

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

MTL # 1001 – 10242024

TO: Jill Marano, Director – Clark County Family Services
Laurie Jackson, Social Services Manager V – DCFS -District Offices
Ryan Gustafson, Division Director – Washoe County Human Services Agency

FROM: Betsey Crumrine, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

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

1001 Diligent Search and Notice

This policy is/was effective: 10/11/2024

- 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):
- This policy has been reviewed for statewide compliance.

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.

CC:

Wonswayla Mackey (won@clarkcountynv.gov)
DFSPandP@Clarkcountynv.gov

Maria Hickey (mhickey@dcfs.nv.gov)
Kim Martin (ksmartin@washoecounty.gov)

1001 Diligent Search and Notice

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:	06/19/2015
Attorney General Representative Review:	07/21/2009
DCFS Deputy Administrator Review:	10/11/2024
DMG Original Approval	08/31/2005
DMG Review:	06/19/2015

STATEMENT OF PURPOSE

Policy Statement and Purpose: Each agency that provides child welfare services will conduct diligent search activities in accordance with federal and state law and policy. To ensure that child welfare agencies make concerted efforts to locate non-custodial parents, putative fathers, maternal/paternal adult relatives, and fictive kin to provide a safe, stable and nurturing environment for the child as soon as possible, thus avoiding long term placements in foster care and maintaining healthy adult connections.

AUTHORITY

Federal: [Adoption and Safe Families Act P.L. 105-89 \(ASFA\)](#), [Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351](#), [Indian Child Welfare Act of 1978 \(ICWA\) {25 U.S.C}](#), [Social Security Act, 471 {42 U.S.C § 671 \(a\)}](#), [Preventing Sex Trafficking and Strengthening Families Act of 2014, P.L. 113-183](#)

NRS: [NRS 126.051](#); [NRS 126.0210](#); [NRS 126.610](#); [NRS128.110](#); [NRS 432B.390](#); [NRS 432B.3905](#); [NRS 432B.425](#); [NRS 432B.470](#); [NRS 432B.457](#); [NRS 432B.520](#); [NRS 432B.550](#)

NAC: NAC [432B.290](#)

Other:

DEFINITIONS

Absent Parent (herein identified as Non-custodial): Means: 1) A non-custodial parent who is obligated to pay child support and who is physically absent from the child's home; 2) A parent who has abandoned their children; and 3) A parent who has failed to make contact with their children in 6 months.

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

Diligent Search: An ongoing and continuous process to identify, locate, inform and evaluate relatives/non-custodial parents regarding their interest in providing a temporary or permanent placement for or adopting a child prior to or when the child is placed in substitute care.

Diligent Search Tools (also known as locator resources): Activities used to locate family members, relatives, fictive kin, friends, and other significant persons for the child and family. Tools may include visual and graphic assessments such as the genogram and eco- map; people remembered chart, formal and informal gathering of information; and collaboration with local systems, such as, Department of Motor Vehicles, public and private schools, Employment Security Department; Welfare Division; Office of District Attorneys; Social Security Administration; Law Enforcement; neighbors; telephone directory, internet, and

other new technologies. The agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.

Due Diligence: The child welfare agency must expeditiously, comprehensively and to the best of its ability, to attempt to identify, locate and provide notice to non-custodial parents, putative fathers, maternal and paternal relatives of the child.

Fictive Kin: A person not related within the fifth (5th) degree of consanguinity by birth, marriage or adoption; such as a close family friend or neighbor who has a significant emotional and positive relationship with the child.

Full Disclosure: The birth family, resource family, child welfare agency and legal system are all informed and share pertinent information regarding the case and family history for purposes of case planning and permanency planning options.

Indian Child Welfare Act – ICWA: 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.

Interstate Compact on the Placement of Children (ICPC): The ICPC is an interstate compact that has been enacted into law in all fifty states, the District of Columbia and the U.S. Virgin Islands. The Compact establishes procedures for the interstate placement of children and fixes responsibility for those involved in placing the child. It further provides a process through which children subject to this compact are placed in safe and suitable homes in a timely manner by facilitating ongoing supervision of a placement, the delivery of services, and communication between the states and providing operating procedures to further ensure that children are placed in safe and suitable homes in a timely manner.

Legal Guardianship: A judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:

1. Protection;
2. Education;
3. Care and control of the person;
4. Custody of the person; and
5. Decision making.

Notice: The notice required under Title IV-E of the Social Security Act, Section 471 [42 U.S.C. 671] (a)(29). Child welfare agencies are required to exercise due diligence to notify all adult relatives of a child, within 30 days of the child's removal of the relatives' option to become a placement resource for the child.

Putative Father: A person, who is named, is alleged or reputed to be the father of a child who is not the legal or legally presumed father.

Reasonable Efforts: The agency must provide reasonable efforts to all identified permanency goal(s):

1. Prevent and eliminate the need to remove the child:
 - a. Maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; and/or
2. Achieve Timely Permanency:
 - a. Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and/or
 - b. Make and finalize alternate permanency goals in a timely manner when reunification is not appropriate or possible; and/or
 - c. To exercise diligence and care in arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family; and/or

d. Accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family.

Siblings: Are children who have one or more parents in common either biologically, through adoption, or through the marriage of their parents, and with whom the child lived before his or her foster care placement, or with who the child would be expected to live if the child were not in foster care.

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

STANDARDS/PROCEDURES

Notice of Parent/Relatives/Fictive Kin

1. Within 30 days of a child's removal, the Division of Child and Family Services (DCFS), Clark County Family Services (CCFS) and Washoe County Human Services Agency (WCHSA) staff must exercise due diligence by identifying and notifying all grandparents and other adult relatives (within the fifth degree of consanguinity) including the parents and other adult relatives of the removed child's siblings as well as any other adult relatives and fictive kin suggested by the parents from whom the child was removed (in accordance with the [Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Preventing Sex Trafficking and Strengthening Families Act of 2014](#)).
2. The Agency must engage the family in identifying persons who have a significant and positive relationship with the family and child. Early in the life of the case, families must be asked to cooperate in identifying relatives and/or fictive kin who might be appropriate to care for their children on a temporary or permanent basis in the event the child does not reunify.
3. Caseworkers during initial interviews, will ask parents, "If you were unable to care for your child(ren) for any reason, such as illness, who would you trust to care for you child(ren)?" Caseworkers will ask for the names, addresses, and phone numbers of these potential resources. In addition, caseworkers will ask children with whom they feel safe, and who cares for them other than their parents. In some cases, it may be necessary to request the court's assistance to persuade a family to identify appropriate relatives.
4. For relatives identified after the 30 days, it is mandated that they are contacted no later than 30 days of identification to discuss their interest as a placement option and/or emotional support for the child(ren).

Note: Exception to the notice requirement includes family or domestic violence.

5. **The notice to relatives must include:**
 - a. Specifics that the child has been or is being removed from the custody of the parent(s) of the child;
 - b. An explanation of the options the relative has under federal, state and local laws to participate in the case and placement of the child, including any options that may be lost by failing to respond to the notice;
 - c. Describe the requirements to become a relative/fictive kin foster family home and the additional services and supports that are available to children placed in such a home; and
 - d. Explain the availability Kinship Licensure for relatives or the Kinship Guardianship Assistance Program and how the relative guardian of the child may subsequently enter into an agreement with the agency and receive the payments.
 - i. Whenever possible, relative and fictive kin caregivers are to be given priority for expedited foster care training and licensure.

Identification of Parent, Relatives, and Fictive Kin

1. As required by [NRS 432B.390 \(7\)\(c\)](#), as relatives are identified, child welfare agencies are required to give first preference of placement to qualified non-custodial parents, putative fathers and adult maternal and paternal relatives within the fifth degree of consanguinity, and fictive kin over non-related care providers.
 - a. After ruling out placement with relatives within the fifth (5th) degree of consanguinity, fictive kin (if identified) must be given consideration for placement.

2. Agencies must ensure and demonstrate due diligence in locating a non-custodial parent and/or putative father. If the custodial parent is reluctant in providing information about the absent parent, other diligence search tools must be utilized.
3. If more than one possible father is identified or if paternity is otherwise in question, paternity must be determined expeditiously and as conclusively as possible. Establishment of paternity broadens the placement and relative connections, for the child.
4. Placement with a putative father, non-custodial parent, relatives and/or fictive kin, who are able to commit to permanency or to providing emotional support/relationship for the child, must be considered by the agency prior to placing a child in a foster home. This is not intended to prohibit temporary placement in a shelter or foster home when no qualified relative can be identified.
5. Agencies should consider cultural continuity in identifying placement resources.
6. Agencies must inform relatives and other interested parties of the opportunity to become a foster family home and the additional services and supports that are available for children placed in such a home.
7. When considering relative placement, agencies must inform relatives of their role and responsibility in ensuring the safety and well-being of the child, to include limitations and restrictions on contact with caregivers from whom the child has been removed. It is very important that relatives are properly aligned with the child welfare agency in assuring the child's physical safety and emotional well-being in an extended family environment.
8. Every effort must be made to place siblings together in the same relative, foster/adoptive family home, and/or guardianship placement. If this is not feasible, agencies must facilitate and maintain contact between the siblings through monthly visitations, telephone calls, and written communication.
9. After termination of parental rights, agencies may give preference to placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.
10. Documentation of all efforts contained within this subsection must be included in the case file and UNITY.

Conducting the Diligent Search and Notice

1. **Search Procedures:**
 - a. Children, based upon their ability to communicate, **MUST** be consulted and asked their preference in relatives to be considered for placement. Additionally, the children must be asked to provide the names and location of other possible relatives, friends, parents and other important adults in their lives.
 - b. Parents and guardians **MUST** be questioned about the child's relatives and their placement preference.
 - c. Placement preference of the child, parent and guardian will be considered in the context of the child's best interest.
2. In accordance with the Indian Child Welfare Act (ICWA), upon initial child protective investigation, the caseworker must inquire as to whether or not the family is of Indian heritage. This inquiry should include both parent and child, if appropriate. If the agency determines that a child is of Indian descent, they must notify the Tribe in which they are affiliated. If the Indian child is eligible for membership in more than one Tribe, each Tribe must be notified. Placement of an Indian child into a non-Indian home is the last option or alternative after all other options have been exhausted (Refer statewide policy [0504 Indian Child Welfare Act](#) and to Attachment - [FPO 1001 Nevada ICWA Checklist](#)).

3. Notice:

- a. Letters of inquiry must be forwarded to non-custodial parents, putative father, relatives, fictive kin and other significant adults who have a personal interest in the well-being of the child or possesses information that is relevant to the determination of the placement of the child ([NRS 432B.457](#)).
 - b. Relatives must be contacted for the names of other relatives, divulging only the information necessary to help identify additional relatives and assess their interest in accepting placement of the child. Agencies **MUST** maintain confidentiality while completing diligent search activities and will obtain releases and/or court orders when necessary.
4. If a custodial or non-custodial parent and/or putative father objects to the agency contacting relatives, the agency shall contact relatives over this objection, unless the agency determines that it is not in the child's best interest to make contact. In determining whether or not to contact those identified relatives, the agency shall consider the following factors:
- a. Whether the safety of the child or the parent will be jeopardized if relatives are contacted, and
 - b. Whether contacting relatives and/or fictive kin will substantially limit the agency's ability to work with the parent to the detriment of the child.
5. Informal and formal methods of completing diligent search activities should be used throughout the life of the case. (Refer to Attachment – [FPO 1001A Diligent Search Resource Handbook](#))

Sharing Information

1. If the assessment worker has not been able to identify the non-custodial parent, putative father and/or relatives prior to filing the petition, any relevant information must be documented in the case file and UNITY and provided to the assigned permanency worker. This information must include:
 - a. Any and all efforts to locate the non-custodial parent/putative father/relatives that have been completed or initiated, at the time of the transfer, including communication with relatives and their responses.
 - b. Any and all identified efforts that may benefit from continued attention by the permanency worker.
2. Many different people are potentially involved in efforts to locate family members; therefore, it is vital that information is shared in a timely manner. Good communication between the assessment worker, diligent search specialist, permanency worker, Guardian ad Litem (GAL/CASA), the judiciary and the child welfare agency legal staff is essential in reaching timely permanency.

Timelines

1. The initiation and extent of the diligent search shall be reasonable and comprehensible. The agency must contact maternal and paternal relatives as well as immediate and extended family members within the timeframes established within this policy.
2. Diligent search activities and identification of non-custodial parents/putative father/relatives and fictive kin **MUST** begin at time of initial contact with the family.
 - a. Diligent search activities **MUST** continue throughout the life of the child welfare case.
 - b. In assuring compliance with ASFA requirements ([Fostering Connections to Success and Increasing Adoptions Act of 2008](#)), known non-custodial parent/putative father/relative must be notified within 30 days of removal. For relatives located after the 30 days, it is mandated that they are contacted no later than 30 days of identification to discuss their interest as a placement option and emotional support for the child(ren).
 - c. Whenever a child's placement is subject to change, the agency must include in court reports information on the progress and results of the diligent search and what efforts were made to place the child with a non-custodial parent/putative father/relative and/or fictive kin.
 - d. The agency should notify all placement options, within five days of determining that they are not a suitable placement for the child as well as document the reasons in the case file and UNITY case notes.
 - e. The agency must continue to search for non-custodial parent, putative father, relatives and/or fictive kin (and all other significant parties of interest in the child's well-being) if they determine it is in the

best interest of the child and to preserve long-term connections. This decision must be child focused and based upon:

- i. The child's needs, including the attachment and emotional support to the relative or current care provider;
- ii. The ability of the non-custodial parent/putative father/relative/fictive kin to meet the child's needs; and
- iii. The effect on the child of the delay in permanency, which may occur as a result of the new consideration process.

Documentation:

1. All search activities must be documented in UNITY to ensure diligent efforts were made to contact non-custodial parents, putative father, relatives, fictive kin and other important connections regarding a child welfare case. Search results must be entered into UNITY by the assessment worker, permanency worker and/or diligent search specialist. Diligent search efforts must be documented in the appropriate UNITY screen. Additional information regarding search efforts may be documented in case notes. The documentation should include but is not limited to:
 - a. All correspondence related to the search.
 - b. Any report generated by the agency that may include information; from the Federal/Local Parent Locator Service.
 - c. Any official and unofficial results obtained.
 - d. A description or documentation of all other efforts related to the search.
 - e. A list of all identified relatives and other persons interested in the child's well-being including contact information if known.
 - f. Parentage/Paternity inquiry results
2. Any and all records obtained during the diligent search process that were not generated by the child welfare agency must be kept in the hard copy case file. For example, returned receipt mail.
3. Document in UNITY within 5 days of making a decision not to place with interested relatives, the agency must provide documentation in the case file notes.

JURISDICTIONAL ACTION

Development of Internal Policies: Child welfare agencies who have determined the need to develop internal policies must ensure compliance with the requirements of this policy. Child Welfare Agencies have the option to utilize the attachments to this policy or can develop their own resources.

Each Jurisdiction shall establish specific guidelines for determining which placement resource is the most appropriate to meet each child's needs for safety, stability, permanency, and well-being; including the evaluation of relative or fictive kin placement in emergency situations which must include at minimum; a home inspection including the Confirming Safe Environments Child Placement Assessment, a Child Abuse and Neglect (CANS) background check and a criminal records check of all adult members of the household.

In accordance with ASFA, each child welfare agency will adhere to minimum requirements outlined in this policy and may develop internal policies as negotiated.

Supervisory Responsibility: Supervisors have the responsibility for consulting and providing oversight in the worker's diligent search efforts as well as assuring the documentation in case records and UNITY contain all relative search efforts, appropriate verifications, contact information and reasons why not considered for placement (if any).

STATE RESPONSIBILITIES

1. Targeted case reviews will occur, if deemed necessary, to ensure agencies are documenting concerted effort to locate, contact, engage and notify non-custodial parents, putative fathers, all grandparents and other adult relatives of the child including the parents and other adult relatives of the removed child's siblings. This includes any other adult relatives suggested by the parents from whom the child was removed.

POLICY CROSS REFERENCE

[0206 Court Notification Policy](#)
[0504 ICWA Policy](#)
[1004 Termination of Parental Rights](#)
[0601 Confidentiality and Release of Records Policy](#)

History and Updates: This policy was effective 8/31/2005; updated 10/23/2009, 12/16/2013, 06/19/2015, and merged with 1003 Kinship Care policy on 10/24/2024.

ATTACHMENTS

[FPO 1001A – Diligent Search Resource Handbook](#)
[FPO 1001B – Nevada ICWA Checklist](#)