

Joe Lombardo  
Governor

Richard Whitley, MS  
Director



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



Marla McDade  
Williams, MPA  
Administrator

## Notice of Intent to Act Upon a Regulation

### Notice of Hearing for the Adoption of Regulations of the Division of Child and Family Services

The Division of Child and Family Services (DCFS) will hold a public hearing at 2:00 p.m. on March 5, 2024, at 4126 Technology Way, Carson City, Nevada in the DCFS 1<sup>st</sup> Floor Conference Room. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 62H of the Nevada Administrative Code (NAC).

#### Virtual Option:

- Microsoft Teams Meeting  
[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTI1ZDJiZDYtZmI4NC00MDZkLTlmZGMtNWE3MWJIN2Q0ODA3%40tbread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%227d9b193a-d97f-4ffb-9990-965dae888445%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTI1ZDJiZDYtZmI4NC00MDZkLTlmZGMtNWE3MWJIN2Q0ODA3%40tbread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%227d9b193a-d97f-4ffb-9990-965dae888445%22%7d)

Join by phone (audio only)  
(775)321-6111; Phone Conference ID: 566 355 383#

### AGENDA

1. Call Public Hearing to Order and Identify all Attendees – Leslie Bittleston
2. Introduction of DCFS Administrator, Marla McDade Williams
3. Public Comment  
**To provide public comment telephonically, dial 1-775-321-6111. When prompted to provide the conference ID, enter 566 355 383#. If providing public comment during this meeting, unmute your microphone prior to speaking. Persons making comments will be asked to begin by stating their name for the record and to spell their last name.**
4. For Information: Presentation on Revised Proposed Regulation, LCB File No. R056-22RP1 – Leslie Bittleston

- a. The original proposed regulation, LCB File No. R056-22 was presented at the August 12, 2022, public hearing, where a member of the public requested an addition to the regulation allowing for a stipulation between parties.
- b. LCB File No. R056-22 was revised as follows:
  - i. The addition is noted in Section 4.1(a), “The number of children who were determined not competent to proceed pursuant to a stipulation between the parties that was approved by the court and the nature of the cause for the lack of competency, if known;”
  - ii. A modification was made to Section 4.1(d) to account for the addition of (a), “The most serious delinquent act with each child described in paragraphs (a) and (b) was charged on referral.”

5. For Information: Implementation Plan – Leslie Bittleston

- a. Once regulations are adopted and approved, DCFS staff shall collaborate with the Nevada Association of Juvenile Justice Administrators (NAJJA) Data Committee to create a template to gather the data and to identify when the first submission will be due.

6. Public Comment

**To provide public comment telephonically, dial 1-775-321-6111. When prompted to provide the conference ID, enter 566 355 383#. If providing public comment during this meeting, unmute your microphone prior to speaking. Persons making comments will be asked to begin by stating their name for the record and to spell their last name.**

7. For Possible Action: Decision to Adopt or Not Adopt Revised Proposed Regulation, LCB File No. R056-22RP1 - Marla McDade Williams

8. Adjournment

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

**1. The need for and purpose of the proposed regulation or amendment.**

Existing law provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint an expert to: (1) evaluate the child; and (2) provide a written report on the competence of the child. Existing law also sets forth certain requirements relating to the evaluation and written report.

In 2021, NRS 62H.400 was added to require the Division of Child and Family Services to collect data on the youth who are deemed incompetent. This regulation outlines specifically what the Division shall collect: (1) the number of children determined not competent to proceed pursuant to a stipulation between the parties; (2) the number of children evaluated for competency, disaggregated by certain demographic information; (3) the most serious delinquent act with which

each child was charged on referral; (4) the number of children evaluated for competency and determined not competent to proceed and the nature of the cause for the determination; (5) the number of children for whom the juvenile court ordered treatment and certain information relating to such treatment; and (6) the number of children determined competent after receiving court-ordered treatment.

- 2. If the proposed regulation is a temporary regulation, the terms of the substance of the proposed regulation to be adopted, amended, or repealed, or a description of the subjects and issues involved.**

The proposed regulation is permanent.

- 3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

Text of the proposed regulation is LCB File Number R056-22RP1 and is posted with this document.

Members of the public may reach out to Leslie Bittleston at [lbittleston@dcs.nv.gov](mailto:lbittleston@dcs.nv.gov) to request an electronic copy of the proposed regulation.

- 4. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

There is no estimated economic impact on businesses.

- 5. The methods used by the agency in determining the impact on a small business.**

This regulation has no impact on small businesses. The impact of this regulation is on county departments of juvenile justice which are government agencies.

- 6. The estimated cost to the agency for enforcement of the proposed regulation.**

The Division anticipates the cost of enforcement of the proposed regulation to be absorbed into the workloads of existing staff. The Division does not anticipate the need for any additional funding or a budget increase.

- 7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

To our knowledge, the proposed regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

**8. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required pursuant to federal law.

**9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

**10. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The new regulation does not establish or amend an existing fee.

**11. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.**

The proposed regulation is permanent.

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 Leslie Bittleston, 4126 Technology Way, Carson City, Nevada. Written submissions must be received by the Division of Child and Family Services on or before March 4, 2024. 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 regulation (LCB File No. R056-22RP1) to be adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Division of Child and Family Services, 4126 Technology Way, Carson City, Nevada and <https://dcfs.nv.gov/Meetings/2024/2024MeetingsandAgendas/> for inspection and copying by members of the public during business hours. 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 <https://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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 and websites:

Division of Child and Family Services, 4126 Technology Way, 1st Floor, Carson City, NV 89706

Nevada Youth Parole Bureau, 751 Ryland Street, Reno, NV 89502

Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15 Las Vegas, NV 89146

Grant Sawyer Building, 555 Washington Avenue, Las Vegas, NV 89101

Elko Juvenile Court, 665 W. Silver Street, Elko, NV 89801

Clark County District Attorney, 601 North Pecos Road, Las Vegas, NV 89101

Division of Child and Family Services, 475 W. Haskell St. #7, Winnemucca, NV 89445

Division of Child and Family Services website- <https://dcfs.nv.gov/Meetings/2024/2024MeetingsandAgendas/>

State of Nevada Public Notice website- <https://notice.nv.gov/>

Nevada Legislature website- <https://www.leg.state.nv.us/App/Notice/A/>

Notices are also sent to all Juvenile Probation Departments. An electronic copy of this Notice was also provided to Nevada Legislative Counsel Bureau.