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**Manual Transmission Letter (MTL)**  
**Family Programs Office: Statewide Child Welfare Policy Manual**

MTL # 0206-01112019  
01112019

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TO: Timothy Burch, Administrator - Clark County Department of Family Services  
Betsey Crumrine, Social Services Manager V - DCFS – District Offices  
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Amber Howell, Director - Washoe County Human Services Agency

FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

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**POLICY DISTRIBUTION:**

Enclosed find the following policy for distribution to all applicable staff within your organization:

- 0206 Court Notification Policy

This policy is/was effective:

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # \_\_\_\_\_ - \_\_\_\_\_ Policy Name: \_\_\_\_\_
- This policy has been revised. Please see below for the type of revision:
- This is a significant policy revision. Please review this policy in its entirety.
  - This is a minor policy revision: (List page number & summary of change):
  - A policy form has been revised: (List form, page number and summary of change):
    - \_\_\_\_\_

**NOTE:**

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/> . Please check the table of contents on this page for the link to the chapter you are interested in.

## 0206 Court Notification Policy

### Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	01/04/2019
Attorney General Representative Review:	10/18/2018
DCFS Deputy Administrator Approval:	01/04/2019
DMG Original Approval:	<b>09/18/2016</b>
DMG Approved Revisions:	01/04/2019

### STATEMENT OF PURPOSE

**Policy Statement and Purpose:** This policy supports Washoe County Human Services Agency, Clark County Department of Family Services, and Nevada Division of Child and Family Services efforts to provide timely court notifications to interested individuals, caregivers, parties to a hearing, and representatives, as defined below.

The purpose of this policy was created to simplify the complex federal and state statutes encompassing court notifications, to ensure caregivers are informed of their right to attend and be heard at Semi (Periodic) and Annual (Permanency) Hearings, and to provide a process of notifying interested individuals, parties to a hearing, and representatives of upcoming court hearings. This policy promotes timely permanency outcomes for children in out-of-home placements and provides the court with more opportunities to involve children in case planning.

### AUTHORITY

**Federal:** [The Adoption and Safe Families Act](#); [42 U.S.C. § 675\(5\)\(G\)](#); [45 C.F.R. § 1355.34\(c\)\(2\)\(v\)](#); [45 C.F.R. § 1356.21\(o\)](#); [P.L. 109-239](#)

**NAC:** [NAC 432B.290](#); [NAC 432B.320](#)

**NRS:** [NRS 432B.030](#); [NRS 432B.044](#); [NRS 432B.466](#); [NRS 432B.470](#); [NRS 432B.510](#); [NRS 432B.520](#); [NRS 432B.553](#); [NRS 432B.580 \(6a & b\)](#); [NRS 432B.590](#); [NRS 159A.034](#); [NRS Chapter 127](#); [NRS Chapter 128](#);

**Other:** [Nevada Rules of Civil Procedure: Rule 5 \(a & b\)](#)

### DEFINITIONS

**Caregiver:** (as defined by the child welfare agency) The person or persons providing foster, adoptive or relative care for a child, or a person who provides care in a treatment home or residential treatment facility in which a child is placed.

**Court Notification:** An informal or formal provision of service to a party either via mail, e-mail, facsimile, telephone, text, in-person, video conference, or other means of communication that informs a party of his/her right to be heard and right to attend the court hearing. A caregiver providing care for a child will not be made a party to a review or hearing solely on the basis of a court notification.

**Indian Child Welfare Act (ICWA) of 1978:** A federal law that governs jurisdiction over the removal of (Native American) Indian Children from their families. ICWA sets the minimum federal standards for nearly all Indian Child custody proceedings, including adoption, voluntary or involuntary termination of parental rights, removal and foster care placement of Indian Children, but excluding divorce and child delinquency proceedings. [Public Law 95-608, 92 Stat. 3069](#), enacted November 8, 1978 codified at [25 U.S.C. §§ 1901–1963](#).

**Interested Individuals (defined specifically for this policy):** Any individual involved in a case who is determined by the court or a hearing master to be appropriate to participate in the hearing; any sibling of the child granted visitation under [NRS 127.171](#); and any persons planning to adopt the child as determined by the child welfare agency.

**Parties to a Hearing (defined specifically for this policy):** Legal guardian of the child or parents of a child whose parental rights have not been voluntarily relinquished or terminated by court action, the child, child welfare agency, or ICWA tribe representatives.

**Representatives (defined specifically for this policy):** Counsel representing a person in the hearing, including ICWA Attorneys, District Attorney (DA), and/or CASA/Guardian ad Litem.

## **STANDARDS/PROCEDURES**

### **Court Notification Requirements for all Parties to a Hearing, Caregivers, Interested Individuals, and Representatives:**

1. **72-Hour Hearing (Protective Custody [NRS 432B.470](#)):** A hearing must be held within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays after being taken into custody by an Agency to determine whether the child should remain in care or be returned home. Court notification to the parent or child's guardian of the protective custody hearing must be made within twenty-four (24) hours of the child coming into care. Court notification can be made verbally (in person or by telephone) and in writing, and must include the date, time, and location of the court hearing. The child (if deemed developmentally appropriate) and caregiver are to be notified of the court hearing date, time, and location verbally, within a reasonable timeframe.
  - a. If the parent or legal guardian cannot be located after reasonable effort, a written notice must be placed on the door of the parent or guardian's residence.
  - b. If notification is given orally or by posting a written notice on the door, a copy of the notification must be mailed to the last known address of the person within twenty-four (24) hours after the child is placed in protective custody.
  - c. Pursuant to [NRS 432B.630](#), if a child is abandoned at a provider of emergency services' location and the child's parent's whereabouts are not known, the parent waives any rights to notice of the hearing to be conducted pursuant to [NRS 432B.470](#).
2. **Notification to non-custodial and joint custodial parent, ([NAC 432B.290](#)):** The Agency must attempt to notify the non-custodial or joint custodial parent via telephone (if telephone contact information is known), followed with a letter of notification to the last known address, with return receipt requested. Letter of notification must be mailed to the parent's last known address within twenty-four (24) hours of the child coming into care. The Agency shall require a custodial parent to furnish information related to the location of a non-custodial parent as specified in [NAC 432B.290\(2\)](#).
3. **Adjudicatory Hearing and Notice (Hearing on the Petition [NRS 432B.530](#)):** Depending on the jurisdiction, either the District Attorney (DA) or a representative of a Child Welfare Agency ([NRS 432B.510](#)) will draft the petition and summons for the court to issue. Each Child Welfare Agency will develop their own protocol to ensure all parties to a hearing, interested individuals, and representative are notified within a reasonable timeframe of the Adjudicatory Hearing. Pursuant to [NRS 432B.520](#), the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons.
  - a. The summons must include notice of the right of parties to counsel at the Adjudicatory Hearing.
  - b. A copy of the petition must be attached to the summons.
  - c. The summons must be served by: personal service of a written notice or registered or certified mail to the last known address of the person.
  - d. If child was abandoned at a provider of emergency services and the identity or location of the parent is unknown, a summons must be serviced on the parent by publication at least once a week for three (3) consecutive weeks in a newspaper published in the county (with jurisdiction of the case) and if no such newspaper is published, then a newspaper published in this state that has general circulation in the county where the child was removed from. The

parent who delivered the child to a provider of emergency services pursuant to [NRS 432B.630](#) shall be deemed to have waived any right to notice pursuant to this section.

4. **Other Hearings (Disposition [NRS 432B.550](#); [NRS 432B.530](#), Emergency, Fact Finding, Interim/Status, Evidentiary, etc.) except Termination of Parental Rights Hearing (TPR), Adoption Hearing, and Guardianship Hearing:** There are multiple court hearings that can be held for a child welfare case. The process for court notifications shall be established by the Child Welfare Agency for hearings, other than protective custody, semi-annual, and annual hearings. Notices are to be issued not less than seven (7) days prior to the hearing. If a hearing is scheduled within seven (7) days, notices shall be issued no less than seventy-two (72) hours before the hearing.
  - a. The Child Welfare Agency may obtain an agreement or stipulation through a court order, as described below in this policy, to issue court notifications by e-mail or fax.
  - b. The Child Welfare Agency obligated to use a Court E-Filing system must comply with the requirements of that system.
  - c. If the child was abandoned, the parent who delivered the child to a provider of emergency services pursuant to [NRS 432B.630](#) shall be deemed to have waived any right to notice and notification of future hearings and notices of hearings do not need to be sent to this parent. If the location of the other parent was unknown and the summons issued pursuant to [NRS 432B.520\(5\)](#) was effectuated but that parent failed to appear, then that shall constitute a waiver by that parent for any future hearings in the 432B case as well.

**Notice must be sent to:**

- a. All the parties to the prior proceedings; and
  - b. Interested individuals, parties to a hearing, and representatives, as defined in this policy.
5. **Semi-Annual Hearing (Periodic [NRS 432B.580](#)) and Annual Hearing (Permanency [NRS 432B.590](#)):** Court notification must be sent by certified or registered mail, unless the person entitled to the notice has agreed to service by e-mail or fax, as identified below in this policy. The Child Welfare Agency will ensure notices are issued no less than seven (7) days prior to the hearing. If the hearing is scheduled within seven (7) calendar days, notices shall be issued no less than seventy-two (72) hours before the hearing.

**Notice must be sent to:**

- a. All the parties to the prior proceedings; and
- b. Interested individuals, parties to a hearing, and representatives, as defined in this policy.
- c. Need not be given to a parent whose rights have been terminated pursuant to NRS Chapter 128 or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and
- d. Need not be given to a parent who delivered a child to the provider of emergency services pursuant to [NRS 432B.630](#).

**Notice must include the following:**

- a. A statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions for NRS 127.171; and
- b. Must not include any confidential information regarding a petition for adoption.

**Caregiver Notices:** Pursuant to [NRS 432B.430](#), Child Welfare Hearings are considered “closed hearings”. However, per federal standards, caregivers are afforded the right to attend and be heard during Semi-Annual (Periodic) and Annual (Permanency) hearings. To provide clarification to caregivers, the court notices must also include the following.

- a. Caregivers “right” to be heard during the hearing;
  - b. Caregivers “right” to attend the hearing;
  - c. An explanation of what to expect during the hearing; AND
  - d. Any information to assist the caregiver in understanding their role.
6. **Termination of Parental Rights (TPR) Hearing ([NRS Chapter 128](#)):** The Child Welfare Agency must provide accurate contact information including the current or last known address and/or phone number for the parent(s), parent’s attorney, child(ren), the child(ren)’s attorney, and any known relatives within the 5<sup>th</sup> degree of consanguinity (residing in Nevada) to the Attorney General’s Office, District Attorney, or other attorney filing the TPR petition.

7. **Adoption Hearing (NRS Chapter 127):** An attorney or person filing for adoption typically issues the court notifications. When applicable and appropriate, the Child Welfare Agency will provide accurate contact information to the attorney and/or person filing the petition and ensure the legal custodian and guardian (whose rights are not terminated or relinquished) are notified at the time the petition is filed. The Child Welfare Agency shall also ensure that the sibling(s) of the child being adopted is notified of the Adoption Hearing pursuant to [NRS 127.140](#) and the sibling is aware their visitation are subjected to the provisions of [NRS 127.171](#). If there is a court order visitation between siblings, the Child Welfare Agency must provide a copy of this order to the court conducting the Adoption Hearing pursuant to [NRS 432B.580](#).
  - a. If the Agency sends out a court notification, the information cannot include any confidential information that identifies or would lead to the identification of a natural parent, if the identity of the natural parent is not included in the agreement for post adoptive contact, pursuant to [NRS 127.140](#).

**Attendance of prospective adoptive parents at hearing by telephone (NRS 127.145):** The prospective adoptive parents may attend by telephone, in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

- a. The prospective adoptive parents reside in another state or jurisdiction;
- b. The petition for adoption is filed for the adoption of a child who is in the custody of an Agency which provides Child Welfare Services, or a child-placing Agency licensed by the Division; and
- c. A representative of the Agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.

The appearance of the prospective adoptive parents and the representative of the agency must occur at the office of the Agency or at the home of the prospective adoptive parents, as determined by the Agency.

8. **Guardianship Hearings (NRS Chapter 159A):** An attorney or person filing for guardianship typically issues court notification, pursuant to the requirements of [NRS 159A.034](#), which are to be issued not later than ten (10) days before the date set for the Guardianship Hearing. The Child Welfare Agency may approve for an employee to assist a person in issuing the court notifications. Each employee of the Child Welfare Agency, must adhere to [NRS 432B.195\(3\)](#), which prohibits staff from offering legal advice, legal assistance, or legal interpretation of state or federal statutes or laws. Therefore, the role and expectation of the employee assisting with court notification must be distinct. When the Child Welfare Agency provides assistance, the following individuals are notified pursuant to [NRS 159A.034](#):
  - a. Any child over fourteen (14) years old;
  - b. Parent or legal guardian of the child who is less than fourteen (14) years old;
  - c. Any interested individual or the person's attorney who has filed a request for notification in the guardianship proceedings and has served a copy of the request upon the guardian;
  - d. The guardian (if other than the petitioner);
  - e. Any person or care provider who is providing care for the child (unless unrelated and must not receive copies of any inventory or accounting);
  - f. Any office of the Department of Veterans affairs in this state, if the child is receiving any payments or benefits through the Department of Veteran Affairs;
  - g. The Director of the Department of Health and Human Services, if the child has received or is receiving benefits from Medicaid; AND
  - h. Any person entitled to notification, if a proceeding were brought in the child's home state.
  - i. The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.
  - j. When a person is unable to be notified as aforementioned, despite diligent efforts and this fact is proven by affidavit to the satisfaction of the court, court notification must be made by publication in the manner provided by [Nevada Rules of Civil Procedures \(N.R.C.P.\) 4\(e iii\)](#):
    - l. *"The order shall direct the publication to be made in a newspaper, published in the State of Nevada, to be designated by the court or judge thereof, for a period of four (4) weeks, and at least once (1) a week during said time. In addition to in-state publication, where the present residence of the defendant is unknown the order may also direct that publication be made in a newspaper published outside the State of Nevada whenever the court is of the opinion that such publication is necessary to give notice that is reasonably calculated to give a defendant actual notice of the*

*proceedings. In case of publication, where the residence of a nonresident or absent defendant is known, the court judge shall also direct a copy of the summons and complaint to be deposited in the post office, directed to the person to be served at the person's place of residence. The service of summons shall be deemed complete in cases of publication at the expiration of four (4) weeks from the first publication, and in cases when a deposit of a copy of the summons and complaint in the post office is also required, at the expiration of four (4) weeks from such deposit.*

- k. If, after the appointment of a guardian, a search for relatives of the child fails to find any such relative, the court may waive the court notification by publication.
  - l. For good cause shown, the court may waive the requirement of court notification.
  - m. A person entitled to a court notification may waive such notice. Such a waiver must be in writing and filed with the court.
  - n. Proof of court notifications must be filed prior to the Guardianship Hearing or on the date of the hearing.
9. **Parent(s) or Child(ren) Institutionalized or on Probation:** When a parent or child is in an institutional setting (jail, hospital, treatment facility, etc.) the Child Welfare Agency is responsible for determining which method of court notification is the most appropriate and in accordance with the institutions guidelines. Court notifications are to be issued in a manner identified as appropriate by the Child Welfare Agency:
- a. If applicable, the caseworker will ensure the attorneys are informed of their client's institutionalization, as soon as practicable, and inquire about the need for a court order to transport the person to court and/or a court order for the person to attend via telephone.
  - b. The Child Welfare Agency is required to provide notice to the youth within five (5) days of admission of the youth's rights, which includes right to attend and participate in a hearing, right to object, and the right to ask the court for a second evaluation.
  - c. If an attorney is not established for a child and a court order is required or necessary, then the Child Welfare Agency is responsible for ensuring the necessary court orders are obtained.
  - d. If a child is involved in the Juvenile Justice System (parole, probation, detention, and corrections), the child's parole office will receive a court notice for all hearings either formally or informally. Court notifications will be made no less than three (3) days prior to the hearing, unless circumstances occur beyond the Child Welfare Agency's control.
  - e. When appropriate, the Child Welfare Agency will assist and/or facilitate for the child(ren) and/or parent(s) to attend and/or be transported to/from a court hearing, unless there are circumstances beyond the control of the Child Welfare Agency.
  - f. The Child Welfare Agency shall facilitate and assist individuals in accordance with the court's requirements for attendance via video conference or telephone.
10. **ICWA:** When ICWA applies or when Indian Heritage is unknown, the Child Welfare Agency shall send the court notification in accordance with statewide [0504 ICWA Policy](#) (notice section). The court notification is provided as attachment FPO 0504C – Determining Tribal Eligibility and Notice of Court Proceedings
- a. Court notifications will only be sent to tribes that are federally recognized, unless ordered otherwise or approved by the court.
11. **ICPC:** Additional court notification requirements for children under the jurisdiction of the Interstate Compact on the Placement of Children (ICPC) are the following:
- a. The Child Welfare Agency shall ensure that the child, determined developmentally appropriate, and the caregiver are notified of any court hearing date, location and time.
  - b. The Child Welfare Agency shall facilitate for the child to attend the court hearing either in person, via video conference, or via telephone.
  - c. The Child Welfare Agency shall facilitate and assist individuals in accordance with the court's requirements for attendance via video conference or telephone.
  - d. Concerted efforts must be documented in UNITY, under case notes or in the court report.
12. **Court Jurisdiction Program:** Court Notification to a child under a Court Jurisdiction program must be made in accordance with the requirements identified in the [0801 Youth Independent Living Program Policy](#).

13. **Placement Changes:** When court notifications have already been issued, the Child Welfare Agency will ensure the child, the new caregivers, and any other party affected by the placement change are aware of the upcoming hearing date, location, and time. Court notifications are to be sent to the new caregivers no later than seven (7) business days after the placement change or sooner.
  - a. The Child Welfare Agency will continue to notify the past caregiver for a child no longer in their care, only when the court has identified the past caregiver as an interested individual.
  - b. The Child Welfare Agency will comply with court notification requirements ordered by the court.
  - c. The Agency to be aware that the court may require additional notices within a specific timeframe to the court, the CASA, and the child's attorney when placement changes occur.
  
14. **Unable to Locate:** If any party to a hearing, interested individuals, and/or representative is unable to be located, the Child Welfare Agency must send court notification to the last known address and send out court notification using the last notification process, if any (e-mail, fax, etc.) All efforts to locate are to be included in the court report.
  
15. **Child's Participation in Court Hearings and Child Notifications:**
  - a. The Child Welfare Agency is responsible for determining when it is in the best interest of the child to attend a court hearing and if the child is developmentally and age appropriate, unless a court has already made the determination or requires the presence of the child at the hearing ([NRS 432B.580-NRS 432.590](#)). Pursuant to [NRS 432B.420](#) the court is required to appoint an attorney to represent every child at any Child Welfare proceedings. American Bar Association standards require the child's attorney to keep their clients apprised of the status of the case including court notifications and their right to attend the court hearing. The child's best interest must be the primary consideration when determining if a child should attend a court hearing. The Child Welfare Agency is recommended to work in collaboration with other representatives, parties to the hearing, caregivers, parents, and any other collaterals.
    - i. If there is a situation where a child is requested to attend and there are concerns it would be detrimental to the child, the Child Welfare Agency is recommended to request a bifurcated hearing or other alternative options to protect the child.
    - ii. If the Child Welfare Agency determines the child is not developmentally appropriate or it is not in the best interest of a child to attend a Guardianship or Adoption Hearing and the child is of the required age as aforementioned, then a waiver will be filed with the appropriate court. The Child Welfare Agency is responsible for collaborating with the appropriate court to determine the appropriate waiver to be filed.
    - iii. The determination and rationale for the child to attend or not attend a court hearing must be documented in a court report.
    - iv. School attendance alone should not be justification for a child not participating in a court hearing, unless approved by the court.
    - v. The Child Welfare Agency shall ensure each child, determined developmentally appropriate, is receiving the court notifications.
  - b. For a child with Another Planned Permanent Living Arrangement (APPLA) goal, a judge is to ask a child about their preferences during the Annual (Permanency) Hearings, pursuant to [NRS 432B.590](#) and [42 USC 675a](#). To allow the judge an opportunity to ask a child about his/her preferences, the child, with an APPLA goal, must be present in court for Annual (Permanency) Hearings. The statewide policy, [1011 Reasonable and Prudent Parent Standard/Normalcy](#), requires that "All children be involved in an age and developmentally appropriate way in any decisions impacting their life." Therefore, if the Child Welfare Agency is aware the upcoming court hearing will involve case planning, the child is determined to be developmentally appropriate, and it is in the best interest of the child, then the Child Welfare Agency must make concerted efforts for the child to attend the court hearing.
  - c. If the child does not want to attend the court hearing, they may exercise that choice and will not be forced to attend. In this event, the Child Welfare Agency will notify the court of the child's decision.
  - d. If a child is summoned to court or a court orders the child to attend, and the child refuses to attend, the Child Welfare Agency must immediately notify the child's attorney. In this event, the Child Welfare Agency must either:
    - i. File a Notice of Child's Non-Attendance (FPO 0206D); or

- ii. Provide written information to the court (e.g. letter, court report, etc.) which identifies the reason(s) for the child not attending, efforts by the Child Welfare Agency, referral for services, and any supporting documentation.
- e. When notification is made to a child, the caseworker must ensure the child is aware that the information he/she provides to the court will **not be** confidential and available for review before and/or during court. An example is provided as attachment FPO 0206A – Court Notification to a Child.
  - i. If the practice in the specific Judicial District allows for children to request to speak to the judge in private chambers, then the Child Welfare Agency shall ensure the child is aware of this, which can be opposed by individuals during the hearing. If the child makes a request, the child's attorney and court must be made aware prior to the hearing.
- f. A child of any age who received a summons pursuant to [NRS 432B.520](#) must personally appear at the Adjudicatory Hearing. An age stipulation is not currently identified in Nevada's statutes for a child to attend a Child Welfare Hearing; neither are guidelines for a child to be determined developmentally appropriate. Nevada Revised Statute does exist for Guardianship ([NRS 159A](#)) and Adoption Hearings ([NRS 127](#)):
  - i. **WASHOE COUNTY and RURAL REGION ONLY:** A child who is fourteen (14) years or older must attend an Adoption and Guardianship Hearing, unless waived and approved by the court. The Agency must ensure each child has access to attend the hearing.
  - ii. **CLARK COUNTY ONLY:** All children are required to attend Guardianship Hearings, unless waived and approved by the court. A child who is fourteen (14) years or older must attend an Adoption Hearing, unless waived and approved by the court. The Agency must ensure each child has access to attend the hearing.

#### **Court Notification to Victim of Abuse ([NRS 217.070](#)):**

1. The Child Welfare Agency is responsible for ensuring court notifications do not contain information that would place a victim at further risk of harm. A designated staff is responsible for ensuring that the victim's perpetrator does not receive any information through court notifications that would identify the victim's location of residency or any information to identify such residency if the address is not already known. For example, the victim and the perpetrator are both parties to a hearing and were living together at the same address. Since the address was already known to the perpetrator, the Agency is not required to keep the victim's address confidential.
2. If a victim has obtained a fictitious address, pursuant to [NRS Chapter 217](#), the Child Welfare Agency has a responsibility to keep the address confidential when issuing court notifications.

#### **Stipulations and Agreements (Including Waiver's and Electronic Services):**

1. All parties to a hearing, interested individuals, caregivers, and representatives can request notifications via an electronic service (e-mail, fax, etc.), pursuant to [Nevada Rules of Civil Procedures \(NRCP 5\(b\)\(2\)\(D\)\)](#) for any hearing, as well as make agreements or stipulations with the Child Welfare Agency that will allow for other methods of service (court notification). Examples are provided as attachment FPO 0206B – Waiver Form and FPO 0206C Notice and Waiver of Hearing.
  - a. Stipulations or agreements and any changes must be filed with the court and must not be attached with a court report.
  - b. The most recent court filed stipulation or agreement will remain in effect, until a new agreement or stipulation is filed with the court and approved by the court, unless otherwise directed by the court.
  - c. Signatures must be obtained from any person included in the stipulation or agreement.
  - d. If the person already receives notices under the court electronic filing/notification system (E-Filing), then no further action is necessary, unless directed otherwise by the Child Welfare Agency.
  - e. For representatives (District Attorney, Public Defender, etc.) with multiple cases, a standing order with the court is recommended.



2. A person entitled to court notifications under [NRS 432B.580](#) and [NRS 432B.590](#) may request or be requested not to receive registered or certified mail for Semi (Periodic) and Annual (Permanency) Hearings through a stipulation or agreement, sometimes known as a “waiver”.
  - a. It remains the responsibility of the Child Welfare Agency to ensure individuals are notified of the necessary requirements as aforementioned in this policy, regardless of the stipulation or agreement being filed with the court.
    - i. For example, if a caregiver signs a notice and waiver of hearing stipulation or agreement and the stipulation or agreement does not include the information described in the Court Notification Requirements Section of this policy. Then the Child Welfare Agency must inform the caregiver of their right to be heard, right to attend Semi (Periodic) Hearing and Annual (Permanency) Hearing, provide clarification on what to expect during the hearing, and provide a description of their role during the court hearing.
    - ii. Also, if a notice and waiver of hearing stipulation or agreement was filed with the court and the document did not include information of the provisions of [NRS 127.171](#), then the Child Welfare Agency will ensure the person is aware of the provisions.
3. **Electronic Services (email, fax, etc. pursuant to [NRCF 5\(b\)\(2\)\(D\)](#)):**
  - a. A request to receive electronic services must be made in writing, unless a stipulation or agreement has already been filed with the court. The written request must identify the persons upon whom services must be made, electronic-mail address or fax number, and language that requires the person to notify the Child Welfare Agency within ten (10) days of a change to their electronic-mail address and/or fax number.
  - b. If electronic service fails (e-mail returned, fax number with busy tone/signal, etc.), the Child Welfare Agency must send the court notifications via regular mail, unless it is Semi (Periodic) or Annual (Permanency) Hearing. Court notifications regarding Semi (Periodic) or Annual (Permanency) Hearing will be sent via certified or registered mail.

#### **Court Notification for Non-English Speakers:**

1. Pleading rules in each jurisdiction and in the [Nevada Rules of Civil Procedure \(NRCF\)](#) do not require filing in the language of the respondent or defendant in an action. It is that person’s responsibility to receive proper translation of the filing. The Child Welfare Agency is subjected to [Title VI of the Civil Rights Act of 1994](#) and Title VI regulations prohibiting “discrimination based on national origin” and are required to provide language services for Limited English Proficiency (LEP) individuals. Therefore, the caseworkers are to identify any language barriers and provide applicable referrals, as well as providing assistance in accessing necessary resources related to language barriers.

#### **Changes to Court Hearings:**

1. If a case is continued, the Agency must assure the hearing is rescheduled within the statutorily required timeframe in order to ensure the Title IV-E eligibility findings are made and a court order contains the necessary language (contrary to the welfare, reasonable efforts, permanency plan, etc.) for a child to remain Title IV-E eligible.
2. If the changes involve the type of hearing, date, location, and time of the court hearing, the Child Welfare Agency will reissue the court notifications with the new information, in accordance with this policy.
  - a. The court notification must occur within seven (7) business days of the Agency becoming aware of the changes, unless the court or a representative has reissued the court notifications. If seven (7) days is an insufficient amount of time for the person to attend the court hearing, the Child Welfare Agency will determine the appropriate method to proceed, which may include, but not limited to, collaborating with the attorneys in the case and all appropriate parties are notified per policy.

#### **Timeline: Timelines for Court Notification Policy**

Types	Timeframe
72 Hour Hearing (Protective Custody Hearing)	<ul style="list-style-type: none"> <li>Parents are notified upon child removal, unless the child was delivered to a provider of emergency services.</li> <li>When notice is given orally or by posting a written notice on the door, a copy of the notice must be mailed to the person at the last known address of the person within 24 hours after the child is placed in Protective Custody.</li> <li>Caregivers and children deemed appropriate must be notified within a reasonable timeframe.</li> </ul>
Adjudicatory Hearing	<ul style="list-style-type: none"> <li>Within reasonable timeframe, see <a href="#">NRS 432B.520</a> and <a href="#">NRS 432B.530</a>.</li> <li>The Child Welfare Agency will develop their own protocol.</li> </ul>
Other Hearings	<ul style="list-style-type: none"> <li>No less than 7 days prior to the court hearing or within 72 hours if a hearing is scheduled within 7 calendar days.</li> </ul>
Semi (Periodic) & Annual (Permanency) Hearings	<ul style="list-style-type: none"> <li>No less than 7 days prior to the court hearing or within 72 hours if a hearing is scheduled within 7 calendar days.</li> </ul>
TPR	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Adoption Hearing	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Guardianship Hearings	<ul style="list-style-type: none"> <li>No less than 10 days prior to the court hearing.</li> </ul>
Changes to a Court Hearing	<ul style="list-style-type: none"> <li>Within 7 business days or immediately if 7 days is not reasonable, unless the court or a representative has reissued the court notifications.</li> <li>If 7 days is not reasonable enough time for the person to attend the court hearing, the Child Welfare Agency will determine the appropriate method to proceed.</li> </ul>
Child in Juvenile Justice System	<ul style="list-style-type: none"> <li>Probation Officers are notified no less than 3 days prior to a hearing, unless circumstances occur beyond the control of the Child Welfare Agency.</li> </ul>

**Documentation:** Court notifications, stipulations, and wavier forms must be retained in the electronic filing system or in the primary file, upon case closure, and in accordance with the Child Welfare Agency’s retention policy. Completing the Court Notification screen in UNITY is at the discretion of the Child Welfare Agency. All other documentation required as aforementioned must be retained in UNITY, under case note or in the court report.

**Case File Documentation (paper)**

File Location	Data Required
<ul style="list-style-type: none"> <li>Domestic Return Receipts (signed green card)</li> </ul>	<ul style="list-style-type: none"> <li>Retained in the primary file, upon case closure.</li> </ul>

**UNITY Documentation (electronic)**

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none"> <li>Notification Screen: Instructions can be located by clicking the “help” tab on the main UNITY screen. Clear the search box and enter CFS094. Results will appear to the left, then click CFS094 Notification.</li> </ul>	<ul style="list-style-type: none"> <li>The child/subject of the hearing; time/place of the hearing; type of mail delivery utilized; name and address of the required participant/notice recipient.</li> </ul>

**JURISDICTIONAL ACTION**

**Development of Internal Policies:** Each Jurisdiction shall develop their own protocol and maintain a record for implementing this policy and ensuring compliance.

**Supervisory Responsibility:** Supervisors shall ensure staff follow the Court Notification policy and procedures in its entirety.

**STATE RESPONSIBILITIES**

Data will be collected to determine compliance with this policy at least once, every state fiscal year (SFY).

## **POLICY CROSS REFERENCE**

### **Policies:**

[0204 Case Planning](#)

[0504 Indian Child Welfare Act \(ICWA\)](#)

[0801 Youth Independent Living Program](#)

[1011 Reasonable and Prudent Parent Standard/Normalcy](#)

**History and Updates:** The Court Notification policy was effective as of 09/18/2006, and was updated on 1/30/2017. On 01/04/2019 this policy was again updated and reformatted into a new template.

## **ATTACHMENTS**

FPO 0206A – Court Notification to a Child

FPO 0206B – Waiver Form

FPO 0206C – Notice and Waiver of Hearings

FPO 0206D – Notice of Child's Non-Appearance

FPO 0504C – Determining Tribal Eligibility and Notice of Court Proceedings ([0504 ICWA Policy](#))