

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

LCB FILE NO. R024-20I

**The following document is the initial draft regulation proposed
by the agency submitted on 02/14/2020**

NAC 62H

GENERAL PROVISIONS

NAC 62H.010 Definitions. (NRS 62H.200) As used in [NAC 62H.XXX](#) to [62H.XXX](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 62H.XXX](#) to [62H.0XXX](#), inclusive, have the meanings ascribed to them in those sections.

NAC 62H.XXX “Case Closure” defined. “Case closure” means the termination of jurisdiction of a child per NRS 62B.410. This may also be referred to as a “discharge”.

NAC 62H.020 “Child” defined. (NRS 62H.200) “Child” has the meaning ascribed to it in [NRS 62A.030](#).

NAC 62H.XXX “Child educational background” defined. “Child educational background” means the current level of education of a child at a point in time such as referral, commitment, discharge, or case closure.

- i. *Diploma*
- ii. *GED*
- iii. *HiSet*
- iv. *Still in school*
- v. *Not attending school*

NAC 62H. XXX “Composition of household” defined. “Composition of household” means the one or more individuals who live in the same dwelling and share meals. For the purposes of this regulation; the composition of the dwelling the child is in.

- i. *Both parents present (biological or adoptive)*
- ii. *One biological/adoptive parent*
- iii. *Relative or guardian present*
- iv. *Family foster home or group home*
- v. *Institutional setting/residential treatment*
- vi. *Independent living*
- vii. *Other*

NAC 62H.XXX “Commitment” defined. As described in NRS.62E.110.

NAC 62H.XXX “Data sharing” defined. “Data sharing” means the ability to share a data resource with multiple applications or users.

NAC 62H.030 “Delinquent act” defined. (NRS 62H.200) “Delinquent act” means any act designated a crime under Nevada Revised Statutes, other than a traffic offense, with which a child or an adult may be charged. Includes felony, gross misdemeanor, and misdemeanor acts. May also be referred to as an “offense”.

NAC 62H.XXX “Evidence-based. “Evidence based” means the criteria outlined in the Evidence Based Practices Definition Matrix adopted by the JJOC within the FY 19 -23 Strategic Plan.

NAC 62H.XXX “Gender Identity” defined. “Gender identity” has the meaning ascribed to it in NRS 651.050.2.

NAC 62H. XXX “Household poverty level” defined. Household poverty level” means a specified dollar amount considered to be the minimum level of resources to meet the basic needs of a household depending on the composition of the household. A reference for determining household poverty is healthcare.org: federal poverty level (FPL).

- i. *Family above poverty*
- ii. *Family at or below poverty*

NAC 62H.XXX “Individualized case plan” defined. (NRS 62E.507). “Individualized case plan” means a plan for each child placed under supervision of a juvenile court or services officer or committed to a regional facility for treatment and rehabilitation of children that meets the requirements of NRS 62E.507. May be referred to as case plan or case planning.

NAC 62H.XXX “JJOC” defined. “JJOC” means the Juvenile Justice Oversight Commission as outlined in NRS 62B.600.

NAC 62H.XXX “Juvenile Justice Oversight Commission FY 19 Scorecard and Performance Summary” defined. “Juvenile Justice Oversight Commission FY 19 Scorecard and Performance Summary” defined means to evaluate youth in the juvenile system through a series of system trends and youth disposition outcomes.

NAC 62H.XXX “Juvenile Justice Strategic Plan” defined. (NRS 62B.615) “Juvenile Justice Strategic Plan” means a long term, continuous strategic focus area that moves the juvenile justice system into the future.

NAC 62H.XXX “Juvenile Justice Reform Act of 2018” defined. “Juvenile Justice Reform Act of 2018” defined is the 2018 reauthorization of the Juvenile Justice and Delinquency Prevention Action of 1974 which provided federal protection on the care and treatment of youth in the criminal justice system.

NAC 62H.XXX “Mental health screening” defined. (NRS 62B.610) “Mental health screening” means a validated screening tool that screens a child for mental health interventions or the need for assessment.

NAC 62H.040 “Office” defined. (NRS 62H.200) Office” means the Juvenile Justice Programs Office of the Division Child and Family Services of the Department of Health and Human Services.

NAC 62H.XXX “Race” defined”. “Race” defined means the categorization of a child within the juvenile justice system in one of the following categories.

White: Having origins in any of the original people of Europe, North Africa or the Middle East.

African American: Having origins in any of the black racial groups of Africa.

American Indian or Alaskan Native: Having origins in any of the original people of North America, Central American, and South America, and maintains tribal affiliation or community attachment.

Hispanic: Having origins of Latin America, Mexico, Cuba, and Puerto Rico.

Asian: Having origins in any of the original people of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or Other Pacific Islander: Having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Mixed: Having origins in more than one of the races.

Unknown: Unable to determine or not provided.

NAC 62H. XXX “Racial and ethnic disparities” defined. “Racial and ethnic disparities” is defined as the disproportionate number of minority child who encounter the juvenile justice system. A county juvenile probation department shall provide racial and ethnic disparities data to the Office by system contact point broken down by gender and race/ethnicity.

NAC 62H.XXX “Recidivism” defined. “Recidivism” is defined as a child’s tendency to relapse into a previous condition or mode of behavior after the initial intervention of the juvenile justice system, as defined by the Juvenile Justice Oversight Commission within the FY 19 -23 Strategic Plan.

NAC 62H.050 “Referral” defined. (NRS 62H.200) “Referral” means the point in time when a child is brought to the attention of the system of juvenile justice in this State and an official record is opened to document the children case.

NAC 62H.XXX “Risk and needs assessment” defined. (NRS 62B.610) “Risk and needs assessment” means a validated tool that uses a currently accepted standard of assessment to assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court.

NAC 62H.XXX “Risk level” defined. “Risk level” defined means the identified risk level on the risk and needs assessment at the initiation of the child’s case and the risk level at the time of case closure.

NAC 62H.XXX “State money” defined. “State money” means money received from the state, except money received from the State Plan for Medicaid for the benefit of a child subject to the jurisdiction of a juvenile court, as outlined in NRS 62B.630.1. This includes but is not limited to the Community Corrections Partnership Block Grant and state general funding for Spring Mountain Youth Camp and China Spring/Aurora Pines Youth Camp.

NAC 62H.XXX “Status offense” defined. “Status offense” for the purpose of this chapter means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult, as defined within the Juvenile Justice Reform Act of 2018. Specific status offenses are defined as:

<u>Runaway</u>	<u>Deserts, abandons or runs away from his or her home or usual place of abode (paragraph (c) of subsection 1 of NRS 62B.320).</u>
<u>Truancy</u>	<u>Habitual truancy by a child who is subject to compulsory school attendance (paragraph (a) of subsection 1 of NRS 62B.320).</u>
<u>Curfew</u>	<u>Violation of a county or municipal ordinance (curfew) or a rule or regulation by a child living or found within the county which would not be a crime if committed by an adult (NRS 62B.330).</u>
<u>Incorrigible</u>	<u>Habitually disobeys the reasonable and lawful demands of his or her parents, guardian, or other custodian, and is unmanageable (paragraph (b) of subsection 1 of NRS 62B.320).</u>
<u>Loitering</u>	<u>Minor loitering in a place where alcoholic beverages are sold (NRS 202.030).</u>
<u>Tobacco</u>	<u>Purchase, consumption, or possession of cigarettes under the age of 18.</u>
<u>CHINS</u>	<u>A non-offender or an abused/neglected child who does not have parental supervision or a child in need of supervision.</u>
<u>Out of state runaway</u>	<u>Deserts, abandons or runs away from his or her home or usual place of abode from another state.</u>

NAC 62H.XXX “Supervision level” defined. “Supervision level” for the purpose of this chapter means the amount of formal supervised contact with a child in the community which may change periodically while the child is under formal supervision. This does not include informal supervision, diversion activities, or courtesy supervision for the purposes of interstate compact.

NAC 62H.XXX “Valid Court Order” defined. The term “valid court order” for the purpose of this chapter means a court order given by a juvenile court judicial officer to a juvenile– (A) who was brought before the court and made subject to such order; and (B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States as defined within the Juvenile Justice Reform Act of 2018.

NAC 62H.XXX “Violations of Probation/Parole” defined. “Violations of probation/parole” means a break in the terms or conditions of probation/parole that may result in extended time, additional terms and conditions, time in detention, or other penalties.

DELETE OR OBSOLETE CURRENT NAC 62H.100 THROUGH 62H.420 AND REPLACE WITH THE FOLLOWING

SYSTEM FOR COLLECTING AND ANALYZING INFORMATION CONCERNING JUVENILE JUSTICE

Reporting of Information by Local Juvenile Probation Department

Section 1: NAC 62H.XXX County System Trends and Youth Specific Indicators (This section updates and revises the current NAC 62H.100 through 62H.250, with exception of NAC 62H.200)

1. Each county juvenile probation department shall collect data and report system trend data and youth specific indicators as outlined in the Juvenile Justice Oversight Commission Scorecard and Performance Summary to the Office. The Division shall maintain the most recent version of the Scorecard and Performance Summary on its website.
2. System trend data include, but not limited to, items such as rate of recidivism, poverty level, total arrests and re-arrests, total adjudications and re-adjudications, total youths with individualized case plans, and total convictions in the adult criminal justice system. System trend data shall be provided or available to the Office no later than December 1st of each year.
3. Youth specific indicators shall follow each child from referral to case closure. Youth specific indicators include, but not limited to, age, gender, poverty level, household composition, education level, risk level, mental health screening level, prior out of home placements, disciplinary action while in placement, supervision level, and violations of probation. Youth specific indicators shall be provided or available to the Office bi-annually around June 1st for the previous July through December around December 1st for the previous January through June.
4. For each data collection requirement in this chapter of the NAC, the Division shall provide a sample data reporting form/report.

Section 2: NAC 62H. XXX Status Offenders. (This section revises the current NAC 62H.200).

1. The Office of Juvenile Justice Delinquency Prevention of the United State Department of Justice requires the Office to capture data on status offenders who are arrested, booked, or held securely in a juvenile detention facility, to include the use of a valid court order for chronic status offenders
2. A county juvenile probation department that operates a juvenile detention facility shall gather and report the number of status offenders booked into a juvenile detention facility to the Office in a format prescribed by the Office.
3. If a valid court order is used to hold a juvenile longer than 24 hours, the following shall be provided to the Office for each valid court order used.
 - a. A copy of the valid court order that has been violated;
 - b. A county juvenile probation department's determination for why the identified valid court order has been violated; and
 - c. Court and/or probation documentation as to why the child could not be placed in a less restrictive setting other than juvenile detention.
4. This data shall be provided to the Office monthly no later than the 15th of month for data relating to the previous month.

Section 3: NAC 62H. XXX Racial and ethnic disparities. (This section replaces the obsolete NRS 62H.230)

1. The Office shall submit an annual report to the Office of Juvenile Justice Delinquency Prevention (OJJDP); to the Governor, and to the Director of the Legislative Counsel Bureau on racial and ethnic disparate treatment in the juvenile justice system.

2. Each county juvenile probation department shall gather and report the total number of youths broken down by race and gender for various juvenile justice contact points. These contact points include, but are not limited to, referrals, arrests, adjudications, and formal probation placement.
3. This data shall be provided or available to the Office no later than December 1st of each year for the Office to meet the requirements of NRS 62H.225.

Recidivism

Section 4: NAC 62H.XXX Measurement of rates of recidivism. (This is a new section)

1. Recidivism rates shall be measured when an individual, with an arrest, citation, referral, adjudication, commitment or placement into an out of home facility, is
 - a) Re-arrested or re-referred, or
 - b) Re-adjudicated, or
 - c) Committed or Re-committed, or
 - d) In violation of supervision, or
 - e) Convicted by an adult court.
2. The rate for each individual shall be tracked each year for 3 years after arrest, citation, referral, adjudication, commitment, or placement into an out of home facility.
5. This data shall be provided or available to the Office no later than December 1st of each year for the Office to meet the requirements of NRS 62H.225.

Reporting of Information by the Youth Parole Bureau

Section 5: NAC 62H.XXX Child specific information at case closure. (This revises the current NAC 62H.300 through 62H.450)

1. The Youth Parole Bureau of the Division shall collect data and report system trend data and youth specific indicators as outlined in the Juvenile Justice Oversight Commission Scorecard and Performance Summary to the Office.
2. System trend data include, but not limited to, items such as rate of recidivism, successful/unsuccessful closures, total youths with individualized case plans, and total convictions in the adult criminal justice system. System trend data shall be provided or available to the Office no later than December 1st of each year.
3. Youth specific indicators shall follow each child from commitment to the Division to case closure. Youth specific indicators include, but not limited to, age, gender, poverty level, household composition, education level, risk level, mental health screening level, prior out of home placements, disciplinary action while in placement, supervision level, and violations of parole. Youth specific indicators shall be provided or available to the Office bi-annually around June 1st for the previous July through December around December 1st for the previous January through June.

Juvenile Justice Performance Measures

Section 6: NAC 62H. XXX State and County data gathering per NAC 62H.500 and NRS 62B.640. (This is a new section).

1. The Office shall gather and report juvenile justice performance measures as indicated in the Juvenile Justice Oversight Commission Strategic Plan and the Scorecard and Performance Summary.
2. Each county juvenile probation department and the youth parole bureau shall comply with any data requests associated with statewide performance measure data.

Withholding of state money for non-compliance with regulations

Section 7: NAC 62B.XXX The withholding of state money. (This is a new section).

1. Per NRS 62H.200, NRS 62H.300, and NRS 62B.600, each county juvenile probation department shall establish mechanisms to collect and report data measures as required and provide that data to the Office through any agreed upon method.
2. Failure to provide data as requested and required may result in the withholding or forfeit of state money to a county juvenile probation department.
3. A county juvenile probation department shall be notified of a potential violation within 30 days of discovery by the Division. The notification shall identify the specific provision that is not in compliance.
4. A county juvenile probation department shall have 30 days from the date of notification of non-compliance to provide a corrective action plan to the Division. The Plan shall include a timeline and due date for compliance.
5. A county juvenile probation department that does not submit a correction action plan within 30 days or does not adhere to the Plan is subject to the withholding of state money.
6. The Division shall notify a county juvenile probation department and the County Commission of the county not in compliance that state money will be withheld. The notice shall:
 - i. Specify the amount or percentage that will be withheld;
 - ii. Specify the source of funding withheld;
 - iii. Provide a timeline for compliance prior to permanent withholding; and
 - iv. Information on any right to appeal to a hearing office within the Division.
7. Funds permanently withheld from counties shall be otherwise dispersed as permitted by law.
8. The Division shall provide an annual Notice of Award for the Community Corrections Partnership Block Grant which shall outline the requirements of compliance.

Miscellaneous Provisions

NAC 62H.500 Authorization to collect and report further information. (NRS 62H.200)
The provisions of NAC 62H.010 to 62H.550, inclusive, do not prohibit the collection and reporting of information that is not required to be collected and reported by those provisions.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.500)

NAC 62H.510 Proper method for reporting information. (NRS 62H.200) Each juvenile court and local juvenile probation department which reports information pursuant to NAC 62H.010 to 62H.550, inclusive:

1. On ~~paper and not by electronic or computer transmission shall report the information on a form or template~~ provided by the ~~Division of Child and Family Services Office~~.
2. Electronically shall report the information in ~~the a~~ format ~~required by the Division of Enterprise Information Technology Services of the Department of Administration or in any other format~~ required by the ~~Division of Child and Family Services Office~~ or through available data sharing mechanisms. -

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.510)

NAC 62H.520 Maintenance by juvenile court and local juvenile probation department of list of identification numbers and confidentiality of children's names. (NRS 62H.200)
Each juvenile court and local juvenile probation department shall maintain:

1. A list that correlates the name of each child referred to the court or department with the child's unique identification number.

2. The confidentiality of each child's name and shall not report the name or address of any child to the Division unless the child is committed to the Division or the Division requires the information for data analysis purposes.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.520)

NAC 62H.530 Availability of information to certain state agencies. (NRS 62H.200) A state agency which provides information to the Division pursuant to NAC 62H.010 to 62H.550, inclusive, may obtain any information collected pursuant to NAC 62H.010 to 62H.550, inclusive, from the ~~central office of the Division in Las Vegas, Nevada. Office.~~ The information will be stored on computer and will be provided to a requesting agency electronically, ~~by modem or on a diskette.~~

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.530)

NAC 62H.540 Published reports of compiled information by Division. (NRS 62H.200) The Division will compile the information received by it pursuant to NAC 62H.010 to 62H.550, inclusive, and will publish once in each calendar year ~~and once in each fiscal year~~ a report of the information, organized into the following categories:

1. ~~The ages of the children~~ Statewide system trends and juvenile justice performance measures. ÷

~~—(a) Who are first referred to the system of juvenile justice in this State.~~

~~—(b) Who are committed to a regional facility for children.~~

~~—(c) Who are committed to a center for youths that is administered by the State.~~

2. ~~The race or other ethnic background of the children~~ Racial and ethnic disparities of youth in the juvenile justice system.

~~—(a) Who are first referred to the system of juvenile justice in this State.~~

~~—(b) Who are committed to a regional facility for children.~~

~~—(c) Who are committed to a state center for youths that is administered by the State.~~

3. Rates of recidivism.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.540)

~~**NAC 62H.550 Quarterly report by juvenile courts and local juvenile probation departments; monthly report by youth correctional services.** (NRS 62H.200)~~

~~—1. Each juvenile court and local juvenile probation department shall, for each quarter of each fiscal year:~~

~~—(a) Report to the Division the information required by NAC 62H.010 to 62H.550, inclusive, for each child referred to the court or department whose case is closed or wardship terminated during the quarter; and~~

~~—(b) Submit such information electronically or manually to the Division no later than the 15th of the month following the close of each quarter.~~

~~—2. The staff of the youth correctional services shall, for each month:~~

~~—(a) Report to the Division the information required by NAC 62H.010 to 62H.550, inclusive, for each child committed to or otherwise placed in the custody of the Division whose case has been closed or wardship terminated during the month by the Nevada Youth Training Center, the Caliente Youth Center, or the Youth Parole Bureau of the Division; and~~

~~—(b) Submit such information electronically or manually to the Division no later than the 15th of the following month.~~

~~—(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96)—(Substituted in revision for NAC 62.550)~~