

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

**LCB File No. R107-16**

Effective December 21, 2016

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

AUTHORITY: §§1-10, NRS 62B.250.

A REGULATION relating to juvenile justice; requiring agencies that operate certain types of facilities at which children are held to ensure their employees receive certain types of training; requiring such agencies to submit annual reports of employee training; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations relating to required training of certain employees of an agency to which a juvenile court commits a child. (NRS 62B.250) **Section 8** of this regulation requires such an agency to ensure its employees and supervisory employees receive training in certain subjects. **Section 9** of this regulation requires any such agency to submit an annual report of the training its employees received to the Juvenile Justice Programs Office of the Division, and requires the Division to prepare an annual report summarizing such training. **Section 10** of this regulation authorizes the Division to take certain actions if an agency fails to comply with the provisions of this regulation.

**Section 1.** Chapter 62B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Agency” means any public or private agency, organization or institution detaining or otherwise having custody or control of a child pursuant to title 5 of NRS.*

Sec. 4. *“Child” has the meaning ascribed to it in NRS 62A.030.*

Sec. 5. *“Division” means the Division of Child and Family Services of the Department of Health and Human Services.*

Sec. 6. *“Institution” means a facility where a child is held before or after adjudication to be in need of supervision or a delinquent child pursuant to title 5 of NRS. The term does not include a group home in which a child may be held pursuant to title 5 of NRS.*

Sec. 7. *“Office” means the Juvenile Justice Programs Office of the Division.*

Sec. 8. *1. An agency that operates an institution shall ensure that each employee who comes into direct contact with children who are in custody receives training in accordance with NRS 62B.250. The training must consist of instruction concerning:*

*(a) The topics listed in paragraphs (a) to (g), inclusive, of subsection 1 of NRS 62B.250;*

*(b) Proper reporting of suspected child abuse or neglect;*

*(c) Proper reporting and investigation of sexual harassment or sexual misconduct consistent with the requirements set forth in the federal Prison Rape Elimination Act of 2003, 42 U.S.C. §§ 15601 et seq., and 28 C.F.R. §§ 115.5 et seq.;*

*(d) The conditions and limitations of the use of corrective room restriction set forth in NRS 62B.215;*

*(e) The plan for care of children in the institution during disasters developed pursuant to NRS 62B.220;*

*(f) Trauma-informed care of children; and*

*(g) Data collection.*

2. *In addition to the instruction required by subsection 1, an agency that operates an institution shall ensure that the training required by subsection 1 and NRS 62B.250 for an employee who has supervisory duties over other employees includes instruction concerning:*

*(a) The provisions of the “Juvenile Detention Facility Standards” adopted by the Juvenile Justice Commission; and*

*(b) The disproportionate contact of children belonging to a racial or ethnic minority group with the juvenile justice system.*

3. *As used in this section, “trauma-informed care” means an approach to the delivery of care to a child that takes into account the impact of trauma on the child and emphasizes physical, psychological and emotional safety for both providers and children.*

**Sec. 9. 1.** *An agency that operates an institution shall keep records related to the training of new and existing employees required pursuant to NRS 62B.250 and section 8 of this regulation. Such records must include, without limitation, the date, topic and name of each employee who attended each training session.*

2. *Not later than February 15 of each year, an agency that operates an institution shall submit to the Office on a form developed and provided by the Office a report concerning the training required by NRS 62B.250 and section 8 of this regulation. The report must include, without limitation, the date and topic of each training session and the total number of employees who attended each training session.*

3. *Based on the information provided to the Office pursuant to this section, the Office will produce an annual report summarizing training provided pursuant to NRS 62B.250 and section 8 of this regulation.*

**Sec. 10.** *If an agency fails to comply with the requirement to submit an annual training report pursuant to section 9 of this regulation, the Office shall notify the governing body of the agency and may take any other action deemed lawful until the agency complies with such reporting requirement.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS  
233B.066  
LCB FILE R107-16**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 62B.

**1. A clear and concise explanation of the need for the adopted regulation.**

Required training of Juvenile Justice Institution staff and supervisors, reporting requirements of training activities, and penalties for failure to report training activities.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by mail and e-mail to persons who were known to have interest in the subject of required training of Juvenile Justice Institution staff and supervisors, reporting requirements of training activities, and penalties for failure to report training activities as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Division of Child and Family Services (DCFS), [www.dcfv.nv.gov](http://www.dcfv.nv.gov), mailed to all county libraries in Nevada and posted at the following locations:

Reno Youth Parole Bureau  
560 Mill St., Suite 250  
Reno, NV 89502

DCFS in Carson City  
4126 Technology Way, 3<sup>rd</sup> Floor  
Carson City, NV 89706

Jan Evans Juvenile Justice Center  
650 Ferrari-McLeod Blvd.  
Reno, NV 89512

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Elko County Library  
720 Court St.  
Elko, NV 89801

Washoe County Library  
301 South Center Street  
Reno, NV 89505

Carson City Library  
900 North Roop Street  
Carson City, NV 89702

Pahrump Community Library  
701 East Street  
Pahrump, NV 89041

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415

Tonopah Library District  
167 Central Street  
Tonopah, NV 89049

Clark County District Library  
833 Las Vegas Blvd. North  
Las Vegas, NV 89101

Humboldt County Library  
85 East 5th Street  
Winnemucca, NV 89445

Churchill County Library  
553 South Main Street  
Fallon, NV 89406

A public workshop was held on May 18, 2016, proposing to Adoption of regulations pertaining to Chapter 62B.250 of the Nevada Administrative Code. The purpose of the workshop is to solicit comments from interested persons that may be addressed in the proposed regulations. The minutes of this workshop are attached hereto.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Division of Child and Family Services, 560 Mill Street 250, Reno, Nevada, 89502, 775-688-1421. A reasonable fee for copying may be charged.

3. **The number of persons who:**
  - a. **Attended each hearing:** May 18, 2016 – 5; September 7, 2016 – 7
  - b. **Testified at each hearing:** May 18, 2016 – 3; September 7, 2016 - 1
  - c. **Submitted to the agency written comments:** 0
4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**
5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

These regulations do not apply to businesses as they regulate government facilities. There are no private facilities that fall under these regulations and so no private business comment was solicited.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no change from the proposed regulation to the adopted regulation. At the public hearing there was no public comment in opposition to the adoption of the regulation. The only comment asked about clarification on how the change might affect local policies. There was no written opposition or suggested changes from the proposed regulation to the adopted regulation language.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must included:**

This regulation does not regulate any business. It does regulate facilities for youth. The estimated economic effect on the public may be a marginal increase in facility costs for training materials, supplies, and staff time.

**Adverse and Beneficial Effects:** The adverse effects on juvenile facilities is the staff time cost spent in training. The beneficial effects include ensuing all facilities housing children have well trained staff and supervisors. The training seeks to enhance the safety and well-being of youth and staff in these types of facilities. In addition, it will set a standard of training statewide to ensure quality staff regardless of geographic location. The training will also make certain that staff are informed of their statutory obligations with respect to evacuation plans and reporting room confinement. The statewide collection of training efforts and annual report will inform agencies, legislators and the public of ongoing efforts to improve the juvenile justice system.

**Immediate and Long-Term Effects:** Immediately facilities will need to establish training schedules, find training material (which the State intends to assist with), and develop a documentation process that meets the regulatory standards. Long-Term effects include reducing injury or risk to the youth in these facilities and lowered litigation costs for counties. The requirement of training for data collection and Disproportionate Minority Contact seek to give local governments and the state the information and tools needed to have a clear data informed approach of our juvenile justice system and to reduce the Disproportionate Minority Contact that youth have with our criminal justice system.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

The estimated cost to the Division of Child and Family Service is approximately 80 hours of staff time a year to compile the yearly report and to assist facilities with connecting them to appropriate training materials throughout the year. The Divisions Program Office can absorb this cost.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency,**

There is minor overlap with the Prison Rape Elimination Act (PREA) which is administered by the U.S. Department of Justice. This regulation requires training that is consistent with the requirements of PREA. The overlap is designed to ensure that local facilities are following the PREA guidelines with respect to reporting and investigation sexual misconduct or harassment. Having the overlap could protect local governments from being exposed to litigation for not following the Federal guideline.

- 10. If the regulation included provisions that are more stringent than a federal regulation which regulated the same activity, a summary of such provisions.**

Not applicable.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fee is proposed.