

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

LCB File No. R221-97

January 23, 1998

EXPLANATION - Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§2-26, NRS 432B.190.

Section 1. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *“Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020.*

Sec. 3. *“Agency which provides family assessment services” means a person who has entered into a written agreement with an agency which provides protective services to:*

1. Provide counseling, training or other services relating to child abuse and neglect to the family of a child; or

2. Conduct an assessment of the family of a child to determine what services, if any, are needed by the family and, if appropriate, to provide any such services.

Sec. 4. *“Agency which provides protective services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 5. *“Division” means the division of child and family services of the department of human resources.*

Sec. 6. *“Foster care” means any out-of-home placement of a child. The term includes:*

1. The placement of a child into:

(a) *A family foster home, as that term is defined in NRS 424.013;*
(b) *A group foster home, as that term is defined in NRS 424.015; or*
(c) *Any other similar institution having the appropriate qualifications and facilities to provide the necessary and desirable degree and type of care to the child.*

2. *The placement of a child with a relative other than the relative who had a legal responsibility for providing a home for the child before the child was placed into the custody of the division.*

3. *An independent living arrangement approved by the division in accordance with NAC 432B.410, made by the division for a child in the custody of the division pursuant to NRS 127.050 or 432B.550, or for whom the division is responsible pursuant to NRS 432B.360.*

Sec. 7. 1. *An agency which provides family assessment services shall establish an organizational structure which ensures that there is a clearly defined and logical hierarchy of authority and responsibility for all matters associated with the administration and operation of its program for family assessment services. The structure must create opportunities for frequent communication between the administrative and policymaking staff and the staff which directly provides family assessment services.*

2. *The agency's pattern of organization for its staff which directly provides family assessment services must be designed to facilitate achievement of the program's goals and the objectives of individual plans for family assessment services. The agency shall include, without limitation, the following factors in establishing its structure for the delivery of family assessment services:*

(a) *The assignment of responsibility for the management of cases regarding all the children in any one family under the care of the agency to one member of the staff.*

(b) The need for continuity of responsibility for each child and his family throughout the process for the delivery of family assessment services. When more than one agency or person is involved in providing family assessment services for children in a family, there must be a formal process for the coordination and transfer of services.

(c) The coordination of an agency's efforts to achieve established objectives for the delivery of family assessment services to each child and his family.

3. The policies and procedures of the agency must be in written form.

4. The agency shall establish an internal process for the review of cases to ensure conformity with the law, regulations, and the policies and procedures of the agency.

Sec. 8. *1. All members of the staff of an agency which provides family assessment 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 family assessment 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 family assessment services shall:

(a) Ensure that each person who directly provides family assessment services has a bachelor's degree in a field of human service and a license or certification in his field of practice.

(b) Provide to each person who directly provides family assessment services training related to the principles and practices of providing such assessments.

(c) 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 family assessment 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.*

Sec. 9. 1. *An agency which provides family assessment services shall employ such administrative staff as are needed in accordance with the agency's size, scope of responsibility and overall organizational structure.*

2. *All members of the clerical and support staff of an agency which provides family assessment services must possess the necessary education, training and experience for their specific jobs.*

Sec. 10. 1. *Members of the supervisory staff of an agency which provides family assessment services are responsible for:*

(a) *Providing their staff with consultation and day-to-day training;*

(b) *Management, including, without limitation, the delegation of functions regarding case work to their staff and assistance with the development and carrying out of case plans; and*

(c) *Ensuring that the goals of their program of family assessment services are achieved.*

2. *Supervisory staff must have technical knowledge and skills in the field of child welfare, and demonstrated ability in promoting effective practices and the coordination of services and training.*

Sec. 11. 1. *Members of the staff of an agency which provides family assessment services who directly provide such assessments are responsible for:*

- (a) Receiving reports from an agency which provides protective services regarding the alleged abuse or neglect of children;*
- (b) Providing family assessments;*
- (c) Forwarding reports to an agency which provides protective services if the staff member determines that the child has been injured or is at risk for serious harm; and*
- (d) Case management, including, without limitation, planned services to each child and his family to achieve the goals established in the case plan.*

2. Members of the staff who directly provide family assessment services must have a bachelor's degree in a field of human service.

Sec. 12. *1. If an agency which provides family assessment services employs paraprofessional staff, the agency shall provide supervision by the professional staff. The paraprofessional staff must be used flexibly and creatively in activities, including, without limitation, providing support and assistance to families, providing transportation, monitoring and reporting observations.*

2. Qualifications for paraprofessional staff must be flexibly set and interpreted, but must include, without limitation:

- (a) The ability to relate to social workers, foster parents, and children and their families; and*
- (b) Knowledge of the resources and attitudes of the local community.*

Sec. 13. *An agreement between an agency which provides protective services and an agency which provides family assessment services to provide family assessment services must include, without limitation:*

1. A description of the training and technical assistance that must be provided by the agency which provides protective services.

2. *The time frame within which the family assessment must be commenced and completed.*

3. *The time frame within which an agency which provides family assessment services must notify an agency which provides protective services that the child has been injured or is at risk for serious harm.*

4. *A description of the information that will be retained by the agency which provides family assessment services about a family.*

5. *Any other information determined to be necessary by the agency which provides protective services.*

Sec. 14. *An agency which provides family assessment services shall maintain information regarding local resources available to families.*

Sec. 15. *A family assessment may include, without limitation:*

1. *A determination of whether the basic needs of the family, including, without limitation, food, shelter, clothing and medical care, are being met.*

2. *The educational needs of the child.*

3. *An evaluation of the parenting skills of the parents.*

4. *The degree of integration of the family into the local community.*

5. *An identification of each family member and his role in ensuring the safety of the child.*

6. *Whether there is substance abuse or spousal abuse in the family and its effect on the safety of the child.*

7. *Whether the child has any medical needs that are not being met.*

8. *The level of intellectual, social and emotional development of the child.*

9. *Any other areas in which the family can be strengthened to ensure the safety of the child.*

Sec. 16. *1. If an agency which provides family assessment services provides a family assessment:*

(a) The primary focus of the assessment must be the safety of the child, not the alleged incident of abuse or neglect.

(b) The assessment must be conducted with the cooperation of the family.

(c) The assessment must take into account the strengths of the family and its need for available protective services.

(d) A record of the assessment must not be entered into the central registry established pursuant to NRS 432.100.

2. If, during the course of the assessment, it is determined by the agency that the child has been injured or is at risk for serious harm, a record of the assessment will be immediately forwarded to an agency which provides protective services for an investigation in accordance with NAC 432B.150.

Sec. 17. *1. If an investigation is initiated by an agency which provides protective services pursuant to NRS 432B.260 and that investigation was initiated by telephone or a review of a case record, a face-to-face meeting with the child and his family must be attempted on the next business day and on each successive business day until such a meeting is achieved.*

2. An agency which provides protective services shall document the manner in which the investigation was initiated and record in writing the information obtained.

3. As used in this section, "business day" means Monday through Friday, excluding state and federal holidays.

Sec. 18. NAC 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires [:

1. “Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020.
2. “Agency which provides protective services” has the meaning ascribed to it in NRS 432B.030.
3. “Division” means the division of child and family services of the department of human resources.
4. “Foster care” means any out-of-home placement of a child. The term includes:
 - (a) The placement of a child into:
 - (1) A family foster home, as that term is defined in NRS 424.013;
 - (2) A group foster home, as that term is defined in NRS 424.015; or
 - (3) Any other similar institution having the appropriate qualifications and facilities to provide the necessary and desirable degree and type of care to the child;
 - (b) The placement of a child with a relative other than the relative who had a legal responsibility for providing a home for the child before the child was placed into the custody of the division; and
 - (c) An independent living arrangement approved by the division in accordance with NAC 432B.410, made by the division for a child in the custody of the division pursuant to NRS 127.050 or 432B.550, or for whom the division is responsible pursuant to NRS 432B.360.] , *the words and terms defined in sections 2 to 6, inclusive, of this regulation, have the meanings ascribed to them in those sections.*

Sec. 19. NAC 432B.090 is hereby amended to read as follows:

432B.090 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. 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) *Ensure that all members of the staff who directly provide family assessment services have completed a course of training relating to the principles and practices of providing such assessments.*

(c) 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.

Sec. 20. NAC 432B.130 is hereby amended to read as follows:

432B.130 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] , *without limitation:*

(a) *The* ability to relate to social workers, foster parents, and children and their [families, and knowledge] *families; and*

(b) *Knowledge* of *the* resources and attitudes of the local community.

Sec. 21. NAC 432B.140 is hereby amended to read as follows:

432B.140 1. When an agency which provides protective services receives a referral that a child is alleged to be abused, neglected [,] or threatened with harm, its first step must be to obtain sufficient information to decide if the allegations constitute a report of the abuse or neglect of a child which is appropriate for investigation. The worker shall explore the nature of the reporter's concern, evaluate the report [,] and explain the agency's responsibility and services and the available resources that could be used. [If the worker determines the allegation constitutes a report of the abuse or neglect of a child, the worker shall enter the findings of the initial assessment conducted pursuant to NAC 432B.150 in the central registry established pursuant to NRS 432.100.]

2. When an agency which provides protective services receives more than one report on the same family referring to the same incident occurring on the same date with the same alleged perpetrator, the agency shall consider them to be a single report. An additional report must be made of any subsequent incident.

Sec. 22. NAC 432B.150 is hereby amended to read as follows:

432B.150 1. If an agency which provides protective services receives a report made pursuant to NRS 432B.220 [:

(a) **An initial assessment]** *or a report from a law enforcement agency, an initial 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. Such an assessment]** *the child and his parents may be referred to an agency which provides family assessment services. Such an 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)] *A family must not be referred to an agency which provides family assessment services if the report involves sexual abuse or abuse by in an institution or the child has been placed in custody by a law enforcement agency or held at a hospital by a physician.*

2. *If an investigation is initiated by an agency which provides protective services pursuant to NRS 432B.260, the agency must determine as part of the investigation whether the child and his parents should receive protective services or be referred to an agency which provides family assessment services.*

3. *If an agency which provides protective services receives a report pursuant to NRS 432B.220 or initiates an investigation pursuant to NRS 432B.260:*

(a) A case worker must evaluate 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)] (b) The child must be seen immediately if the allegations suggest imminent harm.

[(d)] (c) 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.] 4. 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.

Sec. 23. NAC 432B.160 is hereby amended to read as follows:

432B.160 1. An [assessment] *evaluation or investigation* required by NAC 432B.150 must be conducted in such a manner as to:

- (a) Determine how the child is being affected by the situation and whether the child is neglected or abused or threatened with harm;
- (b) Determine whether the child, or any other children in the family, are in immediate danger and whether the parents can take necessary steps to correct the condition detrimental to the child or can voluntarily seek and use the help of other available services, [such as] *including, without limitation*, day care, public assistance, family counseling, or health or psychiatric services;
- (c) Evaluate whether the parents have the capacity to change and to provide adequate care, and can begin to use the help of social work in meeting the problem, or whether, in the interest of the child, legal action must be taken to remove the child from the situation and to obtain suitable care; and
- (d) Provide a basis for future treatment of the problems of the parents and child.

2. When conducting an [assessment] *evaluation or investigation* required by NAC 432B.150, a person shall:
- (a) Prepare appropriate documentation;
 - (b) Apply his knowledge of and sensitivity about different family life-styles, child-rearing patterns, and cultural and ethnic differences among families;
 - (c) Assess the environmental factors within the home, school, neighborhood, and community that have an impact on the family;
 - (d) Confront and resolve conflicting opinions and values regarding appropriate standards of care for children, and exercise professional judgment without being judgmental;
 - (e) Establish priorities for assessment based on the evaluation of risk to the child;
 - (f) Demonstrate the ability to make decisions which take into account the rights and needs of children, parents, and families;
 - (g) Commit to persistent outreach and offers of supportive and concrete services, even to hostile, resistant [,] or apathetic families; and
 - (h) Recognize the limits of protective services for children and the parents' right to be free of involuntary services when there is no risk to the child.

Sec. 24. NAC 432B.170 is hereby amended to read as follows:

432B.170 *1.* After the investigation of a report of 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] *shall* make one of the following findings:

[1.] *(a)* The case required the involvement of the [juvenile court, and the juvenile] court *and the court* found the [report of] abuse or neglect [to be substantiated.] *occurred.*

[2.] (b) 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.] (c) The abusive or neglectful situation was confirmed through the investigation, but it was either:

[(a)] (1) Not considered essential to provide protective services to assure the safety of the child; or

[(b)] (2) The family refused services and it was determined that the involvement of the court to order services was not appropriate at the time.

[4.] (d) The abusive or neglectful situation was not confirmed through the investigation.

[5.] (e) 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.**] *or the person responsible for the welfare of the child.*

2. The agency which provides protective services shall enter the findings of the investigation in the central registry established pursuant to NRS 432.100.

Sec. 25. NAC 432B.230 is hereby amended to read as follows:

432B.230 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. Develop procedures for referral [**and maintain directories of resources and other formal aids which contribute to the continuity of services.**] *of a family to an agency which provides family assessment services.*

Sec. 26. Sections 3, 7 to 16, inclusive, 19, 22, 23 and 25, of this regulation, expire by limitation on June 30, 2001.