

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

LCB File No. R120-12

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Adoption of Regulations of the
Division of Child and Family Services**

NOTICE IS HEREBY GIVEN that the Division of Child and Family Services (DCFS) will hold a public hearing to receive comments from all interested persons regarding amendments to Chapter 432 of the Nevada Administrative Code (NAC).

The public hearings will be conducted via videoconference and teleconference beginning at 1:00 p.m. on January 2, 2013, at the following locations:

Division of Child and Family Services 4126 Technology Way, 3 rd Floor Conference Room Carson City Nevada 89706	Division of Child and Family Services 6171 West Charleston Blvd. Bldg. 8, Conference Room B, Las Vegas, NV 89146
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Conference call-in is also available at: 1-888-363-4735 Code 3463157

LCB File No. R120-12 amends Chapter 432 of NAC by adding a new section to read:

1. An agency which provides child welfare services shall include in its plan for the care of children in its custody during a disaster the procedures for:
 - (a) Providing temporary shelter to the children, including, without limitation, an identification of appropriate shelters to which the children may be placed during the disaster.
 - (b) Evacuating the children from each foster home or facility for the detention or commitment of children in which the children are placed, including, without limitation:
 - (1) An identification of potential routes for evacuation;
 - (2) A plan for the transportation of the children;
 - (3) The procedures for communicating with emergency personnel;
 - (4) The procedures for evacuating children with disabilities or who have special medical needs; and
 - (5) The procedures for communicating with each employee of the agency which provides child welfare services who has any of the children included as a client in the caseload of the employee, the director of each foster home and the superintendent of each facility for the detention or commitment of children in which the children are placed.

- (c) Caring for children with disabilities or who have special medical needs which must include, without limitation:
 - (1) Ensuring that the agency which provides child welfare services has access to the most recent plan of care for any such child;
 - (2) Ensuring that the agency which provides child welfare services has access to a list of all prescription and nonprescription medication prescribed or recommended for any such child by the provider of health care of the child;
 - (3) An identification of how the director of a foster home or the superintendent of a facility for the detention or commitment of children can obtain a supply of the prescription and nonprescription medications, special dietary foods or supplies for any such child in his or her custody during a disaster;
 - (4) The procedure for obtaining emergency electrical power for any medical equipment that any such child uses which requires electricity; and
 - (5) An identification of shelters which are able to accommodate any such child and, if applicable, his or her family.
 - (d) Communicating with each person or entity who has physical custody of the children before, during and after a disaster, which must include, without limitation:
 - (1) The most recent contact information for the employees, director or superintendent, as appropriate, of each foster home or facility for the detention or commitment of children in which the children are placed;
 - (2) The name, address and telephone number of the parent or legal guardian of any such child or any other appropriate person; and
 - (3) The name, address and telephone number of any provider of health care who is treated any such child.
 - (e) Coordinating with emergency management entities and juvenile courts during a disaster, which must include, without limitation, a review of the disaster plans of the emergency management entities and juvenile courts to ensure the plan developed pursuant to this section by the agency which provides child welfare services is consistent with those disaster plans.
 - (f) Providing services to the children to address the emotional impact of the disaster, which must include, without limitation, the procedure by which the children will have access to mental health services.
2. Each agency which provides child welfare services shall;
- (a) Provide its plan for the care of children in its custody during a disaster to the director of each foster home and the superintendent of each facility for the detention or commitment of children in which the children are placed.
 - (b) Review and update its plan for the care of children in its custody during a disaster annually and any time that the contact information required pursuant to paragraph (d) of subsection 1 is changed. In reviewing and updating the plan, the agency which provides child welfare services shall consider:
 - (1) The results of any drills or exercises conducted in preparation for a disaster;

- (2) The response of the agency which provides child welfare services to a past disaster;
- (3) Any changes to federal, state and local laws and regulations governing disaster and disaster response;
- (4) The best practices governing disasters and disaster response used by other state and local agencies; and
- (5) Any other new information relevant to disasters and disaster response.

1. Economic Impact:

- a. Business: The agency has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. Therefore, there are no adverse or beneficial effects to a small business. The regulation applies to actions required by an agency which provides child welfare services.
 - i. Adverse: None Anticipated
 - ii. Beneficial: The continued safety and well-being of children during a disaster who are under the care and custody of an agency that provides child welfare services. These processes will expedite emergency actions on the part of the child welfare agency(s) and may require less of public safety services due to a practiced and planned response on the part of child welfare agencies.
 - iii. Immediate: Increased safety of children, as well as an increased efficiency in disaster response services.
 - iv. Long Term: Same as beneficial and immediate effects noted above.
- b. Public:
 - i. Adverse: None anticipated
 - ii. Beneficial: The benefit to the public is the continued safety of children in the care and custody of child welfare agencies during a disaster. A specific plan of action will help to decrease confusion and potential disorder on an already stressed public during an emergency or disaster.
 - iii. Immediate: Same as beneficial effects noted above.
 - iv. Long Term: Same as beneficial effects noted above.

2. Estimated Cost to Agency:

- a. There is no expected additional cost to the agency for the enforcement of this regulation.

3. This regulation does not overlap or duplicate any regulation of other state or local governmental agencies.

4. This regulation does not establish any new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Division of Child and Family Services may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Division of Child and Family Services, 4126 Technology

Way, 1st Floor, Carson City, Nevada 89706. Written submissions must be received by the Division of Child and Family Services on or before January 2, 2013. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Child and Family Services may proceed immediately to act upon any written submissions.

A copy of this notice and proposed regulation to be adopted are on file for inspection and/or may be copied at the following locations during normal business hours. Copies may be obtained in person, by mail, by email, or by calling one of the locations listed below:

Division of Child and Family Services 4126 Technology Way, First Floor Carson City, NV 89706 Tel: 775.684.4400	Nevada State Library 100 Stewart Street Carson City, NV 89701 Tel: 775.684.3360
Division of Child and Family Services 4180 S Pecos, Suite 150 Las Vegas, NV 89121 Tel: 775.486.7711	

A copy of the regulations can also be found on the Division of Child and Family Services website at: http://www.dcf.state.nv.us/DCFS_GoogleCalendar.htm. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>.

Per NRS 233B.0607(1)(c), the agency must also deposit one copy of the notice and text of the proposed regulation with the librarian of the main public library **in any county where the agency does not maintain an office**. Therefore, copies may also be obtained from any of the public libraries listed below, in counties where the Division of Child and Family Services does not have offices:

Douglas County Library 1625 Library Lane Minden, NV 89423 Tel: 775.782.9841	Goldfield Public Library Corner of Crook and 4 th Street PO Box 430 Goldfield, NV 89013-0430 Tel: 775.485.3236
Eureka Branch Library 80 South Monroe Street PO Box 293 Eureka, NV 89316-0283 Tel: 775.237.5307	Lander County Library PO Box 141 625 South Broad Street Battle Mountain, NV 89820-0141 Tel: 775.635.2534
Lincoln County Library 63 Maine Street PO Box 330 Pioche, NV 89043-0330 Tel: 775.962.5244	Mineral County Library 110 1 st Street PO Box 1390 Hawthorne, NV 89415-1390 Tel: 775.945.2778

Pershing County Library 400 Main Street Lovelock, NV 89419-0781 Tel: 775.273.2216	Storey County Library 95 South R Street Virginia City, NV 89440-0014 Tel: 775.847.0956
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Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Members of the public who are disabled and require special accommodations or assistance at the meeting are required to notify the Division of Child and Family Services, 4126 Technology Way, Carson City Nevada 89706, at (775) 684-4400, at least 24 hours prior to the date of the hearing.

Public notices for this meeting have been posted in compliance with NRS 241.020 at the following locations.

- Bureau of Indian Affairs** 311 E Washington Street, Carson City, NV
- Children’s Cabinet** 1090 S Rock Blvd., Reno, NV
- Clark County Department of Family Services** 601 N Pecos, Las Vegas, NV
- Legislative Counsel Bureau** 401 S Carson Street, Carson City, NV
- State of Nevada – Department of Health and Human Services** 4126 Technology Way, Ste 101, Carson City, NV
- State of Nevada – Division of Child and Family Services** 4126 Technology Way, Third Floor, Carson City, NV
- State of Nevada – Division of Child and Family Services – Nevada Youth Training Center (NYTC)** 100 Youth Center Drive, Elko, NV
- State of Nevada – Division of Child and Family Services – Youth Parole Bureau** 620 Belrose Street, Las Vegas, NV
- State of Nevada – Division of Child and Family Services** 1010 Ruby Vista Drive, Suite 101, Elko, NV
- State of Nevada – Division of Child and Family Services – Desert Willow Treatment Center** 6171 W Charleston Blvd., Las Vegas, NV
- State of Nevada – Division of Emergency Management** 2478 Fairview Drive, Carson City, NV
- United Way of Southern Nevada** 1660 E Flamingo Road, Las Vegas, NV
- Washoe County Department of Social Services** 350 S Center Street, Reno, NV
- Washoe County Library – South Valleys** 15650A Wedge Parkway Reno, NV

- Douglas County Library** 1625 Library Lane, Minden, NV
- Eureka Branch Library** 80 South Monroe Street, PO Box 293, Eureka, NV
- Goldfield Public Library** Corner of Crook and 4th Street, PO Box 430, Goldfield, NV
- Lander County Library** PO Box 141, 625 South Broad Street, Battle Mountain, NV
- Lincoln County Library** 63 Maine Street, PO Box 330, Pioche, NV
- Mineral County Library** 110 1st Street, PO Box 1390, Hawthorne, NV
- Pershing County Library** 400 Main Street, Lovelock, NV
- Storey County Library** 95 South R Street, Virginia City, NV