

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

LCB File No. R107-16

July 18, 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.*