

LCB File No. R221-97

D - R - A - F - T

NEW SECTION -- NAC 432B.145 – Assignment of cases for assessment or investigation.

An agency which provides protective services must evaluate reports and determine whether to assign the report for investigation or to a family assessment track. The family assessment may be conducted by the agency, or, by an entity with whom the agency has an agreement to provide such services, in accordance with NRS 432B.2601.

Definitions:

1. “Initiate an investigation” means to begin through activities including but not limited to a review of internal and external case records, telephone calls or field contacts with informed collateral parties, the alleged victim, and the victim’s family.
2. “Immediate” means within 24 hours.
3. “Evaluate” for purposes of assigning to an investigative or a family assessment track includes reviewing the content of the report, the prior history of the family with the agency, and other pertinent information. In addition to the requirements of NRS 432B.2601.2 (a), (b), and (c), cases which are excluded from assignment to the family assessment track include: all sexual abuse reports; all institutional abuse reports; and cases where a child is placed in custody by a law enforcement agency or held at a hospital by a physician.
4. “Family assessment track” includes reports under the jurisdiction of child protective services but where an investigation is not warranted pursuant to NRS 432B.2601.3 (a) through (c).
5. “Investigation track” includes traditional child protective services in which a determination is made as to whether credible evidence exists that the alleged abuse or neglect occurred. A disposition is made, and if there is a finding of abuse or neglect, the abuser’s name is entered into the central registry.
6. “Regular business day” means Monday through Friday, excluding weekends and holidays.

NAC 432B.090 General requirements for staff.

1. All members of the staff of an agency which provides protective services must have demonstrated competence in their areas of responsibility, as measured by educational achievement, years of experience, and other qualifications, so that the agency can provide high-quality services in an efficient and professional manner. All members of the staff must have the training and experience required by their job descriptions.
2. An agency which provides protective services shall:

- (a) Assess the needs of its staff for development and training every 2 years. The agency shall ensure that each new member of its staff engaged in protective services for children receives at least 40 hours of training related to the principles and practices of those protective services and completes a course of training related to the provisions of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) prescribed by the division. Staff providing family assessment services must complete a course of training relating to the principles and practices of conducting such assessments. After the first year of employment, all members of the staff engaged in protective services for children must obtain 16 annual hours of training related to those protective services.
 - (b) Provide each new employee with an orientation to the agency and to his position. Ongoing orientation and day-to-day activities for the development of staff are a responsibility of the employee's supervisor.
3. An agency which provides protective services shall develop and carry out personnel practices and policies which provide all staff and volunteers with clear written information about their rights and responsibilities, and which are conducive to the maintenance of good relations between management and employees and the retention of high-quality employees.
4. All employees must have access to a procedure for the resolution of grievances.

NAC 432B.130 Paraprofessional staff.

1. If an agency which provides protective services employs paraprofessional staff, the agency shall provide supervision by the professional staff. The paraprofessional staff must be used flexibly and creatively in activities such as providing support and assistance to families, providing transportation [**and babysitting**], monitoring and reporting observations.
2. Qualifications for paraprofessional staff must be flexibly set and interpreted, but must include the ability to relate to social workers, foster parents, and children and their families, and knowledge of resources and attitudes of the local community.

NAC 432B.150 [**Investigation**] Evaluation of report for investigation or family assessment: General requirements.

1. If an agency which provides protective services receives a report made pursuant to NRS 432B.220:
 - (a) An initial [**assessment**] evaluation must be conducted to determine if the situation or condition of the child makes protective services appropriate or whether some other service or no service may better meet the needs of the child and parents. The agency should also determine whether the family's needs can best be served by assignment of the referral to the investigative or the family assessment track. Such an [**assessment**] evaluation must be the practice even when the referral has been made by a professional or official person on the basis of his specialized knowledge.

(b) If an immediate investigation is initiated pursuant to NRS 432B.260 (2), an agency which provides protective services shall be expected to determine as part of the immediate investigation whether the family should continue to be served through the investigation track or be transferred to the family assessment track, or neither. If the family is to continue to be served under the investigation track, the agency that provides protective services shall immediately proceed to conduct a complete investigation in accordance with all applicable statutes and regulations. If the family is transferred to the assessment track, the agency that provides protective services, or the community agency with agreements established pursuant to NAC 432B.230, shall proceed to provide services to the family in accordance with all applicable statutes and regulations. If an investigation is initiated by means of telephone contacts or case record review, a face-to-face contact with the victim and family must be attempted on the next regular business day and on each successive business day until such contact is achieved. The agency shall document the initiation of the investigation and record in writing the information obtained from these sources. A case worker must [evaluate] assess the familial situation to decide what needs to be done and what can be done, taking into consideration the problems and the strengths in the given situation as they relate to the neglect or abuse of the child.

(c)The child must be seen immediately if the allegations suggest imminent harm.

(d)The case worker must, when other children are in the same household, also assess the protective needs of the children who are not the subject of the report.

2. An agency which provides protective services shall have a written protocol for reports of sexual abuse which:

- (a) Specifies the process of investigation and initial intervention;
- (b) Contains provisions to minimize the additional trauma to a child caused by repetitive interviewing; and
- (c) Specifies the roles to be played by medical providers and agencies for law enforcement and social services.

3. An agency which provides protective services shall evaluate reports initially investigated by law enforcement and referred to the agency to determine whether further investigation or family assessment is warranted.

4. If a family assessment is conducted, the emphasis is on conducting a needs assessment together with the family, looking at both family strengths and service needs, and offering services when needed to reduce the risk of abuse or neglect. The purpose of the family assessment track is to help the family insure that the child will be safe, not to focus on the incident of reported abuse or neglect. No disposition and no names or findings are placed in the central registry. If, in the course of the assessment process, the assessment worker finds evidence that there is risk of serious harm to the child, the case will be moved to the investigation track.

NAC 432B.170 Determination of case findings. After the investigation of a report [of], or the completion of a family assessment regarding the abuse or neglect of a child, an agency which provides protective services shall determine its case findings based on whether there is reasonable cause to believe a child is abused or neglected, or threatened with abuse or neglect. The agency must make one of the following findings:

1. The case required [the] court involvement [of the juvenile court], and the [juvenile] court found [the report of] abuse or neglect [to be substantiated] occurred.
2. The abusive or neglectful situation was confirmed through the investigation, and it was determined that the involvement of the agency was essential for the safety of the child.
3. The abusive or neglectful situation was confirmed through the investigation, but it was either:
 - (a) Not considered essential to provide protective services to assure the safety of the child; or
 - (b) The family refused services and it was determined that the involvement of the court to order services was not appropriate at the time.
4. The abusive or neglectful situation was not confirmed through the investigation.
5. The agency was unable to prove or disprove the allegation of abuse or neglect because it was unable to locate the [child, obtained insufficient information, was unable to interview the child, obtained information that was too old, or obtained insufficient evidence] subject of the report or the person responsible for the child's welfare.

Only cases opened for investigation will be entered into the central registry system.

NAC 432B.230 Use of resources in community. An agency which provides protective services shall

1. Establish interagency agreements with related agencies, such as other public agencies providing social services, public agencies providing community services for mental health, courts, agencies of law enforcement, health departments, schools, and private agencies, to ensure that cooperative and mutually facilitative services are provided to children and families.
2. An agency which provides protective services may enter agreements with community agencies or persons to conduct a family assessment and provide needed services.
 - (a) Individuals or entities with whom a child protective service agency has written agreements to conduct family assessments shall possess a bachelor's degree in a human service field and a license or certification in their field of practice, or paraprofessionals working in community settings where activities are carried out under the direction of licensed or certified professionals in appropriate related disciplines.
 - (b) Agencies entering agreements with community entities to conduct family assessments must provide a course of training to individuals providing such assessments.

- (c) Agreements with community providers to conduct family assessments must include:
 - (1) a description of the training and technical assistance to be provided by the child protective service agency; and
 - (2) timeframes for starting and completing family assessments; and
 - (3) timeframes for notifying the child protective service agency that harm has occurred or risk to the child has increased, in accordance with NRS 432B. 220; and
 - (4) other information as determined necessary by the child protective services agency, to include data pertaining to the families served.
 - (d) Family assessments may include but are not limited to activities to determine whether the family's basic needs for food, shelter, clothing, and other basic needs are met; the child's educational needs; the adequacy of parenting skills; the family's degree of community integration; the identification of household members and their role in insuring the safety of the child; the existence of substance abuse or domestic violence and its impact on the child's safety; the existence of unmet medical needs or problems; the level of the child's developmental status; and other areas essential to determining what services may be needed to strengthen the family and insure the safety of the child.
3. [Develop procedures for referral and maintain directories of resources and other formal aids which contribute to the continuity of services.] Maintain information regarding local resources available to families.