

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

LCB File No. R021-20

November 23, 2020

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

AUTHORITY: §1, NRS 62B.615.

A REGULATION relating to juvenile justice; requiring certain facilities and departments to use evidence-based practices when providing services to children; requiring certain facilities and departments to submit certain information annually to the Division of Child and Family Services of the Department of Health and Human Services concerning certain programs or services; authorizing the Division to withhold certain money from a facility or department for noncompliance with the requirement to use evidence-based practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) Existing law requires the Juvenile Justice Oversight Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services of the Department of Health and Human Services and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. (NRS 62B.615) This regulation requires a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children, a state facility for the detention of children and each department of juvenile services to: (1) use evidence-based practices in providing services to children that comply with the evidence-based standards included in the 5-year strategic plan developed by the Commission; (2) annually submit to the Division a written report concerning any program or service offered by the facility or department during the immediately preceding fiscal year that was paid for with certain state money; and (3) provide any additional information relating to such a program or service upon request of the Division. This regulation provides that the Division will annually evaluate each report received from a facility or department to determine whether the facility or department is in compliance with the requirement concerning the use of evidence-based practices. Finally, this regulation provides that the Division will withhold certain money from a facility or department that the Division determines is not in compliance with the requirement to use evidence-based practices. Before withholding money, this regulation provides that the Division will: (1) notify the facility or department of the specific program or service which is not in compliance with the

requirement to use evidence-based practices; (2) require the facility or department to submit a corrective action plan to the Division upon receipt of a notice of noncompliance; and (3) if the facility or department does not submit or adhere to a corrective action plan, notify the facility or department that money will be withheld and specify the amount of money that will be withheld.

Section 1. Chapter 62B of NAC is hereby amended by adding thereto a new section to read as follows:

1. A local facility for the detention of children, a regional facility for the treatment and rehabilitation of children, a state facility for the detention of children and each department of juvenile services shall use evidence-based practices in providing services to children. Such practices must comply with the evidence-based standards developed by the Commission pursuant to NRS 62B.615.

2. On or before December 15 of each year, a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children, a state facility for the detention of children and each department of juvenile services shall submit to the Division a written report concerning any program or service offered by the facility or department during the immediately preceding fiscal year that was paid for with state money. Such a report must include, without limitation, the name of each such program or service and a description of the manner in which the program or service complies with the evidence-based standards developed by the Commission pursuant to NRS 62B.615.

3. The Division will annually evaluate each report received pursuant to subsection 2 to determine whether the facility or department is in compliance with subsection 1. If the information included in the report is not sufficient for the Division to determine such compliance, the facility or department shall submit any additional information requested by the Division relating to the program or service.

4. If the Division determines that a facility or department is not in compliance with subsection 1, the Division may withhold state money from the facility or department. Before any state money is withheld, the Division will:

(a) Notify the facility or department of the specific program or service which is not in compliance with subsection 1;

(b) Require the facility or department to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance; and

(c) If the facility or department does not submit or adhere to the corrective action plan, notify the facility or department that state money will be withheld and specify the amount thereof.

5. As used in this section, “state money” means money received from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court.