain, if the child to be placed for adoption has already been born, information regarding:

(1) The developmental and medical history of the child.

(2) The educational and social development of the child.

(3) The personal relationship between the child and his biological parents, including their attitudes toward one another.

(4) Any religious affiliation of the child.

(c) Collect as much specific information as possible about any putative father named by the biological mother, and attempt to contact and interview the putative father.

(d) Provide counseling for any grief experienced by the biological parents after the placement of the child.

(e) Provide information requested by the biological parents regarding the progress of the child following placement.

2. A child-placing agency shall place in the case file it maintains regarding the biological parents a record of the information obtained and services provided pursuant to subsection 1.

Sec. 47. NAC 127.235 is hereby amended to read as follows:

127.235 1. A person who wishes to have his home studied by a child-placing agency 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~~ *an application* from *a* prospective adoptive ~~parents,~~ *parent*, a child-placing agency shall:

(a) Assist the ~~applicants~~ *applicant* in determining whether adoption is in ~~their~~ *his* best interests.

(b) Inform the ~~applicants~~ *applicant* 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~~ *applicant* with a copy of the agency's schedule of fees.

(d) Evaluate the ~~applicants~~ *applicant* to determine ~~their~~ *his* suitability for becoming *an* adoptive ~~parents,~~ *parent*. 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) *An assessment conducted pursuant to subparagraph (1) must include, without limitation, an inquiry into any factor that the case worker determines is necessary to assess the ability of the applicant to meet the needs of the child to be adopted.*

(3) A visit to and assessment of the home of the ~~{applicants,}~~ *applicant*, including, without limitation, a fire and safety inspection that is conducted in a manner approved by the division.

~~{(3)}~~ (4) 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-}~~

~~—(4)}~~ *applicant or any member of the applicant's household who is 18 years of age or older.*

(5) A request for and review of any information concerning the ~~{applicants}~~ *applicant and any member of the applicant's household who is 18 years of age or older* maintained by local agencies of law enforcement.

~~{(5)}~~ (6) A request for and review of any records of criminal history regarding the ~~{applicants}~~ *applicant and any member of the applicant's household who is 18 years of age or older* obtained pursuant to NRS 127.281.

~~{(6)}~~ (7) The receipt and review of at least five satisfactory references from persons who have known the ~~{applicants}~~ *applicant* for not less than 2 years. Not more than two of the references may be from members of the family of ~~{an applicant-}~~

~~—(7)}~~ *the applicant.*

(8) A medical examination of the ~~{applicants}~~ *applicant* and each member of ~~{their}~~ *household.*

~~—(8)}~~ *his household.*

(9) Verification of the marital status of the ~~[applicants,]~~ *applicant*, including the review of any applicable records regarding marriage, divorce and the death of a spouse.

Sec. 48. NAC 127.238 is hereby amended to read as follows:

127.238 1. A child-placing agency shall annually update the study of the prospective adoptive home of an applicant approved for the placement of a child until:

(a) A child is placed with that applicant;

(b) The applicant requests that his name be removed from the list of approved adoptive homes; or

(c) The child-placing agency removes the applicant from the list of approved homes in accordance with subsection 3,

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whichever occurs first.

2. An updated study of a prospective adoptive home must include:

(a) All ~~[of]~~ the changes which have occurred since the initial study or the most recent updated study of the home, as appropriate;

(b) 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 applicant ~~[;]~~ *or any member of the applicant's household who is 18 years of age or older;* and

(c) A request for and review of any information concerning the applicant *or any member of the applicant's household who is 18 years of age or older* maintained by local agencies of law enforcement.

3. Except as otherwise provided in subsection 3 of NAC 127.240, a child-placing agency shall remove an applicant from the list of approved adoptive homes if the updated information

indicates concerns or conditions which constitute a reason pursuant to NAC 127.240 for a denial of an application for adoption.

Sec. 49. NAC 127.239 is hereby amended to read as follows:

127.239 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 will]~~ *child-placing agency shall* 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) Placement of the child with a ~~[member of his extended family.]~~ *person who is within the third degree of consanguinity to the child and is a suitable adoptive parent.*

(b) Placement of the child with his siblings. If a child has one or more siblings who are also available for adoption, the ~~[division will]~~ *child-placing agency shall* 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]~~ *With respect to the adoption of a child who is* not in the custody of an agency, the person responsible for the child may select the adoptive family.

Sec. 50. NAC 127.240 is hereby amended to read as follows:

127.240 1. To be approved as a prospective adoptive ~~[home,]~~ *parent*, 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 *has* 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]~~ *based upon* a substantiated

investigation, ~~[of abusing or neglecting a child.]~~ *the applicant or a member of the applicant's household who is 18 years of age or older:*

- (1) Has been convicted of a crime involving harm to a child;*
- (2) Has charges pending against him for a crime involving harm to a child; or*
- (3) Has been arrested and is awaiting final disposition of the charges pending against him for a crime involving harm to a child.*

(l) The applicant *or a member of the applicant's household who is 18 years of age or older* has *charges pending against him for* a felony conviction ~~[for:]~~ *involving, or has been arrested and is awaiting final disposition of possible or pending charges against him involving:*

- (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 of the division 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 felonies , ~~[or]~~ gross misdemeanors ~~[. The division will]~~ *or misdemeanors. The administrator of the division or the designee of the administrator shall* not approve such an adoption if the applicant has been convicted of a felony

described in paragraph (1) of subsection 2. If the director of adoption of a child-placing agency recommends such an adoption, he shall submit to the *administrator of the division 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 of the division or the designee of the administrator*, deny an application by such a person to adopt a child.

4. 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.

Sec. 51. NAC 127.245 is hereby amended to read as follows:

127.245 1. If a child-placing agency has reason to believe that a child under consideration for adoption is an Indian child, the agency shall consult and comply with the requirements of the Indian Child Welfare Act . ~~[of 1978, 25 U.S.C. §§ 1901 et seq.]~~

2. A child-placing agency shall ask a biological parent of a child who is under consideration for adoption whether the child is an Indian child. If the parent indicates that the child is or may be an Indian child, the agency shall ask the ~~[person]~~ *parent* 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,]~~ *without limitation*, 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

~~[(e)]~~ (e) If the child is an Alaskan native, the name of the child’s village or regional corporation.

FLUSH The *child-placing* agency shall record, in writing, the information provided by a parent pursuant to this subsection.

~~[3.— As used in this section, “Indian child” has the meaning ascribed to it in NRS 127.003.]~~

Sec. 52. NAC 127.253 is hereby amended to read as follows:

127.253 **1.** A child-placing agency shall provide services which are appropriate, based on the age of the child, to prepare a child for adoption, including, *without limitation, emotional counseling of the child if appropriate, collection of relevant material regarding the child’s history, collecting personal items for the child to keep in the adoptive home and* discussing the selected adoptive family with the child before his placement with that family.

2. *In determining the type of service to be provided pursuant to subsection 1, the child-placing agency shall consider, without limitation, the type of placement being considered, the relationship between the child and the members of the prospective adoptive home, and the readiness of the child for adoption.*

3. If a child and a prospective adoptive family are not personally acquainted, the child-placing agency shall arrange preplacement visits of the child to the prospective adoptive home, including, without limitation, such overnight visits as are feasible.

Sec. 53. NAC 127.255 is hereby amended to read as follows:

127.255 If a child-placing agency decides to place a child in an adoptive home, the agency shall:

1. Before the child is placed in the home, provide the adoptive family with information, in a written form that does not divulge the identity of the biological parents, regarding the background of the child. The information must include:

(a) The information set forth in:

(1) Subsection 4 of NAC 127.220; and

(2) Paragraphs (a) and (b) of subsection 1 of NAC 127.230;

(b) An analysis of the personality and temperament of the child;

(c) The developmental and familial history of the child;

(d) Copies of any available medical records regarding the child;

(e) The reasons for the relinquishment of the child; and

(f) If the child was in foster care:

(1) The reason the child was placed in foster care, including any history pertinent to the abuse, neglect or abandonment of the child; and

(2) A history of the child's previous placements outside his home, including, but not limited to, foster care and adoptive placements.

2. In addition to any other information provided to an adoptive parent, provide to the adoptive parent the report required pursuant to subsection 1 of NRS 127.152. The child-

placing agency shall obtain written confirmation that the adoptive parent has received the report.

3. Comply with all applicable requirements of the Interstate Compact on the Placement of Children, as set forth in NRS 127.330.

Sec. 54. NAC 127.256 is hereby amended to read as follows:

127.256 1. A child-placing agency shall:

(a) Make at least ~~[three supervisory visits]~~ *one supervisory visit* to the adoptive home ~~[during the period in which the child is placed in that home before his]~~ :

(1) Per week during the month following the placement; and

(2) Per month until the adoption becomes final. The actual number, timing and place of those visits must be determined for each specific placement.

(b) Document all contacts with the prospective adoptive family, child, and other persons who know or have contact with the child.

(c) Provide consultation with or referral to such community resources as are necessary to meet the child's needs.

(d) Assist the prospective adoptive parent to develop any skills related to parenting which may be needed to meet the specific needs of the child to be adopted.

2. The prospective adoptive parent shall:

(a) Participate in the supervisory visits made in accordance with this section; and

(b) Allow the child-placing agency unlimited access to the child.

3. If the child-placing agency has concerns regarding the placement of a child, the child-placing agency may contact teachers, babysitters, counselors, providers of medical care,

governmental agencies, and any other persons who know or have contact with the child for the purpose of ensuring that the specific needs of the child are being met.

Sec. 55. NAC 127.260 is hereby amended to read as follows:

127.260 1. Before a child-placing 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~~ **Ensure** that the parents have had ample time and received ample counseling to consider all the implications of their decision. A child-placing 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~~ **and employed by a child-placing agency or an agency which provides child welfare services,** who subscribe their names to the relinquishment in the presence of the relinquishing parent.

(f) ~~[If the]~~ *The* child -placing agency ~~[is an agency other than the division,]~~ *shall* 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 agency shall provide a relinquishing parent with a copy of his relinquishment of a child for adoption.

Sec. 56. NAC 127.264 is hereby amended to read as follows:

127.264 1. Before a child-placing agency *or agency which provides child welfare services* may approve the placement of a child in this state through an intercountry adoption, the adoption agency arranging the intercountry placement must provide to the child-placing agency *or agency which provides child welfare services* information about the child to be placed for adoption.

2. An adoption agency which arranges intercountry adoption:

(a) Shall not place a child with a prospective adoptive family without the written approval of a child-placing agency *or an agency which provides child welfare services* in this state; and

(b) Shall advise the child-placing agency *or the agency which provides child welfare services* which has approved the placement of the child when it has placed the child with that approved prospective adoptive family.

Sec. 57. NAC 127.270 is hereby amended to read as follows:

127.270 1. If a child-placing 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) ~~Encourage~~ *Develop a plan for* the biological parents of the child, if available, to visit the child on a continuing basis ~~if~~ unless the visits are clearly detrimental to the welfare of the child.

2. A child-placing 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.

Sec. 58. NAC 127.300 is hereby amended to read as follows:

127.300 The application process for the adoption of a child through ~~the division is~~ **an agency which provides child welfare services must be** available to all persons regardless of age, color, race, gender, sexual orientation, ethnicity, disability, income, religion or national origin. These factors ~~will~~ **must** 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. 59. NAC 127.310 is hereby amended to read as follows:

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

2. ~~The division will~~ **An agency which provides child welfare services shall** 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 will~~ **An agency which provides child welfare services shall** 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 will}~~ *agency which provides child welfare services shall* 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 ~~{,}~~; *or*
- (h) *Does not contact, in writing, the agency which provides child welfare services to confirm his interest in remaining on the list within 3 years after being placed 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 will}~~ *an agency which provides child welfare services shall* 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* 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.]~~ *an agency which provides child welfare services*. The list will be maintained by the ~~[division.]~~ *agency which provides child welfare services*.

Sec. 60. NAC 127.320 is hereby amended to read as follows:

127.320 ~~[The division will]~~ *An agency which provides child welfare services shall* 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;*
2. Upon notification of a proposed placement of a child pursuant to NRS 127.280;
3. Upon the written request of *a parent or legal guardian of a child*, 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. 61. NAC 127.330 is hereby amended to read as follows:

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

- (a) The child to be adopted is a child with special needs;
- (b) The child to be adopted is related, within the third degree of consanguinity, to the prospective adoptive parent; *or*
- (c) The prospective adoptive parent is the stepparent of the child to be adopted. ~~[; or]~~

~~—(d) The annual income of the prospective adoptive family is less than \$15,000.~~

~~—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. *The board of county commissioners in a county whose population is 100,000 or more shall develop and make available to the public policies that provide for the waiver and reduction of adoption fees pursuant to NRS 127.275 for the agency which provides child welfare services in that county.*

3. *The division will develop and make available to the public policies that provide for the waiver or reduction of adoption fees for an agency which provides child welfare services in a county whose population is less than 100,000 pursuant to NRS 127.275.*

Sec. 62. NAC 127.335 is hereby amended to read as follows:

127.335 ~~[The division will consider]~~ *Upon request by a prospective adoptive parent, an agency which provides child welfare services shall determine whether* a child with special needs ~~[to be]~~ *is* eligible for payments under the federal adoption assistance program pursuant to 42 U.S.C. § 673 ~~[if the child:~~

- ~~—1. Was adopted in a prior adoption that occurred on or after October 1, 1997;~~
- ~~—2. Was determined by the division 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.] or NRS 127.186.~~

2. If an agency which provides child welfare services determines that a child with special needs is eligible for payments pursuant to subsection 1, the agency shall enter into a written agreement with the adoptive parent of that child pursuant to NAC 127.340.

3. If the adoptive parent of a child with special needs does not have an agreement with the agency which provides child welfare services for payments pursuant to NAC 127.340, the parent reasonably believes that the child with special needs is eligible pursuant to this section and:

(a) The parent did not receive information regarding adoption assistance prior to adopting the child with special needs; or

(b) The child with special needs has a latent or preexisting condition which the parent reasonably believes qualifies the child pursuant to this section,

the parent may appeal to the division for an adoption assistance agreement. Such an appeal must be made in accordance with NAC 127.350.

Sec. 63. NAC 127.340 is hereby amended to read as follows:

127.340 1. ~~[The division]~~ *An agency which provides child welfare services* may provide financial assistance to the prospective adoptive parent of a child with special needs if another

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prospective adoptive family who would be able to provide for the child without the assistance of ~~[the division]~~ *the agency* cannot be found.

2. ~~[The division]~~ *An 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* is finalized, provide financial and medical assistance to the prospective adoptive parent *pursuant to NAC 424.460* upon the placement of that child in the prospective adoptive home. ~~[To receive this assistance, the prospective adoptive parent must enter into a written agreement with the division which states the terms of the assistance to be provided.]~~

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. *To receive this assistance, the prospective adoptive parent must enter into a written agreement with the agency which provides child welfare services that states the terms of the assistance to be provided.*

4. Financial assistance 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).

5. *An agency which provides child welfare services may provide medical assistance to the adoptive parents of a child with special needs if that family is eligible to receive adoption assistance for that child pursuant to NAC 127.360 or 42 U.S.C. §§ 1396 et seq.*

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.

~~[6.]~~ 7. *The agency which provides child welfare services shall review annually and renew, reduce or terminate any agreement that it enters into pursuant to this section.*

8. If an application for financial aid is denied, or assistance is reduced or modified, the ~~[division will]~~ *agency which provides child welfare services shall* 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. *The notification must be mailed by registered or certified mail, return receipt requested.*

Sec. 64. NAC 127.350 is hereby amended to read as follows:

127.350 1. An adoptive parent may appeal the decision of ~~[the division]~~ *an agency which provides child welfare services* to deny, reduce or terminate assistance pursuant to NAC 127.340 by requesting a hearing with ~~[the]~~ *a* hearing officer designated by the ~~[division. A]~~ *agency. Such a* request for a hearing must be made in writing to the ~~[hearing officer at 711 East Fifth Street, Carson City, Nevada 89710.]~~ *agency which provides child welfare services.* The request must be

received by the hearing officer, or postmarked if mailed, not later than ~~[13]~~ 30 calendar days after the date on which the written decision to deny, reduce or terminate assistance is ~~[made.]~~ *received by the applicant*. An applicant who fails to request ~~[timely]~~ a hearing *within 30 days after receiving the notice required pursuant to this section* waives his right to a hearing.

2. A hearing must be scheduled not later than ~~[15]~~ 30 calendar days after the date on which the request for a hearing is received by the hearing officer. The hearing may, with good cause, be delayed if the hearing officer approves the delay ~~[.]~~ *and timely notifies all parties of the delay*. The hearing officer shall render a decision on the hearing within ~~[15-working]~~ 30 *calendar* days after the ~~[date]~~ *adjournment* of the hearing. 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.

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

Sec. 65. NAC 127.360 is hereby amended to read as follows:

127.360 1. ~~[The division will]~~ *An agency which provides child welfare services shall 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* 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]~~ *the agency* 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 a county in this state* 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* 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 will,]~~ *agency which provides child welfare services shall,* 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. 66. NAC 127.370 is hereby amended to read as follows:

127.370 1. ~~[The division will consider]~~ *An agency which provides child welfare services shall develop and implement policies to ensure* the placement of a child with special needs with

a resident of another state who has ~~applied~~ *been approved by his state of residence* to adopt the child if the out-of-state resident appears to be a suitable placement candidate.

2. ~~The division will~~ *An agency which provides child welfare services shall* respond with reasonable promptness to a request by ~~an out-of-state~~ *a resident of another state* for the placement of a child through adoption.

3. ~~The division will~~ *An agency which provides child welfare services shall* 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~~ *agency*.

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