

LCB File No. R083-01

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

(This proposed regulation was adopted as LCB File No. E001-01)

NOTICE OF INTENT TO ADOPT A REGULATION

***NOTICE OF INTENT TO ACT UPON A REGULATION
NOTICE OF PUBLIC HEARING AND AGENDA***

for the Amendment of Regulations of the
Department of Human Resources

DIVISION OF CHILD AND FAMILY SERVICES

711 E. Fifth Street, Carson City NV 89710

(775)684-4422 FAX (775) 684-4456

The Division of Child and Family Services will hold a public hearing on September 25, 2001, at 11:00 AM to 12:00 PM, through video conferencing at the Legislative Counsel Bureau, 401 South Carson Street, Room 2144, Carson City, Nevada, and at the Legislative Counsel Bureau, 555 East Washington Avenue, Room 4406, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding additions and amendments of regulations pertaining to Chapter 432B of the Nevada Administrative Code. A Workshop to solicit comments will be held prior to the hearing on September 25, 2001 at 10:00 AM to 11:00 AM, through video conferencing at the Legislative Counsel Bureau, 401 South Carson Street, Room 2144, Carson City, Nevada and at the Legislative Counsel Bureau, 555 East Washington Avenue, Room 4406, Las Vegas, Nevada.

AGENDA for PUBLIC HEARING

- | | | |
|-------------|-----|---|
| Action Item | 1. | Call to Order, Introductions |
| | *2. | NAC 432B - amendment to remove the phrase "expires by limitation on June 30, 2001" from sections NAC 432B.013, .090, .135, .1352, .1354, .1356, .1358, .136, .1362, .1364, .1366, .1368, .150, .160, .230 |
| Action Item | *3. | Adjournment |

The following information is provided pursuant to the requirements of NRS 233B.060 and .0603:

NAC 432B Protection of Children from Abuse and Neglect

Sections:

NAC 432B.013 Agency Which Provides Family Assessment Services Defined

NAC 432B.090 General Requirements for Staff

NAC 432B.135 Organization Requirements.

NAC432B.1352 General Requirements for Staff

NAC432B.1354 Administrative, Clerical and Support Staff

NAC432B.1356 Supervisory Staff

NAC432B.1358 Members of Staff Who Directly Provide Assessments

NAC432B.136 Paraprofessional Staff

NAC432B.1362 Content of Agreement to Provide Family Assessment Services

NAC432B.1364 Contents of Family Assessment

NAC432B.1366 Procedures for Conduct of Family Assessment

NAC432B.1368 Maintenance of Information on Local Resources Available to Families

NAC432B.150 Investigation of Report: General Requirements
NAC432B.160 Conduct of Evaluation and Investigation of Report
NAC432B.230 Use of Resources In Community

1. The need and purpose of the proposed regulation amendments: The need for this regulation results from the passage of State Assembly Bill 248 during the 2001 Legislative Session. This bill retains the provision to conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment. The purpose of the proposed amendments are to remove the expiration date of June 30, 2001, from the above indicated sections.
2. Proposed regulation amendment(s) description: Deletion of the phrase "expires by limitation on June 30, 2001."
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect noted, but the regulation may be beneficial by allowing community service providers to continue to provide family assessment services to referred families.
 - (b) immediate and long-term effects: The continuance of family assessment services.The estimated economic effect of the regulation on the public: None identified.
 - (a) adverse and beneficial: No adverse effect identified.
 - (b) immediate and long-term effects: None.
4. The estimated cost to the agency for enforcement of the proposed regulation: There are no additional costs to the agency for the enforcement of the proposed regulation.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: The proposed adoption or amendment of these regulations do not overlap or duplicate any regulations of other state or local agencies, nor do they overlap or duplicate a federal regulation.
6. If regulation is required pursuant to federal law, citation and description of the federal law: The proposed adoption or amendment of these regulations are not required pursuant to federal law.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: The proposed adoption or amendment of these regulations do not contain provisions that are more stringent than a federal regulation.
8. Proposed regulation establishes a new fee or increases an existing fee: The proposed adoption or amendment of these regulations do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Division of Child and Family Services may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Division of Child and Family Services, 711 E. Fifth St., Carson City, Nevada 89710. Written submissions must be received by the Division of Child & Family Services on or before September 18, 2001. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Child & Family Services may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada 89710, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Division of Child and Family Services: 711 E. Fifth St., Mountain Springs Station, Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 620 Belrose St. Suite C, Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 565 North Main St., Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89446; 14 Pacific St., Yerington NV 89447; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Except during a legislative session, this notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein the Division's reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Division of Child and Family Services: 711 E. Fifth St., Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 610 Belrose St., Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801-4611; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Box 1508, Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 100 Frankie St., Box 1491, Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89445-3781; 14 Pacific St., Yerington NV 89447-2626.

Washoe County Social Services: Wells Ave. at Ninth St., Box 11130, Reno NV 89520

Clark County Family & Youth Services: 601 N. Pecos Rd, Las Vegas, NV 89101-2408

Nevada State Library: 100 Stewart St., Carson City NV 89710

County Libraries: Douglas County Library, 1625 Library Lane, Minden NV 89423; Esmeralda County Library, Fourth and Crook St., P.O. Box 430, Goldfield NV 89013; Eureka Branch Library, 10190 Monroe St., P.O. Box 293, Eureka NV 89316; Lincoln County Library, 93 Main St., P.O. Box 330, Pioche NV 89043; Storey County Library, 95 South R St., P.O. Box 14, Virginia City NV 89440.

Note: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Marjorie Walker in writing at: Nevada Division of Child & Family Services, 711 E. Fifth St., Carson, City, Nevada 89701-5092; or telephone (775) 684-4422 no later than September 18, 2001.

LCB File No. R083-01

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

Department of Human Resources
Division of Child and Family Services
711 E. FIFTH STREET
CARSON CITY, NEVADA 89710

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Division of Child and Family Services, 711 E. Fifth Street, Carson City, NV 89710, is proposing the Amendment of Regulations pertaining to Chapter 432B of the Nevada Administrative Code. A Workshop has been set for September 25, 2001, at 10:00 AM to 11:00 AM, through video conferencing at the Legislative Counsel Bureau, 401 South Carson Street, Room 2144, Carson City, Nevada, and at the Legislative Counsel Bureau, 555 East Washington Avenue, Room 4406, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics addressed in the proposed regulations:

NAC 432B Protection of Children from Abuse and Neglect: Removal of the wording “expires by limitation on June 30, 2001.”

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the Division of Child and Family Services: 711 E. Fifth St. Mountain Springs Station, Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 610 Belrose St., Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 100 Frankie St., Box 1491, Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89445-3781; 14 Pacific St., Yerington NV 89447-2626, and in all counties in which an office of the agency is not maintained, at the main public library for inspection and copying by members of the public during business hours. Except during a legislative session, this notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.nv.us>. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This Notice of Workshop to Solicit Comments on Proposed Regulations have been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations: Division of Child and Family Services: 711 E. Fifth St. Mountain Springs Station, Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 610 Belrose St., Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 100 Frankie St., Box 1491, Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89445-3781; 14 Pacific St., Yerington NV 89447-2626
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County Libraries: Douglas County Library, 1625 Library Lane, Minden NV 89423; Esmeralda County Library, Fourth and Crook St., P.O. Box 430, Goldfield NV 89013; Eureka Branch Library, 10190

Monroe St., P.O. Box 293, Eureka NV 89316; Lincoln County Library, 93 Main St., P.O. Box 330, Pioche NV 89043; Storey County Library, 95 South R St., P.O. Box 14, Virginia City NV 89440.

Note: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Marjorie Walker in writing at Nevada Division of Child and Family Services, 711 E. Fifth Street, Carson City, NV 89701-5091, or by calling (775) 684-4422 no later than September 18, 2001.

LCB File No. R083-01

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

(This proposed regulation was adopted as LCB File No. E001-01)

Authority: NRS 432B.190.

Section 1. Section 26 of LCB File No. R221-97 adopted by the Division of Child and Family Services of the Department of Human Resources is hereby repealed.

TEXT OF REPEALED SECTION

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

Statement of Emergency

This statement of emergency is made pursuant to NRS 233B.0613. The attached emergency regulation is necessary to ensure that NAC 432B.135 to 432B.1368, inclusive, continue in existence between June 30, 2001, and the date on which the Division of Child and Family Services is able to adopt a permanent regulation repealing the provision which makes NAC 432B.135 to 432B.1368, inclusive, expire by limitation on June 30, 2001.

Section 1 of chapter 517, Statutes of Nevada 1997, amended NRS 432B.190 to require the Division of Child and Family Services to adopt regulations establishing uniform standards for the qualifications of persons with whom agencies which provide protective services enter into agreements to provide services to children and families. NAC 432B.135 to 432B.1368, inclusive, were adopted by the Division to provide those qualifications.

Section 16 of chapter 517, Statutes of Nevada 1997, provided that section 1 expired by limitation on June 30, 2001, which would have removed the statutory requirement for the regulations effective June 30, 2001. Therefore, the regulations that were adopted by the Division to comply with NRS 432B.190, as amended, contained a section which provided that the regulations also expired by limitation on June 30, 2001.

At the end of the 2001 Legislative Session, the Nevada Legislature enacted Assembly Bill No. 248, which was signed by the Governor on June 5, 2001. Section 16 of A.B. 248 deleted the prospective expiration by limitation of section 16 of chapter 517, Statutes of Nevada 1997, thereby making the requirement for the regulations that were codified as NAC 432B.135 to 432B.1368, inclusive, continue in existence after June 30, 2001. Therefore, to be in compliance with state law, the regulations codified as NAC 432B.135 to 432B.1368, inclusive, must not be allowed to expire on June 30, 2001. An emergency regulation is necessary because it is not possible for the Division of Child and Family Services to complete the permanent regulation adoption process before June 30, 2001.

Respectfully submitted on _____, 2001 by:

Fill in name and address of person who will
Sign this document here (Should be either head of Division or
Director of Department)

Endorsed on _____, 2001 by:

Kenny C. Guinn, Governor of the State of Nevada