



Kelly Wooldridge
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 Technology Way – 3rd Floor
Carson City, Nevada 89706
(775) 684-4400

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulation of the
Division of Child and Family Services

NOTICE IS HEREBY GIVEN that the Division of Child and Family Services (DCFS) will hold a public hearing to receive comments from all interested persons regarding the amendments to Chapter 424 Foster Homes for Children of the Nevada Administrative Code (NAC).

The public hearing will be conducted beginning at 1:30 p.m. on June 29, 2017, at the following locations.

<p><u>CARSON CITY:</u> Tourism and Cultural Affairs (Laxalt Building) • 2nd Floor Chambers 401 N. Carson Street • Carson City, Nevada 89701</p>	<p><u>LAS VEGAS:</u> Grant Sawyer Building Governor’s Conference Room, Ste. 5100 555 E. Washington Ave • Las Vegas, Nevada 89101</p>
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The following information is provided pursuant to the requirement of NRS 233B.0603:
LCB File No. R129-16 amends Chapter 424 of NAC.

1. The need for and purpose of the amendment to Chapter 424 of the Nevada Administrative Code is to provide the necessary clarification of the requirements within Chapter 424 of the Nevada Revised Statute to caregivers as well as assure services that support the safety and well-being of children placed within the Nevada foster care system.
2. Summary of changes:
A REGULATION relating to foster care for children; revising requirements relating to:
 - updates per mandatory review to comport with statute, current practice standards and norms;
 - establishes and defines the reasonable and prudent parent standard as required by federal law;
 - authorizes a foster parent or a designated caregiver to allow a child to participate in appropriate extracurricular, enrichment, cultural and social activities; if the foster parent or caregiver makes an informed decision to do so using the reasonable and prudent parent standard;
 - requires the foster parent or designated caregiver to attend training in how to use and apply the reasonable and prudent parent standard;
 - further clarifies the obligation of a foster parent, other foster caregiver, staff or volunteer of their mandatory requirement to report child abuse and neglect per NRS432B.220;
 - requirement that a foster parent or other member of the household or facility may be required to have a substance abuse evaluation or drug screen under certain circumstances;
 - requirement to immediately document medications given to a foster child and keep the medication information sheets provided by the pharmacy for the child’s record;
 - requirements concerning the storage of adult products and weapons in a foster home;
 - requires a foster child’s birth parent to be consulted, when applicable, before any significant changes are made to a child’s appearance;
 - requires that when a child discharges from a foster home, that the child is allowed to take all personal possessions they have acquired before or while residing in the foster home;
 - making various other changes concerning the licensure and operation of foster homes; and
 - providing other matters properly relating thereto.

3. Economic Impact -

BUSINESS:

- a. ADVERSE EFFECTS: Comments from Small Business Impact Survey:
 - i. When asked in the Small Business Impact Survey if there will be an adverse economic effect of the proposed regulation on your small business, all responded "No."
- b. BENEFICIAL EFFECTS: Comments from Small Business Impact Survey:
 - i. When asked if there will be a beneficial economic effect upon your business from the proposed regulations, all responded "No."
- c. IMMEDIATE EFFECTS: Comments from Small Business Impact Survey:
 - i. When asked, do you anticipate any immediate effects upon your business, all responded "No."
- d. LONG TERM EFFECTS: Comments from Small Business Impact Survey:
 - i. When asked, do you anticipate any long term effects upon your business, all responded "No."

The agency has determined that the proposed regulation does not impose a significant economic burden upon a small business; nor restricts the formation, operation or expansion of a small business. Thereby, there are no significant adverse or beneficial effects to a small business.

PUBLIC:

- a. ADVERSE: None anticipated.
 - b. BENEFICIAL: The benefit to the public is the increased safety and well-being of children in the foster care system. Foster parent and substitute caregiver compliance with the regulation will create better consistency of care and practice within the foster care system statewide.
 - c. IMMEDIATE: Need to learn new regulation.
 - d. LONG TERM: None.
4. Estimated Cost to the Agency:
 - a. There is no expected additional cost to the agency for the enforcement of this regulation.
 5. This regulation does not overlap or duplicate any regulation of other state or local governmental agencies.
 6. This regulation does not establish any new fee or increase an existing fee.

Person 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 comment, data, views or arguments, in written form to the Division of Child and Family Services, 4126 Technology Way, 3rd FLR, Carson City, Nevada 89706. Written submission must be received by the Division of Child and Family Services on or before June 24, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Child and Family Services may proceed immediately to act upon any written submissions.

A copy of this notice and the revisions to regulation 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 revisions to regulation will be available at the child welfare locations of the Division of Child and Family Services: In addition, this notice and the revisions to regulation can be reviewed at all locations, during business hours, identified below under location for posting of public notices. This notice and the text of the proposed regulation are also available on the Division of Child and Family Services website at <http://www.dcf.state.nv.us/> under the "Important Links" column and is 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 of this notice and the proposed regulation 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 its reason for overruling the consideration urged against its adoption.

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

Public notices for this hearing have been posted at the following locations pursuant to the provision of chapters

233B and 241 of the Nevada Revised Statutes:

- Nevada State Library: 100 N. Stewart St. Carson City, NV 89701
- Carson City Library: 900 N. Roop St. Carson City, NV 89701
- Churchill County Library: 553 So. Maine St. Fallon NV 89406
- Clark County Library: 1401 E. Flamingo Rd. Las Vegas, NV 89119
- Douglas County Public Library: 1625 Library Lane, Minden, NV 89423
- Elko County Library: 720 Court St. Elko, 89081
- Esmeralda County Library; Silverpeak Library 10 Montezuma St. Silverpeak, NV 89407
- Humboldt County Library; 85 East 5Th St. Winnemucca, NV 89445
- Lincoln County Library; 63 Main St. Pioche, NV 89043
- Lyon County Library; 20 Nevin Way, Yerington, NV 89447
- Mineral County Library; 110 First St. Hawthorne, NV 89415
- Tonopah Public Library: 167 So. Central St. Tonopah, NV 89409
- Pershing County Library: 1125 Central Ave. Lovelock NV 89419
- Storey County Library: 95 R. St. Virginia City, NV 89440
- Washoe County Library: 301 S. Center St. Reno, NV 89501
- White Pine County Library: 950 Compton St. Ely, NV 89301
- State of Nevada: Nevada Public Notices Website – www.nv.gov
- Legislative Counsel Bureau: 401 S. Carson Street, Carson City, NV <http://leg.state.nv.us/App/Notice/A/>
- State of Nevada Division of Child and Family Services (DCFS): Website – www.dcfv.nv.gov
- State of Nevada DCFS: 6171 W Charleston Blvd. Bldg. #8, Las Vegas, NV
- State of Nevada DCFS: 4126 Technology Wy. Carson City, NV
- State of Nevada DCFS Carson City District Office: 2533 N. Carson St. Carson City, NV 89706
- State of Nevada DCFS Fallon District Office: 1735 Kaiser St. Fallon, NV 89406
- State of Nevada DCFS Elko District Office: 1010 Ruby Vista Dr. Ste. 101, Elko, NV 89801
- State of Nevada DCFS Winnemucca District Office: 475 W. Haskell St. Winnemucca, NV 89445
- State of Nevada DCFS Pahrump District Office: 1780 E. Basin Ave., Ste. 2. Pahrump, NV 89060
- State of Nevada DCFS Ely District Office: 740 Park Ave. Ely, NV 89301
- State of Nevada DCFS Tonopah District Office: #2 Frankee St. Tonopah, NV 89049
- Clark County Dept. of Family Services: 121 S. MLK Blvd. Las Vegas, NV 89106
- Washoe County Dept. of Social Services: 350 S. Center Street, Reno, NV 89520



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POST

–NOTICE OF PUBLIC HEARING –

DIVISION OF CHILD AND FAMILY SERVICES

PUBLIC HEARING TO ADOPT REGULATION FOR FOSTER HOMES FOR CHILDREN

DATE:	June 29, 2017
TIME:	1:30 pm – 3:00 pm (or until adjourned)
NORTHERN LOCATION:	<u>CARSON CITY:</u> Tourism and Cultural Affairs (Laxalt Building) • 2 nd Floor Chambers 401 N. Carson Street • Carson City, Nevada 89701
SOUTHERN LOCATION:	<u>LAS VEGAS:</u> Grant Sawyer Building • Governor’s Conference Room, Ste. 5100 555 East Washington Avenue • Las Vegas, Nevada 89101

- The meeting will not commence until on or after the designated start time. The meeting will be adjourned after all scheduled agenda items have been addressed, which may be before or after the estimated end time.
- The meeting time frames for individual items are estimated in order to provide reasonable guidelines for public attendees who wish to hear about certain topics, but may not be able to attend the entire meeting. These times are not guaranteed unless designated as time-certain on the agenda.
- **Agenda items may be taken out of order** at the discretion of the facilitator in order to accommodate persons appearing at the workshop and/or to aid in the time efficiency of the meeting.
- **Items may be combined for consideration** by the Agency. **Items may be delayed or removed from the agenda at any time.**
- If members of the public participate in the meeting, they must identify themselves when requested under agenda item one.
- **Public comment is welcomed by the Agency but may be limited to three minutes per person at the discretion of the facilitator.**
- **Written comment submissions** must be received by the Division of Child and Family Services on or before **June 24, 2017**. Written submissions may be emailed to dpomin@dcfs.nv.gov or mailed to the Division of Child and Family Services, Attn: Dorothy Pomin; 4126 Technology Way, 3rd FLR; Carson City, NV 89706
- NAC 424/R129-16 support materials for this meeting may be accessed on the Division of Child and Family Services Website at www.dcfs.state.nv.us under the “**Important Links**” heading on the top, right-hand side of the webpage. The Small Business Impact Statement can also be found under Important Links. In addition, documents may be reviewed at any of the locations where this notice has been publically posted (see page 6).
- **Action items are noted by the phrase “for possible action”** and typically include review, approval, denial, and/or postponement of specific items.
- **The Agency is pleased to provide reasonable accommodations for members of the public who are disabled** and require special arrangements or assistance at the meeting. If assistance is required, please notify staff by phone or by e-mail no later than three working days prior to the meeting: BettyJo Heaton • Tel: 775.684-7294 • email: BHeaton@dcfs.nv.gov

PURPOSE

DCFS is proposing the adoption of regulations pertaining to Chapter 424 of the Nevada Administrative Code, foster homes for children. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations.

Summary of changes:

A REGULATION relating to foster care for children; revising requirements relating to:

- updates per mandatory regulation review to comport with statute, current practice standards and norms;
- procedures and requirements for licensure of foster homes and prescribed rules for regulation of foster homes;
- establishes and defines the reasonable and prudent parent standard as required by federal law;
- authorizes a foster parent or a designated caregiver to allow a child to participate in appropriate extracurricular, enrichment, cultural and social activities; if the foster parent or caregiver makes an informed decision to do so using the reasonable and prudent parent standard;
- requires the foster parent or designated caregiver to attend training in how to use and apply the reasonable and prudent parent standard;
- further clarifies the obligation of a foster parent, other foster caregiver, staff or volunteer of their mandatory requirement to report child abuse and neglect per NRS432B.220;
- changes pre-licensure, during licensure; and provision governing revocation or denial of licensure;
- requirement that a foster parent or other member of the household or facility may be required to have a substance abuse evaluation or drug screen under certain circumstances;
- requirement to immediately document medications given to a foster child and keep the medication information sheets provided by the pharmacy for the child's record;
- requirements concerning the storage of adult products and weapons in a foster home;
- requires a foster child's birth parent to be consulted, when applicable, before any significant changes are made to a child's appearance;
- requires that when a child discharges from a foster home, that the child be allowed to take all personal possessions they have acquired before or while residing in the foster home;
- making various other changes concerning the licensure and operation of foster homes; and
- providing other matters properly relating thereto.

AGENDA

Estimated Time:	Items:	Facilitator:
1:30 pm – 1:40 pm	1. Call to order, introductions	Dorothy Pomin
1:40 pm – 2:50 pm	2. <u>Initial</u> public comment	
	3. For possible action: Interested persons may make known their comments, views, arguments; either written and/or oral, on the proposed regulation, Nevada Administrative Code (NAC) 424 - Legislative Counsel Bureau R129-16. <ul style="list-style-type: none"> • Sections 1 – 61 • Estimated economic effect of regulation on business and the public; adverse or beneficial and immediate and long-term • Cost to child welfare agencies to enforce proposed regulation • Requisite Federal law - Federal Administration for Children and Families <ul style="list-style-type: none"> ○ PL 113-183 Preventing Sex Trafficking and Strengthening Families Act • Fees - new or increased • Adoption of Regulation 	Dorothy Pomin
2:50 pm – 3:00 pm	4. <u>Final</u> public comment	Dorothy Pomin
	5. Adjournment	Dorothy Pomin

Public notices for this meeting have been posted in compliance with NRS 241.020 and NRS 233B.061 at the following locations:

- Nevada State Library: 100 N. Stewart St. Carson City, NV 89701
- Carson City Library: 900 N. Roop St. Carson City, NV 89701
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- Clark County Library: 1401 E. Flamingo Rd. Las Vegas, NV 89119
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- Mineral County Library; 110 First St. Hawthorne, NV 89415
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