

## CHAPTER 424 - FOSTER HOMES FOR CHILDREN

### PROPOSED REVISIONS AS OF SEPTEMBER 2024

#### FOSTER HOMES

##### Licensing and Organization

#### **NAC 424.130 Inspections: General requirements.** (NRS 424.020)

1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if ~~he or she has~~ *they have* any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. A licensing authority representative shall inspect the entirety of each foster home and any attached property, including, without limitation, areas of the foster home and property that are not accessible to children, for safety. The licensing authority representative may take notes and photographs during the inspection.

~~—4. The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.~~

~~—5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking.~~

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

**NAC 424.135 Inspections: Safety from fire.** (NRS 424.020)

1. Fire safety inspections must be conducted by a licensing authority representative, or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a person who is non-ambulatory or a person with a severe disability, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the State Fire Marshal or *the local fire department* ~~his or her designee~~ shall inspect the home. The State Fire Marshal *or the local fire department* may, based upon information ~~he or she~~ *they* receives regarding the home, designate the licensing authority representative to conduct the inspection.

3. Requirements for safety from fire must be met as established by the State Fire Marshal considering the number of occupants and their ability to exit in case of a fire.

**NAC 424.168 Financial solvency.** (NRS 424.020)

1. The licensing authority shall ensure that a foster home is financially solvent. A foster home must, as a condition of licensure:

(a) Demonstrate that it has adequate financial resources to provide basic necessities for all persons residing in the home before a child is placed in the foster home;

~~—(b) Demonstrate the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care;~~

~~—(c) Agree to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;~~

~~—(d) Unless the foster home is operated as a public program, provide financial records to the licensing authority which demonstrate ongoing financial solvency, upon the request of the licensing authority; and~~

~~(e)~~ *b.* Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

**NAC 424.255 General qualifications of and requirements for foster parents and staff.** (NRS 424.020) Foster parents and staff must:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their character, integrity and conduct must be above reproach, especially with regard to their role as foster caregivers.
2. Be willing to cooperate with the agency in establishing and carrying out agency goals for the child by:
  - (a) Providing pertinent information about the child and the needs of the child that the foster parents and staff have gained by caring for the child on a daily basis; and
  - (b) Assisting in meeting any identified needs of the child.
3. Possess skills necessary to provide a nurturing and caring home and family environment.
4. Welcome each foster child into the foster home as a full member of the family and treat each foster child equally to any children of the foster parent who reside in the foster home, including, without limitation, when according to benefits and privileges.
5. Be kind and respectful when communicating and interacting with the child and the family of the child and discussing the family of the child.
6. Have knowledge and understanding of the needs of the child for well-being, safety and permanency.
7. Be flexible to best meet the needs of the child.
8. Present a positive image of fostering to the community.
9. Maintain good relationships with each member of the community who is involved with the child and the family.
10. Be professional in each action taken as a foster parent and caregiver and be a positive role model for each foster child when engaging in daily activities, making decisions, setting boundaries and modeling behaviors.
11. Communicate effectively and respectfully with each person involved in the care of a foster child and respect differences and opinions of others.
12. Accept additional feedback and participate in additional training to increase the foster parents or staff member's knowledge and ability to care for a child with unique needs.
13. When safe and appropriate, work directly with the parents or other family members of a child in support of the best interests of the child and the permanency goal of the child.
14. Possess realistic expectations regarding behaviors of children who have experienced past trauma and be able to remain calm during the emotional and behavioral outbursts of a child.
15. Set appropriate verbal and physical boundaries with foster children and their families.

16. Recognize and celebrate milestones in the life of a foster child, including, without limitation, birthdays, graduations and holidays.

17. Demonstrate sound judgment by making mindful and careful decisions.

18. Be able to communicate with any child placed in the foster home, the agency which provides child welfare services and providers of health care and others who provide services to a child placed in the foster home. At least one foster parent or member of the staff must be capable of understanding and following directions on the label of any medication.

19. *Comply with the "Reasonable and Prudent Parent Standard" as required by U.S.C. 675(5)(B).*

**NAC 424.270 Training; exception. (NRS 424.020)**

1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training approved by the agency which provides child welfare services in the subjects described in NRS 424.0365, laws and regulations applicable to foster parenting, the structure of agencies which provide child welfare services, childhood trauma, the importance of family relationships and other meaningful relationships and basic first aid, including, without limitation, training in the administration of cardiopulmonary resuscitation. If the home has a pool, hot tub or other freestanding body of water, the applicants must obtain information on water safety, pool safety and the risk of drowning.

2. Except as otherwise provided in this section, foster parents shall attend at least 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

3. The annual training or portions of the annual training required by subsection 2 may for good cause, as determined by the agency which provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency which provides child welfare services, if at least one foster parent participates in the training and the training has been preapproved by the agency which provides child welfare services.

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive the training required by subsections 1 and 2 through that agency.

5. In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by NAC 424.573. The training required by this subsection must be provided or approved by the agency which provides child welfare services.

6. In addition to the training required by subsections 1, 2 and 5, a licensee that operates a foster home must receive, not later than 90 days after initial licensure ~~and~~

~~annually thereafter~~, training concerning working with lesbian, gay, bisexual, transgender and questioning children.

7. The requirements of this section are not applicable to any person who is subject to the requirements of NAC 424.712 and 424.714 and completes the training or continuing education required by those sections.

#### **NAC 424.275 References.** (NRS 424.020)

1. Adults who provide foster care for children must provide evidence of their character and ability to care for children. The licensing authority must have received at least ~~five~~*three* satisfactory references for such a person ~~and~~, *one of them must be unrelated to the applicant.*

2. A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

3. A licensing authority may deny an application for a license to operate a foster home based upon a negative reference.

#### **Facilities, Grounds and Furnishings**

#### **NAC 424.375 Sleeping accommodations.** (NRS 424.020)

1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms, and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.

2. Rooms used by children for sleeping must have adequate floor space between beds to allow foster children and other persons to easily access beds and exits.

3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. Except as otherwise provided in this subsection, children of the opposite sex who are 5 years of age or more must not share a bedroom, and children who are more than 12 months of age must not sleep in the same room with an adult.

5. If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or more to share a room or a child who is more than 12 months of age to sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is appropriate based upon the circumstances and needs of each child. A

child in foster care who is the parent of a child in the same placement may share a room with that child. The licensing authority may authorize a child whose gender identity or expression differs from the child's assigned sex at birth to share a room with a child of the opposite sex if the licensing authority determines that this arrangement is safe and in the best interests of each child. In making this determination, the licensing authority must consider:

- (a) The expressed preferences of each child; and
- (b) The recommendations of the child and family team.

6. The foster parents' bedroom must be located on the same floor as the bedroom of any child who is less than 5 years of age.

7. Except as otherwise provided in this subsection, each child must be provided with ~~his or her~~ *their* own bed or a mattress, ~~which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of which is elevated off the floor.~~ Siblings of the same sex may share a double bed or *mattress*.

8. Each bed must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

9. Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children who are less than 6 years of age.

10. A complete change of bed linens must be supplied at least once a week or more often if necessary.

11. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

12. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

13. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and must not be:

- (a) Allowed to sleep on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

- (b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

- (c) Allowed to sleep with another person on the same sleeping surface, which may include, without limitation, a bed, sofa or chair.

14. As used in this section, "provider of health care" means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

**NAC 424.455 Restrictions on provision of paid care for others and on housing of roomers or boarders. (NRS 424.020)**

1. If a foster home combines foster care with regular paid care for others, including child care, the licensing authority may place restrictions on the license of the foster home because of the number of children cared for in the foster home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all requirements relating to staffing in a foster home when it provides both foster care and paid care for others.

2. A foster home may house adult roomers or boarders under the following circumstances:

(a) The roomer or boarder:

(1) Is considered a part of the family or *is a permanent resident of the home*;

(2) Has been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who remains under the jurisdiction of a court pursuant to NRS 432B.594 *or is visiting and is not a permanent resident of the home*.

**NAC 424.490 Maintenance of home and vehicles; transportation of foster children. (NRS 424.020)**

1. The foster home shall maintain the home and vehicles in safe operating condition.

2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.

3. The foster home shall secure prior approval from the agency with responsibility for the foster child before taking the child out-of-state or on a trip or vacation which will require the child to be away from the family home for longer than ~~48~~ 72 hours.

4. Any person who provides transportation to a foster child:

(a) Must possess at least the minimum liability insurance coverage required by state law.

(b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and

(c) Shall observe all other laws of this State concerning the operation of a motor vehicle.

5. If the foster home is located in an area without access to public transportation, the foster home must have a working vehicle that can safely transport all of the children living in the home at one time in case of an emergency.

~~NAC 424.605 Fire drills. (NRS 424.020) A fire drill must be held at least once a month in each foster home and recorded documentation of the activity must be posted in the foster home and must be made available for inspection by the licensing authority.~~