

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

LCB File No. R068-99

July 26, 1999

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

AUTHORITY: §§1-5, NRS 432B.190.

Section 1. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *For a hearing concerning the permanent placement of a child to be held pursuant to NRS 432B.590, the division will make its recommendation to the court as to the most appropriate placement of the child based on the consideration by the division of:*

- 1. Whether the child should be returned to his parents;*
- 2. Whether the child should be placed for adoption and the division should file a petition for termination of parental rights;*
- 3. Whether the child should be referred for legal guardianship; or*
- 4. In cases where the division has documented to the court a compelling reason for determining that it is not in the best interests of the child to return home, whether the child should be:*

- (a) Referred for termination of parental rights;*
- (b) Placed for adoption;*
- (c) Placed with a fit and willing relative;*
- (d) Placed with a legal guardian; or*
- (e) Placed in another planned permanent living arrangement.*

Sec. 3. *The division will file a petition for the termination of the parental rights of the parents of a child who has been in foster care under the responsibility of the state and for whom the presumption that the best interests of the child would be served by the termination of parental rights has become effective pursuant to subsection 4 of NRS 432B.590 unless:*

- 1. The child has been placed with a relative at the option of the division;*
- 2. The division has documented in the case plan available for court review a compelling reason for determining that filing such a petition would not be in the best interests of the child; or*
- 3. The division has not, in accordance with section 18 of chapter 435, Statutes of Nevada 1999, provided to the family of the child, consistent with the time set forth in the case plan, such services as are determined by the division to be necessary for the safe return of the child to the child's home.*

Sec. 4. NAC 432B.1358 is hereby amended to read as follows:

432B.1358 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 ~~and~~ *and must be licensed or certified in their respective fields of practice.*

Sec. 5. 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 shall make one of the following findings:

- (a) The case required the involvement of the court, and the court found the abuse or neglect occurred.
- (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.
- (c) The abusive or neglectful situation was confirmed through the investigation, but:
 - (1) It was not considered essential to provide protective services to assure the safety of the child; or

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

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

(e) The agency was unable to prove or disprove the allegation of abuse or neglect because it was unable to locate the child 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.

3. When a finding of confirmed abuse or neglect of a child by the person responsible for the welfare of the child has been made, the agency which provides protective services shall:

(a) Provide written notification to the person concerning his right to appeal the finding; and

(b) Provide information on the appeals process.

4. A request for an appeal must be made in writing to the agency within 15 days after the date on which the written notification is sent.

5. A hearing that is held pursuant to this section must be conducted in accordance with chapter 233B of NRS.