

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

(Effective June 24, 1999)

AUTHORITY §§ NRS 432.032; 127.230

Section 1. Chapter 127 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

The division or child-placing agency shall not deny or delay adoptive or foster home application approvals, or placement of a child, based on the race, color or national origin of the adoptive/ or foster parent or the child involved.

This section does not apply if the child is a child subject to provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 ET seq.

Sec. 2. The division shall consider children meeting the following requirements Title IV-E eligible for purposes of federal adoption assistance payments in a subsequent adoption if the child:

1. *Is determined by the division to be a child with special needs; and,*
2. *Was determined eligible for federal adoption assistance payments in a prior adoption; and,*
3. *Is available for adoption because the prior adoption has been dissolved; and, the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and,*
4. *Fails to meet AFDC or SSI eligibility provisions but would meet such requirements if he were in the same financial and other circumstances the last time he was determined eligible for adoption assistance payments and the prior adoption treated as never having occurred; and,*
5. *Was adopted on or after October 1, 1997.*

Sec. 3. 1. The Division shall provide health insurance coverage (through one or more State medical assistance programs), with the same type and kind of benefits as those, which would be provided for children by the State under title XIX, or a comparable State medical plan for any child:

- (a) *Determined to be a child with special needs for whom there is in effect an adoption assistance agreement between the State and an adoptive parent(s); and,*
 - (b) *Who the Division has determined cannot be placed for adoption without medical assistance due to special needs for medical, mental health or rehabilitative care.*
2. *If the division provides coverage under Section 3 through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance as provided under the State plan for Title IV-E of the Social Security Act; and*

3. In determining cost-sharing requirements for health care services provided under Section 2, the Division shall take into consideration the circumstances of the adopting parent(s) and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.

Sec. 4. The division must consider adoptive applicants from other states for placement consideration of special needs children when the family has an approved home study, and when, based on the specific needs of the child in question, the family appears to be a suitable placement candidate. The division:

- 1. Shall respond to placement requests from other states with reasonable promptness; and;**
- 2. Shall not delay or deny placement of a child under this section when an approved family is available outside division jurisdiction.**

Sec. 5. The division shall grant a fair hearing to an individual who is approved for adoption, who alleges the division delayed or denied placement of a child because the individual resides outside the division's jurisdiction. Hearing procedures outlined in NAC 127.350 apply to this section.

Sec. 6. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.235 Application for study of prospective adoptive home; application and evaluation of prospective adoptive parents.

1. A person who wishes to have his home studied by a child-placing agency for the purpose of adoption shall:
 - (a) Make a written application on a form provided by the agency;
 - (b) Submit a copy of his fingerprints as required by NRS 127.281, unless the applicant is also a foster parent licensed by the agency conducting the study of the prospective adoptive home;
 - (c) Sign a release of information, upon the request of the agency, authorizing the agency to contact any person who the agency determines may have information which is necessary to evaluate the home; and
 - (d) Cooperate with the agency by providing other information as necessary to evaluate the home.
2. Upon receiving applications from prospective adoptive parents, a child-placing shall:
 - (a) Assist the applicants in determining whether adoption is in their best interests.
 - (b) Inform the applicants of the:
 - (1) Types of adoption the agency offers.
 - (2) Types of children available for adoption.
 - (3) Types of financial assistance available for the adoption of children with special needs, and the procedures and criteria for obtaining assistance.
 - (4) Procedures involved in adoption.
 - (c) Provide the applicants with a copy of the agency's schedule of fees.
 - (d) Evaluate the applicants to determine their suitability for becoming adoptive parents. Such an evaluation must include:

- (1) An interview and assessment of each individual applicant and, if applicants are married, an interview and assessment of both applicants together.
- (2) A visit to and assessment of the home of the applicants, *including conducting a fire and safety inspection.*
- (3) A request for and review of any reports and investigations made pursuant to Chapter 432B of NRS regarding the abuse or neglect of a child by the applicants.
- (4) A request for and review of any information concerning the applicants maintained by local agencies of law enforcement.
- (5) A request for and review of any records of criminal history regarding the applicants obtained pursuant to NRS 127.281.
- (6) The receipt and review of at least five *satisfactory* references from persons who have known the applicants for not less than 2 years. Not more than two of the references may be from members of the family of an applicant.
- (7) A medical examination of the applicants and each member of their household.
- (8) Verification of the marital status of the applicants, including the review of any applicable records regarding marriage, divorce, and death of a spouse.

Sec. 7. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.238 Study of prospective adoptive home: Annual update; removal of name based on update.

1. A child-placing agency shall annually update the study of the prospective adoptive home of an applicant approved for the placement of a child until:
 - (a) A child is placed with that applicant;
 - (b) The applicant requests that his name be removed from the list of approved adoptive homes; or
 - (c) The child-placing agency removes the applicant from the list of approved homes in accordance with subsection 3, which ever occurs first.
2. An updated study of a prospective adoptive home must include all of the changes which have occurred since the initial study or the most recent updated study of the home, *[as appropriate] to include results of local criminal history checks pursuant to NAC 127.235(3) and investigations made pursuant to NRS 432B regarding abuse or neglect of a child on applicants and all household members.*
3. A child-placing agency shall remove an applicant from the list of approved adoptive homes if the updated information indicates concerns or conditions which constitute a reason pursuant to NAC 127.240 for a denial of an application for adoption.

Sec. 8. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.239 Criteria for selection of adoptive home.

1. A child-placing agency shall select an adoptive home for a child in the custody of that agency based on the ability of the members of that home to meet the needs of that child.
2. Except as otherwise provided in this subsection, the division will consider the list of approved adoptive homes for the placement of a child in the order of the date on which the homes were approved until a home which best meets the needs of the child to be adopted is identified. The division may consider a prospective adoptive home out of order if the applicants are willing to:

(a) Provide financial or medical assistance related to the birth of the child which the biological parent is unable to provide;

(b) Consider the degree of openness desired by the biological parent; or

(c) Accept a legal-risk placement.

3. The child-placing agency will make a comprehensive individualized assessment for the placement of a child based on the specific needs and circumstances of that child. The child-placing agency will consider the following factors in the selection of an adoptive home for a particular child:

(a) Placement of the child with a member of his extended family.

(b) Placement of a child with his siblings. If a child has one or more siblings who are also available for adoption, the division will make every effort to place the children in the same adoptive home, regardless of whether the children were living in separate homes before the placement for adoption.

(c) How the home and the members of the adoptive family may meet the current and future specific needs of the child.

(d) The legal status of the child, whether the adoptive family is willing to accept a legal-risk placement, and the extent to which the adoptive family is willing to assume such a legal risk.

(e) Any other special considerations which may be necessary based on the needs and circumstances of the child.

~~No factor identified in this subsection may be the sole reason for placing a child with a particular family.~~

~~4. The race, color, or national origin of a child must not be considered as a factor for placing a child in a specific adoptive home unless:~~

~~(a) The individualized assessment of the child's needs indicates that such a factor is significant to the needs of the child; and~~

~~(b) Such a factor must be considered to ensure that the best interests of the child are being served.~~

~~The provisions of this subsection do not apply if the child is an Indian child subject to the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 ET seq.]~~

~~[(5)]~~ 4. If the biological parents who relinquishes his parental rights to a child-placing agency wishes to be involved in the selection process, the agency shall allow that parent to review adoptive studies selected by the agency in accordance with subsections 2, 3, and 4. The agency shall withhold information about the prospective adoptive family from the biological parent in accordance with the type of adoption desired pursuant to NAC 127.210.

~~[(6)]~~ 5. For children who are not in the custody of an agency, the person responsible for the child may select the adoptive family.

Sec. 9. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.240 Approval of prospective adoptive home; denial of application to adopt; ineligible prospective adoptive parents.

1. To be approved as a prospective adoptive home, the applicant must demonstrate his capacity to be a parent and to meet the needs of an adopted child, including his ability to:

(a) Provide the child with conditions and opportunities to promote the healthy personality growth and development of the potential of the child;

(b) Assume responsibility for the **safety**, care, support, education, and character development of the child; and

(c) Offer a reasonably happy and secure family life with love, understanding, guidance, and companionship.

2. An application to adopt must be denied if:

(a) The applicant has submitted false information or withheld information relevant to the study of his home.

(b) The applicant refuses or fails to provide information requested by the child-placing agency within the period established by the agency.

(c) Two persons are jointly applying to adopt a child and the persons are not legally married to each other.

(d) The marriage of two persons legally married to each other who are jointly applying to adopt a child is determined by the child-placing agency to be unstable.

(e) The applicant is married and his spouse has not joined in the application.

(f) The size of the housing of the applicant is inadequate to accommodate an additional child.

(g) The living conditions of the home of the applicant are inadequate and could be hazardous to the health of the child.

(h) The applicant has not demonstrated financial responsibility and sound management of his finances.

(i) The applicant has not adequately prepared to provide ongoing physical and emotional care of the child.

(j) The agency has, based on its evaluation of the applicant, concerns relating to the applicant's moral character, mental stability, or motivation for adopting a child.

(k) The applicant has been convicted of a crime which involves harm to a child, or has a history, based on a substantiated investigation, or abusing or neglecting a child.

(l) *A record check reveals a felony conviction for:*

(1) Child abuse or neglect;

(2) Spouse abuse;

(3) Crime against children including child pornography;

(4) A crime involving violence including rape, sexual assault, or homicide, but not including other physical assault or battery, if a state finds that a court of competent jurisdiction has determined that the felony was committed at any time; or,

(5) Physical assault, battery, or a drug related offense, if a state finds that a court of competent jurisdiction has determined that the felony was committed within the past five years.

~~(m)~~ (m) The agency has concerns and reasonable doubts, based on any other relevant information, about the safety or well-being of the child, if the child is placed with the applicant.

3. A child-placing agency shall not, without the approval of the division, assist in the adoption of a child by a person who the agency determines has been convicted of one or more felonies or gross misdemeanors, *except as provided in NAC 127.240(2)(L).* If the director of adoption of a child-placing agency recommends such an adoption, he must submit to the division a complete record and explanation of the situation. A child-placing agency may, without submitting the matter to the division, deny an application by such a person to adopt a child.

4. The child-placing agency shall notify the applicant in writing when the application has been approved or denied. If the application is denied, the notice must include the reason for the denial.

Sec. 10. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.270 Responsibilities and duties of child-placing agency.

1. If a child-placing agency decides to place a child in a foster home, the agency shall:
 - (a) Select a foster home that is:
 - (1) Licensed pursuant to chapter 424 of NRS; and
 - (2) Safe and appropriate for the child, based upon the emotional and physical needs of the child, and the religious beliefs of the child and his parents.
 - (b) Visit the foster home not less than monthly, and more frequently if necessary to satisfy the needs of the child or foster parents.
 - (c) Assist the foster parents in understanding and meeting the individual needs of the children in their care.
 - (d) Ensure that the child receives an appropriate education in accordance with Title 34 of NRS.
 - (e) Provide the child with opportunities to obtain religious training in accordance with the religious beliefs of the child and his parents.
 - (f) Encourage the biological parents of the child, if available, to visit the child on a continuing basis, unless the visits are clearly detrimental to the welfare of the child.
2. A child-placing agency is responsible for the health ***and safety*** of a child it places in foster care. The agency shall:
 - (a) Cause medical and dental examinations to be conducted upon placement of the child in foster care and not less than annually thereafter;
 - (b) Ensure that the child receives prompt treatment for any illnesses, defects, and deformities; and
 - (c) Take appropriate measures to correct remediable defects and deformities.

Sec. 11. Chapter 127 of NAC is hereby amended to read as follows:

NAC 127.350 Appeal of decision regarding financial assistance; hearing.

1. An adoptive parent may appeal the decision of the division to deny, reduce, or terminate assistance pursuant to NAC 127.340 by requesting a hearing with the hearing officer designated by the division. A request for a hearing must be in writing to the hearing officer at 711 E. Fifth Street, Carson City, Nevada 89710. The request must be received by the hearing officer, or postmarked if mailed, not later than 13 calendar days after the date on which the written decision to deny, reduce, or terminate assistance is made. An applicant who fails to request timely a hearing waives his right to a hearing.
2. A hearing must be scheduled not later than 15 calendar days after the date on which the request for a hearing is received by the hearing officer. The hearing may, with good cause, be delayed if the hearing officer approves the delay. The hearing officer shall render a decision on the hearing within **[15 15]** working days after the date of the hearing. The decision of the hearing officer must be provided in writing to the applicant not later than 7 days after the date on which the hearing officer renders the decision. **[The decision of the hearing officer is final and binding.]**
3. A hearing which is held pursuant to this section will be conducted in accordance with chapter 233B of NRS.

INFORMATIONAL STATEMENT

The following information is provided pursuant to the requirements of NRS 233B.066.

A public workshop was held on May 13, 1999 in Reno and May 14, 1999 in Las Vegas with 2 in attendance in Reno and 2 who provided oral testimony and 1 in attendance in Las Vegas with 1 who provided oral testimony. A public hearing was held on June 17, 1999 in Las Vegas with 2 in attendance and 1 who provided oral testimony. Workshop notices and the public hearing notice were mailed to licensed Child Placing Agencies and the Division general mailing list. Comments were solicited at the workshop and the public hearing. Minutes were taken at the workshop and the public hearing and are available for distribution to the public from the Division office as noted on the public hearing notice. A summary of the reasons any regulations were adopted without change is available from the Division office. Comments were both positive and negative and are described under each section in the informational statement. The Division solicited written comments at both the workshop and the public hearing. One written comment was received from Catholic Charities of Southern Nevada and incorporated into the public hearing minutes.

NAC 127 Regulations and Standards for Adoption

Non-discriminatory provisions.

1. The need and purpose of the proposed regulation: To comply with the non-discriminatory provisions of the federal Multiethnic Placement Act as amended by the Interethnic Adoption Provisions of 1996- Public Law 104-188.
2. Proposed regulation description: Prohibits discrimination on the basis of race, color, or national origin of adoptive/foster parents or of the child when processing families for foster care or adoption; or in making placement decisions for a child.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Loss of federal funding and other sanctions for non-compliance.
 - (b) immediate and long-term effects: Loss of federal funding and litigation from private law suits by aggrieved individuals for non-compliance.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: None known.
- (b) immediate and long-term effects: None known.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: Title VI- of Civil Rights Act; and Public Law 104-188 prohibit discrimination. PL 104-188; SEC. 1808 (“Removal of Barriers to Interethnic Adoption”) prohibits denying an individual the opportunity to become foster/adoptive parents on the basis of race, color, or national origin of the individual, or of the child involved; or, delaying or denying placement of a child for adoption or foster care, on the basis of the race, color or national origin of the adoptive/foster parent, or the child involved.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Title VI of Civil Rights Act of 1964; and Public Law 104-188.

7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.
Comment summary from effected businesses: No comments were received.
Comment from public: No comment was received.

Adoption assistance.

1. The need and purpose of the proposed regulation: Expands federal adoption assistance eligibility criteria for adopted children.
2. Proposed regulation description: Permits children previously determined Title IV-E eligible, to retain that eligibility status for purposes of adoption assistance in the event they are again available for adoption because a previous adoption has been dissolved; parental rights terminated; or, adoptive parents are deceased.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. Increased federal support for children who are adopted after re-entering foster care due to a failed adoption or death of adoptive parents.
 - (b) immediate and long range effects: Increased federal support for IV-E eligible children.

The estimated economic effect on the public:

- (a) adverse and beneficial: None known.
- (b) immediate and long-term effect: None known.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulation of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act, Public Law 105-89 Section 307. The law permits adopted children previously determined eligible for Title IV-E adoption assistance to retain their federal eligibility status in the event they are available for adoption due to a dissolved adoption or death of adoptive parent(s).
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.
Comment summary from effected businesses: No comments were received.
Comment from public: No comment was received.

Health care coverage.

1. The need and purpose of the proposed regulation: Adds federal requirement that health care coverage be provided to adopted special needs children.
2. Proposed regulation description: Requires the State to provide health care coverage to non Title IV-E eligible special needs children who have adoption assistance agreements.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: State will be ineligible for federal adoption incentive payments if health care coverage is not provided.

- (b) immediate and long term effects: Should result in access to health care services to children with state funded adoption assistance agreements.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: No adverse effect.
- (b) immediate and long-term effects: No change. Coverage is currently provided to this population.

4. The estimated cost to the agency for enforcement of the proposed regulation: Agency currently bears the cost of providing health care coverage to this group of children.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act, Public Law 105-89 Section 306.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: The Division entered the explanation that this regulation is intended for states to provide medical coverage to non-Title IVE children for whom there is an adoption assistance agreement. In the past, health care coverage was considered optional. The Division is in compliance with this requirement for Nevada's children.

Comment from public: No comment was received.

Approved adoptive families from other states.

1. The need and purpose of the proposed regulation: Adds federal requirement that approved adoptive families from other states be considered for placement of children awaiting adoption.
2. Proposed regulation description: The division is required to consider and act on out of state adoption placement referrals in a timely manner; the division may not delay or deny placement of a child with an otherwise acceptable family because the family resides outside the state.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Failure to comply will result in loss of federal funding. Additional costs associated with purchase of service contracts with out of state agencies for adoption placement services. May realize increase in placement of special needs children who have not been successfully placed within the state.
 - (b) immediate and long-term effects: Possible loss of federal funds. Increased placement of waiting special needs children.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: None known.
- (b) immediate and long-term effects: None known.

4. The estimated cost to the agency for enforcement of the proposed regulation: Cost associated with travel to facilitate placement; and purchase of service contracts with out of state agencies for post placement services.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.

6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act, Public Law 105-89 Section 202 requires the Division to develop plans to use cross-jurisdictional resources to facilitate timely placement of waiting children. Prohibits delays or denial of placement for a child for adoption when an approved family is available outside state jurisdiction.

7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.

8. Proposed regulation establishes a new fee or increases an existing fee: None known.

9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: Catholic Charities questioned how approved home study and reasonable promptness will be defined.

Comment from public: No comment was received.

Hearing process.

1. The need and purpose of the proposed regulation: Provides hearing process for prospective adoptive parents in interstate placements requests.

2. Proposed regulation description: Provides approved adoptive families from other states with access to the fair hearing process if the division fails to act on their interstate referral in a timely manner; or, if the division delays or denies a child's placement because the family resides outside the state.

3. The estimated economic effect of the regulation on the business which it is to regulate:

(a) adverse and beneficial: Loss of federal funding may result. Hearing actions may delay final placement decisions. Increased workload for the division hearing officer.

(b) immediate and long-term effects: May result in delays in child's placement and an increased hearing officer workload.

The estimated economic effect of the regulation on the public:

(a) adverse and beneficial: None known.

(b) immediate and long-term effects: None known.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known other than hearing officer involvement.

5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.

6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act, Public Law 105-89, Section 202. Requires Division to develop plans for the use of cross-jurisdictional resources to facilitate placement of waiting children. The division faces loss of federal funding if it is determined that an approved adoptive family from another state was not granted opportunity for a fair hearing when the division fails to act on their placement request in a timely manner or delays or denies placement because the family resides outside the state.

7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.

8. Proposed regulation establishes a new fee or increases an existing fee: None known.

9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: No comment was received.

Comment from public: No comment was received.

NAC 127.235 Application for study of prospective adoptive home.

1. The need and purpose of the proposed regulation amendments: Adds provision for safety inspection of an adoptive home.
2. Proposed regulation amendment(s) description: Clarifies that a fire and safety inspection is required of the applicant's home.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. Children may benefit from additional safety requirement.
 - (b) immediate and long-term effects: Children may benefit from additional safety requirement.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: No adverse effect. Children placed in a safe environment.
- (b) immediate and long-term effects: Children may benefit from additional safety requirements.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: Written comment was submitted by Catholic Charities of Southern Nevada stating a fire and safety check is needed but the content should be identified and not as extensive as the checklist used to license foster homes.

Comment from public:

NAC 127.238 Study of prospective adoptive home.

1. The need and purpose of the proposed regulation amendments: Amends the section to include criminal history and child abuse or neglect checks. Identifies the Adoption and Safe Families Act requirements for home study approval based on background check.
2. Proposed regulation amendment(s) description: An updated home study must include criminal history and child abuse and neglect systems checks to determine the family's eligibility for continued approval based on background checks.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. Increase in division's ability to better screen adoptive applicants.
 - (b) Immediate and long-term effect: Improved applicant screening process.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Applicant(s) may be screened out of the adoption process.
- (b) immediate and long-term effects: Applicant(s) may be screened out of the process. Applicant(s) with felony conviction will be denied adoption approval.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: Adoption and Safe Families Act, Public Law 105-89;

Section 106. The Act prevents placement approval when applicant has felony conviction for certain offenses.

6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: No comment was received.

Comment from public: No comment was received.

NAC 127.239 Criteria for selection of adoptive home.

1. The need and purpose of the proposed regulation amendments: Language amendment to meet requirements of Public Law 104-88; Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provision of 1996 which removes placement consideration previously permitted.
2. Proposed regulation amendment(s) description: Amends the section to clarify new language from the Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. May result in increased placements of special needs children.
 - (b) immediate and long-term effects: Increase in special needs placements.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Loss of federal funding and private law suits against the state by aggrieved parties for non-compliance.
- (b) immediate and long-term effects: Loss of federal funding and private law suits against the state.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Public Law 104-88-89: Section 1808 “Removal of Barriers to Interethnic Adoption”.
Prohibits: denial of any person the opportunity to become an adoptive or foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or the delay or denial of the placement of a child for adoption or foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, of the child, involved.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: No comment was received.

Comment from public: No comment was received.

NAC 127.240 Approval of prospective adoptive home.

1. The need and purpose of the proposed regulation amendments: To identify Adoption and Safe Families Act requirement for home study denial based on a law enforcement background check.
2. Proposed regulation and amendment(s) description: A home study cannot be approved if a records check reveals a felony conviction for child abuse or neglect, spouse abuse, crime against children; crime involving violence, physical assault, battery or a drug related offense.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Applicant(s) may be denied adoption approval based on failure to meet the requirements of a background check. Applicant(s) with a background check reflecting a felony conviction of the listed convictions will not be approved for adoption.
 - (b) Immediate and long-term effects: Applicant(s) denial when listed convictions are found.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Applicant(s) may be denied adoption approval based on not meeting the requirements of a background check. Applicant(s) with a background check reflecting a felony conviction of the listed convictions will be screened out.
- (b) immediate and long term effects: Applicant(s) with background check reflecting felony conviction of listed conditions will be denied.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act. Public Law 105-89, Section 105.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: Catholic Charities questioned whether the law enforcement provisions apply to families pursuing a private adoption.

Comment from public: No comment was received.

NAC 127.270 Responsibilities and duties of child-placing agency.

1. The need and purpose of the proposed regulation amendments: Amend language to include child safety provisions.
2. Proposed regulation amendment(s) description: Requires child-placing agency to consider the child's safety as a paramount concern.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known.
 - (b) Immediate and long term effects: None known.

The estimated economic effect of the regulation on the public: None known.

- (a) adverse and beneficial: None known.
- (b) immediate and long-term effects: None known.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known.

5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: ASFA.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: No comment was received

Comment from public: No comment was received.

NAC 127.350 Appeal of decision regarding financial assistance; hearing.

1. The need and purpose of the proposed regulation amendments: Increases the response time for fair hearing officer.
 2. Proposed regulation amendment(s) description: Increases the response time from 5 days to 15 days for hearing officer to render his decision.
 3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known.
 - (b) Immediate and long-term effects: Provides more realistic response time frame.
- The estimated economic effect of the regulation on the public:
- (a) adverse and beneficial: None known.
 - (b) immediate and long-term effects: None known.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
 5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
 6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
 7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
 8. Proposed regulation establishes a new fee or increases an existing fee: None known.
 9. This regulation was adopted: June 24, 1999.

Comment summary from effected businesses: No comment was received

Comment from public: No comment was received.