

ASSEMBLY BILL NO. 1—JOINT RULES COMMITTEE

PREFILED JUNE 13, 2001

Referred to Committee of the Whole

SUMMARY—Provides for integration of state and local child welfare services. (BDR 11-14)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Contains Appropriation included in Executive Budget.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the protection of children; transferring certain duties of the division of child and family services of the department of human resources to an agency of the county in certain large counties; establishing a legislative committee on children, youth and families; making appropriations; and providing other matters properly relating thereto.

1 WHEREAS, Under the current child welfare system in this state, a child  
2 residing in a county whose population is 100,000 or more who is in need of  
3 protective custody services is initially under the supervision of the county;  
4 and

5 WHEREAS, If such a child is unable to return safely to the home of his  
6 parents and will remain in out-of-home care for more than 6 months,  
7 custody of the child is typically transferred to the Division of Child and  
8 Family Services of the Department of Human Resources; and

9 WHEREAS, After being transferred to the Division of Child and Family  
10 Services, a child and his parents are typically assigned a new case manager,  
11 the child is placed in a new foster home that is willing to accept the foster  
12 care rates paid by the Division and the child is transferred to a new  
13 therapist who is a Medicaid provider; and

14 WHEREAS, Under this bifurcated system, the transfer of custody to the  
15 Division of Child and Family Services may result in a delay of up to 6  
16 months in the commencement of a permanent plan for the care and  
17 treatment of a child and may cause the child to remain in the system for a  
18 longer period; and

19 WHEREAS, The Federal Adoption and Safe Families Act of 1997  
20 requires the agency which provides child welfare services to pursue  
21 termination of parental rights for any child who remains in out-of-home  
22 care for 15 months out of the immediately preceding 22 months; and

23 WHEREAS, The interruption of services to children and families caused  
24 by the bifurcated system places parents at risk of having their parental  
25 rights terminated unjustly; and



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1 WHEREAS, The bifurcated system also creates disparities in the rates of  
2 reimbursement for providers of foster care and the compensation paid to  
3 employees of the county and the state; and

4 WHEREAS, The duplication of efforts inherent in a bifurcated system is  
5 inefficient; and

6 WHEREAS, Integration of the child welfare system in this state will  
7 begin to eliminate the inefficiencies of the current system by reducing the  
8 number of placements of children in foster homes, decreasing the length of  
9 time that children remain in out-of-home care and ensuring that children  
10 are placed in permanent homes as soon as possible; and

11 WHEREAS, The rates for foster care reimbursement should be  
12 established at a level that enables a provider of foster care to care for a  
13 child adequately and the rates should be standardized within each county  
14 and structured in a manner that avoids any unnecessary interruptions in  
15 foster home placements because of changing levels of reimbursements; and

16 WHEREAS, Fairness to employees affected by the integration of the  
17 child welfare system is a priority; and

18 WHEREAS, The Division of Child and Family Services and counties  
19 whose population is 100,000 or more have a shared fiscal responsibility for  
20 the costs of providing child welfare services and must be committed to  
21 ensuring through negotiation in good faith future maintenance of their  
22 efforts in providing those services and to equitably sharing future costs for  
23 providing those services; and

24 WHEREAS, To ensure an equitable funding of the integrated child  
25 welfare system, the base amounts required for determining the federal and  
26 nonfederal contributions for funding the system will be based on an  
27 experience that reflects a full fiscal year; and

28 WHEREAS, Integration of the child welfare system in this state will  
29 allow the placement of children in a child welfare system that is adequately  
30 funded and structured to avoid unnecessary interruptions in placement and  
31 will ensure that permanency is achieved for children in accordance with  
32 federal and state laws; now, therefore,

33  
34 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
35 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
36

37 **Section 1.** NRS 125A.080 is hereby amended to read as follows:

38 125A.080 1. If the petitioner for an initial decree has wrongfully  
39 taken the child from another state or has engaged in similar reprehensible  
40 conduct the court may decline to exercise jurisdiction if this is just and  
41 proper under the circumstances.

42 2. Unless required in the interest of the child, the court shall not  
43 exercise its jurisdiction to modify a custody decree of another state if the  
44 petitioner, without consent of the person entitled to custody, has  
45 improperly removed the child from the physical custody of the person  
46 entitled to custody or has improperly retained the child after a visit or other  
47 temporary relinquishment of physical custody. If the petitioner has violated  
48 any other provision of a custody decree of another state the court may



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1 decline to exercise its jurisdiction if this is just and proper under the  
2 circumstances.

3 3. Where the court declines to exercise jurisdiction pursuant to  
4 subsection 1, the court shall notify the parent or other appropriate person  
5 and the prosecuting attorney of the appropriate jurisdiction in the other  
6 state. Upon request of the court of the other state, the court of this state  
7 shall order the petitioner to appear with the child in a custody proceeding  
8 instituted in the other state in accordance with NRS 125A.230.

9 4. Where the court refused to assume jurisdiction to modify the  
10 custody decree of another state pursuant to subsection 2 or pursuant to  
11 NRS 125A.180, the court shall notify the person who has legal custody  
12 under the decree of the other state and the prosecuting attorney of the  
13 appropriate jurisdiction in the other state and may order the petitioner to  
14 return the child to the person who has legal custody. If it appears that the  
15 order will be ineffective and the legal custodian is ready to receive the  
16 child within 10 days, the court may place the child in a foster home  
17 ~~approved by the division of child and family services of the department of~~  
18 ~~human resources~~ *that is licensed pursuant to NRS 424.030* for that  
19 period, pending return of the child to the legal custodian. At the same time,  
20 the court shall advise the petitioner that any petition for modification of  
21 custody must be directed to the appropriate court of the other state which  
22 has continuing jurisdiction or, if that court declines jurisdiction, to a court  
23 in a state which has jurisdiction.

24 5. In appropriate cases a court dismissing a petition under this section  
25 may charge the petitioner with necessary travel and other expenses,  
26 including attorney's fees, incurred by other parties or their witnesses.

27 **Sec. 2.** NRS 127.003 is hereby amended to read as follows:

28 127.003 As used in this chapter, unless the context otherwise requires:

29 1. *"Agency which provides child welfare services" has the meaning*  
30 *ascribed to it in NRS 432B.030.*

31 2. "Division" means the division of child and family services of the  
32 department of human resources.

33 ~~12-1~~ 3. "Indian child" has the meaning ascribed to it in 25 U.S.C. §  
34 1903.

35 ~~13-1~~ 4. "Indian Child Welfare Act" means the Indian Child Welfare  
36 Act of 1978, ~~14~~ 25 U.S.C. §§ 1901 et seq. ~~15-1~~

37 **Sec. 3.** NRS 127.050 is hereby amended to read as follows:

38 127.050 1. The following agencies may accept relinquishments for  
39 the adoption of children from parents and guardians in this state:

40 (a) ~~The division~~ *An agency which provides child welfare services* in  
41 its own capacity or on behalf of a child-placing agency authorized under  
42 the laws of another state to accept relinquishments and make placements;  
43 or

44 (b) A child-placing agency licensed by the division.

45 2. The following agencies may consent to the adoption of children in  
46 this state:

47 (a) ~~The division, to whom~~ *An agency which provides child welfare*  
48 *services to which* the child has been relinquished for adoption;



1 (b) A child-placing agency licensed by the division, to whom the child  
2 has been relinquished for adoption; or

3 (c) Any child-placing agency authorized under the laws of another state  
4 to accept relinquishments and make placements, to whom the child has  
5 been relinquished or otherwise approved for adoption in that state.

6 3. If ~~the division~~ *an agency which provides child welfare services*  
7 accepts a relinquishment on behalf of a child-placing agency pursuant to  
8 subsection 1, the child-placing agency shall reimburse the ~~division~~  
9 *agency which provides child welfare services* for any costs associated with  
10 the acceptance.

11 **Sec. 4.** NRS 127.053 is hereby amended to read as follows:

12 127.053 No consent to a specific adoption executed in this state, or  
13 executed outside this state for use in this state, is valid unless it:

14 1. Identifies the child to be adopted by name, if any, sex and date of  
15 birth.

16 2. Is in writing and signed by the person consenting to the adoption as  
17 required in this chapter.

18 3. Is acknowledged by the person consenting and signing the consent  
19 to adoption in the manner and form required for conveyances of real  
20 property.

21 4. Contains, at the time of execution, the name of the person or persons  
22 to whom consent to adopt the child is given.

23 5. Is attested by at least two competent, disinterested witnesses who  
24 subscribe their names to the consent in the presence of the person  
25 consenting. If neither the petitioner ~~nor~~ *nor* the spouse of a petitioner is  
26 related to the child within the third degree of consanguinity, then one of the  
27 witnesses must be a social worker employed by:

28 (a) ~~The division~~ *An agency which provides child welfare services;*

29 (b) An agency licensed in this state to place children for adoption;

30 (c) A comparable state or county agency of another state; or

31 (d) An agency authorized under the laws of another state to place  
32 children for adoption, if the natural parent resides in that state.

33 **Sec. 5.** NRS 127.057 is hereby amended to read as follows:

34 127.057 1. Any person to whom a consent to adoption executed in  
35 this state or executed outside this state for use in this state is delivered  
36 shall, within 48 hours after receipt of the executed consent to adoption,  
37 furnish a true copy ~~thereof to the division~~ *of the consent*, together with a  
38 report of the permanent address of the person in whose favor the consent  
39 was executed ~~to the division~~ *to the agency which provides child welfare services.*

40 2. Any person recommending in his professional or occupational  
41 capacity, the placement of a child for adoption in this state shall  
42 immediately notify the ~~division~~ *agency which provides child welfare*  
43 *services* of the impending adoption.

44 3. All information received by the ~~division~~ *agency which provides*  
45 *child welfare services* pursuant to the provisions of this section is  
46 confidential and must be protected from disclosure in the same manner that  
47 information is protected under NRS 432.035.

48 4. Any person who violates any of the provisions of this section is  
49 guilty of a misdemeanor.



1     **Sec. 6.** NRS 127.120 is hereby amended to read as follows:

2     127.120 1. A petition for adoption of a child must be filed in  
3 duplicate with the county clerk. The county clerk shall send one copy of  
4 the petition to the ~~{division,}~~ *agency which provides child welfare services.*

5     2. *The agency which provides child welfare services* shall make an  
6 investigation and report as provided in this section. If one petitioner or the  
7 spouse of a petitioner is related to the child within the third degree of  
8 consanguinity, the court may, in its discretion, waive the investigation by  
9 the ~~{division,}~~ *agency which provides child welfare services.* A copy of the  
10 order waiving the investigation must be sent to the nearest office of the  
11 ~~{division,}~~ *agency which provides child welfare services* by the petitioners  
12 within 7 days after the order is issued.

13     ~~{2. The division,}~~

14     3. *The agency which provides child welfare services* or a licensed  
15 child-placing agency ~~{authorized}~~ *designated* to do so by the court shall:

16     (a) Verify the allegations of the petition;

17     (b) Investigate the condition of the child, including, without limitation,  
18 whether the child is an Indian child; and

19     (c) Make proper inquiry to determine whether the proposed adopting  
20 parents are suitable for the child.

21     ~~{3. The division}~~

22     4. *The agency which provides child welfare services* or the designated  
23 *child-placing* agency shall, before the date on which the child has lived for  
24 a period of 6 months in the home of the petitioners or within 30 days after  
25 receiving the copy of the petition for adoption, whichever is later, submit to  
26 the court a full written report of its findings pursuant to subsection ~~{2,}~~ 3,  
27 which must contain, without limitation, a specific recommendation for or  
28 against approval of the petition and a statement of whether the child is  
29 known to be an Indian child, and shall furnish to the court any other  
30 information regarding the child or proposed home which the court requires.  
31 The court, on good cause shown, may extend the time, designating a time  
32 certain, within which to submit the report.

33     ~~{4,}~~ 5. If the court is dissatisfied with the report submitted by the  
34 ~~{division,}~~ *agency which provides child welfare services or the designated*  
35 *child-placing agency,* the court may order an independent investigation to  
36 be conducted and a report submitted by an agency or person selected by the  
37 court. The costs of the investigation and report may be assessed against the  
38 petitioner or charged against the county in which the adoption proceeding  
39 is pending.

40     **Sec. 7.** NRS 127.127 is hereby amended to read as follows:

41     127.127 The petitioners shall file with the court, within 15 days after  
42 the petition is filed or 5 months after the child begins to live in their home,  
43 whichever is later, an affidavit executed by them and their attorney setting  
44 forth all fees, donations and expenses paid by them in furtherance of the  
45 adoption. A copy of the affidavit must be sent to the ~~{division,}~~ *agency*  
46 *which provides child welfare services.* If one petitioner or the spouse of a  
47 petitioner is related to the child within the third degree of consanguinity,  
48 the court may waive the filing of the affidavit.



1     **Sec. 8.** NRS 127.130 is hereby amended to read as follows:

2     127.130 The report of either the ~~division~~ *agency which provides*  
3 *child welfare services* or the licensed child-placing agency designated by  
4 the court must not be made a matter of public record, but must be given in  
5 writing and in confidence to the district judge before whom the matter is  
6 pending. If the recommendation of the ~~division~~ *agency which provides*  
7 *child welfare services* or the designated agency is adverse, the district  
8 judge, before denying the petition, shall give the petitioner an opportunity  
9 to rebut the findings and recommendation of the report of the ~~division~~  
10 *agency which provides child welfare services* or the designated agency.

11     **Sec. 9.** NRS 127.150 is hereby amended to read as follows:

12     127.150 1. If the court finds that the best interests of the child  
13 warrant the granting of the petition, an order or decree of adoption must be  
14 made and filed, ordering that henceforth the child is the child of the  
15 petitioners. When determining whether the best interests of the child  
16 warrant the granting of a petition that is filed by a foster parent, the court  
17 shall give strong consideration to the emotional bond between the child and  
18 the foster parent. A copy of the order or decree must be sent to the nearest  
19 office of the ~~division~~ *agency which provides child welfare services* by  
20 the petitioners within 7 days after the order or decree is issued. In the  
21 decree the court may change the name of the child, if desired. No order or  
22 decree of adoption may be made until after the child has lived for 6 months  
23 in the home of the petitioners.

24     2. If the court is not satisfied that the proposed adoption is in the best  
25 interests of the child, the court shall deny the petition and may order the  
26 child returned to the custody of the person or agency legally vested with  
27 custody.

28     3. After a petition for adoption has been granted, there is a  
29 presumption that remaining in the home of the adopting parent is in the  
30 child's best interest.

31     **Sec. 10.** NRS 127.152 is hereby amended to read as follows:

32     127.152 1. Except as otherwise provided in subsection 3, the  
33 ~~division~~ *agency which provides child welfare services* or a licensed  
34 child-placing agency shall provide the adopting parents of a child with a  
35 report which includes:

36     (a) A copy of any medical records of the child which are in the  
37 possession of the ~~division~~ *agency which provides child welfare services*  
38 or licensed child-placing agency.

39     (b) Any information obtained by the ~~division~~ *agency which provides*  
40 *child welfare services* or licensed child-placing agency during interviews  
41 of the natural parent regarding:

42         (1) The medical and sociological history of the child and the natural  
43 parents of the child; and

44         (2) Any behavioral, emotional or psychological problems that the  
45 child may have. Information regarding any behavioral, emotional or  
46 psychological problems that the child may have must be discussed in  
47 accordance with policies *established by an agency which provides child*  
48 *welfare services and a child-placing agency pursuant to regulations*  
49 adopted by the division for the disclosure of such information.



1 (c) Written information regarding any subsidies, assistance and other  
2 services that may be available to the child if it is determined pursuant to  
3 NRS 127.186 that he has any special needs.

4 2. The ~~{division}~~ *agency which provides child welfare services* or  
5 child-placing agency shall obtain from the adopting parents written  
6 confirmation that the adopting parents have received the report required  
7 pursuant to subsection 1.

8 3. The report required pursuant to subsection 1 must exclude any  
9 information that would lead to the identification of the natural parent.

10 **Sec. 11.** NRS 127.157 is hereby amended to read as follows:

11 127.157 1. After an order or decree of adoption has been entered, the  
12 court shall direct the petitioner or his attorney to prepare a report of  
13 adoption on a form prescribed and furnished by the state registrar of vital  
14 statistics. The report must:

- 15 (a) Identify the original certificate of birth of the person adopted;  
16 (b) Provide sufficient information to prepare a new certificate of birth  
17 for the person adopted;  
18 (c) Identify the order or decree of adoption; and  
19 (d) Be certified by the clerk of the court.

20 2. The ~~{division}~~ *agency which provides child welfare services* shall  
21 provide the petitioner or his attorney with any factual information which  
22 will assist in the preparation of the report required in subsection 1.

23 3. If an order or decree of adoption is amended or annulled, the  
24 petitioner or his attorney shall prepare a report to the state registrar of vital  
25 statistics, which includes sufficient information to identify the original  
26 order or decree of adoption and the provisions of that decree which were  
27 amended or annulled.

28 4. The petitioner or his attorney shall forward all reports required by  
29 the provisions of this section to the state registrar of vital statistics not later  
30 than the 10th day of the month next following the month in which the order  
31 or decree was entered, or more frequently if requested by the state registrar,  
32 together with any related material the state registrar may require.

33 **Sec. 12.** NRS 127.186 is hereby amended to read as follows:

34 127.186 1. The ~~{division}~~ *agency which provides child welfare*  
35 *services* or a child-placing agency licensed by the division pursuant to this  
36 chapter ~~{}~~ may consent to the adoption of a child under 18 years of age  
37 with special needs due to race, age or physical or mental problems who is  
38 in the custody of the ~~{division}~~ *agency which provides child welfare*  
39 *services* or the licensed agency by proposed adoptive parents when, in the  
40 judgment of the ~~{division}~~ *agency which provides child welfare services* or  
41 the ~~{licensed}~~ *child placing* agency, it would be in the best interests of the  
42 child to be placed in that adoptive home.

43 2. The ~~{division}~~ *agency which provides child welfare services* or  
44 child-placing agency shall in a timely and diligent manner:

45 (a) Schedule any evaluations necessary to identify any special needs the  
46 child may have.

47 (b) If it determines that the child has any special needs:

48 (1) Notify the proposed adoptive parents:





1 (I) That they may be eligible for a grant of financial assistance  
2 pursuant to this section; and

3 (II) The manner in which to apply for such financial assistance;  
4 and

5 (2) Assist the proposed adoptive parents in applying for and  
6 satisfying any other prerequisites necessary to obtain a grant of financial  
7 assistance pursuant to this section and any other relevant subsidies and  
8 services which may be available.

9 3. The ~~{division}~~ *agency which provides child welfare services* may  
10 grant financial assistance for attorney's fees in the adoption proceeding, for  
11 maintenance and for preexisting physical or mental conditions to the  
12 adoptive parents of a child with special needs out of money provided for  
13 that purpose if the ~~{administrator of the division}~~ *head of the agency which*  
14 *provides child welfare services or his designee* has reviewed and approved  
15 in writing the grant of financial assistance.

16 4. The grant of financial assistance must be limited, both as to amount  
17 and duration, by agreement in writing between the ~~{division}~~ *agency which*  
18 *provides child welfare services* and the adoptive parents. Such an  
19 agreement must not become effective before the entry of the order of  
20 adoption.

21 5. Any grant of financial assistance must be reviewed and evaluated at  
22 least once annually by the ~~{division}~~ *agency which provides child welfare*  
23 *services*. The evaluation must be presented for approval to the  
24 ~~{administrator of the division}~~ *head of the agency which provides child*  
25 *welfare services or his designee*. Financial assistance must be discontinued  
26 immediately upon written notification to the adoptive parents by the  
27 ~~{division}~~ *agency which provides child welfare services* that continued  
28 assistance is denied.

29 6. All financial assistance provided under this section ceases  
30 immediately when the child attains majority, becomes self-supporting, is  
31 emancipated or dies, whichever occurs first.

32 7. Neither a grant of financial assistance pursuant to this section nor  
33 any discontinuance of such assistance affects the legal status or respective  
34 obligations of any party to the adoption.

35 8. A court shall waive all court costs of the proposed adoptive parents  
36 in an adoption proceeding for a child with special needs if the ~~{division}~~  
37 *agency which provides child welfare services* or child-placing agency  
38 consents to the adoption of such a child pursuant to this section.

39 *9. The division, in consultation with each agency which provides*  
40 *child welfare services, shall adopt regulations regarding eligibility for*  
41 *and the procedures for applying for a grant of financial assistance*  
42 *pursuant to this section.*

43 **Sec. 13.** NRS 127.220 is hereby amended to read as follows:  
44 127.220 As used in NRS 127.220 to 127.310, inclusive, unless the  
45 context otherwise requires:

46 1. *"Agency which provides child welfare services" has the meaning*  
47 *ascribed to it in NRS 432B.030.*





1       2. "Arrange the placement of a child" means to make preparations for  
2 or bring about any agreement or understanding concerning the adoption of  
3 a child.

4       ~~12.1~~ 3. "Child-placing agency" means ~~the division or~~ a nonprofit  
5 corporation organized pursuant to chapter 82 of NRS, and licensed by the  
6 division to place children for adoption or permanent free care.

7       ~~13.1~~ 4. "Person" includes a hospital.

8       ~~14.1~~ 5. "Recommend the placement of a child" means to suggest to a  
9 ~~licensed~~ child-placing agency that a prospective adoptive parent be  
10 allowed to adopt a specific child, born or in utero.

11       **Sec. 14.** NRS 127.230 is hereby amended to read as follows:

12       127.230 1. The division shall:

13       (a) Establish reasonable minimum standards for child-placing agencies.

14       (b) ~~Adopt regulations~~ *In consultation with each agency which*  
15 *provides child welfare services, adopt:*

16       (1) *Regulations* concerning the operation of *an agency which*  
17 *provides child welfare services and* child-placing agencies.

18       ~~(c) Adopt regulations~~

19       (2) *Regulations* establishing the procedure to be used *by an agency*  
20 *which provides child welfare services and a child-placing agency* in  
21 placing children for adoption, which must allow the natural parent or  
22 parents and the prospective adoptive parent or parents to determine, by  
23 mutual consent, the amount of identifying information that will be  
24 communicated concerning each of them.

25       ~~(d) Adopt any~~

26       (3) *Any* other regulations necessary to carry out its powers and duties  
27 regarding the adoption of children or the placement of children for  
28 adoption or permanent free care ~~:-~~

29       ~~2. All licensed child placing agencies~~ *, including, without limitation,*  
30 *such regulations necessary to ensure compliance with the provisions of*  
31 *this chapter and any regulations adopted pursuant thereto.*

32       2. *Each agency which provides child welfare services and child-*  
33 *placing agency* shall conform to the standards established and the  
34 regulations adopted pursuant to subsection 1.

35       **Sec. 15.** NRS 127.240 is hereby amended to read as follows:

36       127.240 1. ~~No~~ *Except as otherwise provided in this section, no*  
37 person may place, arrange the placement of, or assist in placing or in  
38 arranging the placement of, any child for adoption or permanent free care  
39 without securing and having in full force a license to operate a child-  
40 placing agency issued by the division. This subsection applies to agents,  
41 servants, physicians and attorneys of parents or guardians, as well as to  
42 other persons.

43       2. This section does not prohibit a parent or guardian from placing,  
44 arranging the placement of, or assisting in placing or in arranging the  
45 placement of, any child for adoption or permanent free care if the  
46 placement is made pursuant to the provisions of NRS 127.280, 127.2805  
47 and 127.2815.

48       3. This section does not prohibit ~~the division~~ *an agency which*  
49 *provides child welfare services* from placing, arranging the placement of,



1 or assisting in placing or in arranging the placement of, any child for  
2 adoption or permanent free care.

3 4. This section does not prohibit a person, including a person acting in  
4 his professional capacity, from sharing information regarding an adoption  
5 if no money or other valuable consideration is paid:

6 (a) For such information; or

7 (b) For any other service related to the adoption that is performed after  
8 sharing information.

9 **Sec. 16.** NRS 127.275 is hereby amended to read as follows:

10 127.275 1. Except as otherwise provided in this section ~~it~~:

11 *(a) In a county whose population is less than 100,000 the division*  
12 *shall, in accordance with NRS 232.464 ~~it~~; and*

13 *(b) In a county whose population is 100,000 or more, the board of*  
14 *county commissioners of the county shall, by ordinance,*

15 charge reasonable fees for the services ~~it~~ *provided by an agency which*  
16 *provides child welfare services* in placing, arranging the placement of or  
17 assisting in placing or arranging the placement of any child for adoption,  
18 and for conducting any investigation required by NRS 127.2805.

19 2. The fees charged for those services must vary based on criteria  
20 developed by the division ~~it~~ *and board of county commissioners* but must  
21 not exceed the usual and customary fees that ~~licensed~~ child-placing  
22 agencies in the area where the services are provided, or in a similar  
23 geographic area, would charge for those services. The division *and board*  
24 *of county commissioners* shall not discriminate between adoptions made  
25 through an agency and specific adoptions in setting its fees.

26 3. A fee must not be charged for services related to the adoption of a  
27 child with special needs.

28 4. ~~The division~~ *An agency which provides child welfare services*  
29 may waive or reduce any fee charged pursuant to this section if ~~it~~ *the*  
30 *agency which provides child welfare services* determines that the adoptive  
31 parents are not able to pay the fee or the needs of the child require a waiver  
32 or reduction of the fee.

33 5. Any money collected *by an agency which provides child welfare*  
34 *services in a county whose population is less than 100,000* pursuant to  
35 this section must be accounted for in the appropriate account of the  
36 division and may be used only to pay for the costs of any adoptive or post-  
37 adoptive services provided by ~~the division~~ *any agency which provides*  
38 *child welfare services in a county whose population is less than 100,000.*

39 6. *Any money collected by an agency which provides child welfare*  
40 *services in a county whose population is 100,000 or more pursuant to this*  
41 *section must be deposited in the county treasury for the credit of the*  
42 *agency which provides child welfare services and may be used only to pay*  
43 *for the costs of any adoption or post-adoptive services provided by the*  
44 *agency which provides child welfare services.*

45 **Sec. 17.** NRS 127.280 is hereby amended to read as follows:

46 127.280 1. A child may not be placed in the home of prospective  
47 adoptive parents for the 30-day residence in that home which is required  
48 before the filing of a petition for adoption, except where a child and one of



1 the prospective adoptive parents are related within the third degree of  
2 consanguinity, unless:

3 (a) The ~~{division}~~ *agency which provides child welfare services* or a  
4 ~~{licensed}~~ child-placing agency first receives written notice of the proposed  
5 placement from:

- 6 (1) The prospective adoptive parents of the child;  
7 (2) The person recommending the placement; or  
8 (3) A natural parent;

9 (b) The investigation required by the provisions of NRS 127.2805 has  
10 been completed; and

11 (c) In the case of a specific adoption, the natural parent placing the child  
12 for adoption has had an opportunity to review the report on the  
13 investigation of the home, if possible.

14 2. Upon receipt of written notice from any person other than the  
15 natural parent, the ~~{division or licensed}~~ *agency which provides child*  
16 *welfare services or* child-placing agency shall communicate with the  
17 natural parent to confirm his intention to place the child for adoption with  
18 the prospective adoptive parents identified in the written notice.

19 **Sec. 18.** NRS 127.2805 is hereby amended to read as follows:

20 127.2805 1. The ~~{division}~~ *agency which provides child welfare*  
21 *services* or a ~~{licensed}~~ child-placing agency shall, within 60 days after  
22 receipt of confirmation of the natural parents' intent to place the child for  
23 adoption and a completed application for adoption from the prospective  
24 adoptive parents, complete an investigation of the medical, mental,  
25 financial and moral backgrounds of the prospective adoptive parents to  
26 determine the suitability of the home for placement of the child for  
27 adoption. The investigation must also embrace any other relevant factor  
28 relating to the qualifications of the prospective adoptive parents and may  
29 be a substitute for the investigation required to be conducted by the  
30 ~~{division}~~ *agency which provides child welfare services* on behalf of the  
31 court when a petition for adoption is pending, if the petition for adoption is  
32 filed within 6 months after the completion of the investigation required by  
33 this subsection. If a ~~{licensed}~~ child-placing agency undertakes the  
34 investigation, it shall provide progress reports to the ~~{division}~~ *agency*  
35 *which provides child welfare services* in such a format and at such times as  
36 the ~~{division}~~ *agency which provides child welfare services* requires to  
37 ensure that the investigation will be completed within the 60-day period. If,  
38 at any time, the ~~{division}~~ *agency which provides child welfare services*  
39 determines that it is unlikely that the investigation will be completed in a  
40 timely manner, the ~~{division}~~ *agency which provides child welfare*  
41 *services* shall take over the investigation and complete it within the 60-day  
42 period or as soon thereafter as practicable.

43 2. If the placement is to be made in a home outside of this state, the  
44 ~~{division or licensed}~~ *agency which provides child welfare services or*  
45 child-placing agency must receive a copy of a report, completed by the  
46 appropriate authority, of an investigation of the home and the medical,  
47 mental, financial and moral backgrounds of the prospective adoptive  
48 parents to determine the suitability of the home for placement of the child



1 for adoption, unless the child and one of the prospective adoptive parents  
2 are related within the third degree of consanguinity.

3 **Sec. 19.** NRS 127.281 is hereby amended to read as follows:

4 127.281 1. A prospective adoptive parent who is subject to an  
5 investigation by the ~~{division}~~ *agency which provides child welfare*  
6 *services* or a child-placing agency must submit as part of the investigation  
7 a complete set of his fingerprints and written permission authorizing the  
8 ~~{division}~~ *agency which provides child welfare services* or child-placing  
9 agency to forward those fingerprints to the central repository for Nevada  
10 records of criminal history for submission to the Federal Bureau of  
11 Investigation.

12 2. The ~~{division}~~ *agency which provides child welfare services* or  
13 child-placing agency may exchange with the central repository or the  
14 Federal Bureau of Investigation any information respecting the fingerprints  
15 submitted.

16 3. When a report from the Federal Bureau of Investigation is received  
17 by the central repository, it shall immediately forward a copy of the report  
18 to the ~~{division}~~ *agency which provides child welfare services* or child-  
19 placing agency that submitted the fingerprints.

20 4. Any fees for fingerprinting and submission to the central repository  
21 and the Federal Bureau of Investigation must be paid by the prospective  
22 adoptive parent, except that :

23 *(a) In a county whose population is less than 100,000, the division*  
24 *may adopt regulations providing for the payment of those fees by the*  
25 *division ~~{H}~~ ; or*

26 *(b) In a county whose population is 100,000 or more, the board of*  
27 *county commissioners may provide by ordinance for the payment of*  
28 *those fees by the agency which provides child welfare services.*

29 **Sec. 20.** NRS 127.2815 is hereby amended to read as follows:

30 127.2815 1. Pending completion of the required investigation, the  
31 child must be:

32 (a) Retained by the natural parent; or

33 (b) Placed by the natural parent with the ~~{division-or-licensed}~~ *agency*  
34 *which provides child welfare services or* child-placing agency and placed  
35 by ~~{it}~~ *the agency which provides child welfare services* in a foster home  
36 licensed ~~{by the division,}~~ *pursuant to NRS 424.030,*  
37 until a determination is made concerning the suitability of the prospective  
38 adoptive parents.

39 2. Upon completion of the investigation, the ~~{division-or-licensed}~~  
40 *agency which provides child welfare services or* child-placing agency  
41 shall forthwith inform the natural parent, the person recommending the  
42 placement and the prospective adoptive parents of the decision to approve  
43 or deny the placement. If the prospective adoptive home is found:

44 (a) Suitable, the natural parent may execute a consent to a specific  
45 adoption pursuant to NRS 127.053, if not previously executed, and then the  
46 child may be placed in the home of the prospective adoptive parents for the  
47 purposes of adoption.

48 (b) Unsuitable or detrimental to the interest of the child, the ~~{division-or-}~~  
49 ~~licensed}~~ *agency which provides child welfare services or* child-placing



1 agency shall file an application in the district court for an order prohibiting  
2 the placement. If the court determines that the placement should be  
3 prohibited, the court may nullify the written consent to the specific  
4 adoption and order the return of the child to the care and control of the  
5 parent who executed the consent, but if the parental rights of the parent  
6 have been terminated by a relinquishment or a final order of a court of  
7 competent jurisdiction or if the parent does not wish to accept the child,  
8 then the court may order the placement of the child with the ~~{division}~~  
9 *agency which provides child welfare services* or a ~~{licensed}~~ child-placing  
10 agency for adoption.

11 **Sec. 21.** NRS 127.2817 is hereby amended to read as follows:

12 127.2817 1. The division, *in consultation with each agency which*  
13 *provides child welfare services*, shall adopt regulations setting forth the  
14 criteria to be used by ~~{the division}~~ *an agency which provides child*  
15 *welfare services* or a ~~{licensed}~~ child-placing agency for determining  
16 whether a prospective adoptive home is suitable or unsuitable for the  
17 placement of a child for adoption.

18 2. Upon the completion of an investigation conducted by ~~{the division}~~  
19 *an agency which provides child welfare services* or a ~~{licensed}~~ child-  
20 *placing agency pursuant to NRS 127.120 or 127.2805, the {division}*  
21 *agency which provides child welfare services* or child-placing agency shall  
22 inform the prospective adoptive parent or parents of the results of the  
23 investigation. If, pursuant to the investigation, a determination is made that  
24 a prospective adoptive home is unsuitable for placement or detrimental to  
25 the interest of the child, the ~~{division}~~ *agency which provides child welfare*  
26 *services* or child-placing agency shall provide the prospective adoptive  
27 parent or parents with an opportunity to review and respond to the  
28 investigation with the ~~{division}~~ *agency which provides child welfare*  
29 *service or child-placing agency* before the issuance of the results of the  
30 investigation. The identity of those persons who are interviewed or submit  
31 information concerning the investigation must remain confidential.

32 **Sec. 22.** NRS 127.282 is hereby amended to read as follows:

33 127.282 1. Whenever the ~~{division}~~ *agency which provides child*  
34 *welfare services* believes that anyone has violated or is about to violate any  
35 of the provisions of this chapter, in addition to any other penalty or remedy  
36 provided:

37 (a) The ~~{division}~~ *agency which provides child welfare services* may  
38 petition the appropriate district court for an order to restrain and enjoin the  
39 violation or threatened violation of any of the provisions of this chapter, or  
40 to compel compliance with the provisions of this chapter; and

41 (b) The court shall, if a child has been or was about to be placed in a  
42 prospective adoptive home in violation of the provisions of this chapter:

43 (1) Prohibit the placement if the child was about to be so placed, or  
44 order the removal of the child if the child was so placed within 6 months  
45 before the filing of the ~~{division's petition,}~~ *petition by the agency which*  
46 *provides child welfare services* and proceed pursuant to paragraph (b) of  
47 subsection 2 of NRS 127.2815; or



1 (2) Proceed pursuant to paragraph (b) of subsection 2 of NRS  
2 127.2815 in all other cases if the court determines that it is in the best  
3 interest of the child that the child should be removed.

4 2. Whenever the ~~{division}~~ *agency which provides child welfare*  
5 *services* believes that a person has received for the purposes of adoption or  
6 permanent free care a child not related by blood, and the required written  
7 notice has not been given, if the ~~{division}~~ *agency which provides child*  
8 *welfare services* does not proceed pursuant to subsection 1, it shall make  
9 an investigation. Upon completion of the investigation, if the home is  
10 found suitable for the child, the prospective adoptive parents must be  
11 allowed 6 months from the date of completion of the investigation to file a  
12 petition for adoption. If a petition for adoption is not filed within that time  
13 a license as a foster home must thereafter be issued ~~{by the division}~~  
14 *pursuant to NRS 424.030* if the home meets established standards. If, in  
15 the opinion of the ~~{division}~~ *agency which provides child welfare*  
16 *services*, the placement is detrimental to the interest of the child, the  
17 ~~{division}~~ *agency which provides child welfare services* shall file an  
18 application with the district court for an order for the removal of the child  
19 from the home. If the court determines that the child should be removed,  
20 the court shall proceed pursuant to paragraph (b) of subsection 2 of NRS  
21 127.2815.

22 **Sec. 23.** NRS 127.283 is hereby amended to read as follows:

23 127.283 1. ~~{The division}~~ *An agency which provides child welfare*  
24 *services* or any child-placing agency ~~{licensed pursuant to this chapter}~~  
25 may publish in any newspaper published in this state or broadcast by  
26 television a photograph of and relevant personal information concerning  
27 any child who is difficult to place for adoption.

28 2. A child-placing agency shall not publish or broadcast:

29 (a) Any personal information which reveals the identity of the child or  
30 his parents; or

31 (b) A photograph or personal information for a child without the prior  
32 approval of the agency having actual custody of the child.

33 **Sec. 24.** NRS 127.285 is hereby amended to read as follows:

34 127.285 1. Any attorney licensed to practice in this state or in any  
35 other state:

36 (a) May not receive compensation for:

37 (1) Taking part in finding children for adoption; or

38 (2) Finding parents to adopt children.

39 (b) May receive a reasonable compensation for legal services provided  
40 in relation to adoption proceedings.

41 2. ~~{The division}~~ *An agency which provides child welfare services*  
42 shall report any violation of subsection 1 to the State Bar of Nevada if the  
43 alleged violator is licensed to practice in this state, or to the bar association  
44 of the state in which the alleged violator is licensed to practice.

45 3. Any person who violates the provisions of subsection 1 is guilty of a  
46 misdemeanor.

47 **Sec. 25.** NRS 127.310 is hereby amended to read as follows:

48 127.310 1. Except as otherwise provided in NRS 127.240, 127.283  
49 and 127.285, any person or organization other than ~~{the division}~~ *an*





1 *agency which provides child welfare services* who, without holding a valid  
2 unrevoked license to place children for adoption issued by the division:

3 (a) Places, arranges the placement of, or assists in placing or in  
4 arranging the placement of, any child for adoption or permanent free care;  
5 or

6 (b) Advertises in any periodical or newspaper, or by radio or other  
7 public medium, that he will place children for adoption, or accept, supply,  
8 provide or obtain children for adoption, or causes any advertisement to be  
9 published in or by any public medium soliciting, requesting or asking for  
10 any child or children for adoption,  
11 is guilty of a misdemeanor.

12 2. Any person who places, accepts placement of, or aids, abets or  
13 counsels the placement of any child in violation of NRS 127.280, 127.2805  
14 and 127.2815 is guilty of a misdemeanor.

15 3. A periodical, newspaper, radio station or other public medium is not  
16 subject to any criminal penalty or civil liability for publishing or  
17 broadcasting an advertisement that violates the provisions of this section.

18 **Sec. 26.** Chapter 128 of NRS is hereby amended by adding thereto a  
19 new section to read as follows:

20 *“Agency which provides child welfare services” has the meaning*  
21 *ascribed to it in NRS 432B.030.*

22 **Sec. 27.** NRS 128.010 is hereby amended to read as follows:

23 128.010 As used in this chapter, unless the context otherwise requires,  
24 the words and terms defined in NRS 128.011 to 128.018, inclusive, *and*  
25 *section 26 of this act*, have the meanings ascribed to them in those  
26 sections.

27 **Sec. 28.** NRS 128.013 is hereby amended to read as follows:

28 128.013 1. “Injury” to a child’s health or welfare occurs when the  
29 parent, guardian or custodian:

30 (a) Inflicts or allows to be inflicted upon the child, physical, mental or  
31 emotional injury, including injuries sustained as a result of excessive  
32 corporal punishment;

33 (b) Commits or allows to be committed against the child, sexual abuse  
34 as defined in NRS 432B.100;

35 (c) Neglects or refuses to provide for the child proper or necessary  
36 subsistence, education or medical or surgical care, although he is  
37 financially able to do so or has been offered financial or other reasonable  
38 means to do so; or

39 (d) Fails, by specific acts or omissions, to provide the child with  
40 adequate care, supervision or guardianship under circumstances requiring  
41 the intervention of:

42 (1) ~~the division of child and family services of the department of~~  
43 ~~human resources;~~

44 ~~—(2) A county agency authorized by the juvenile court or family court~~  
45 ~~to receive and investigate reports of abuse or neglect of a child pursuant to~~  
46 ~~NRS 432B.300; or~~

47 ~~—(3) An agency which provides child welfare services; or~~

48 (2) The juvenile or family court itself.





1       2. A child's health or welfare is not considered injured solely because  
2 his parent or guardian, in the practice of his religious beliefs, selects and  
3 depends upon nonmedical remedial treatment for the child, if such  
4 treatment is recognized and permitted under the laws of this state.

5       **Sec. 29.** NRS 128.040 is hereby amended to read as follows:

6       128.040 The ~~{administrator of the division of child and family services~~  
7 ~~of the department of human resources, or his agent,}~~ *agency which*  
8 *provides child welfare services*, the probation officer, or any other person,  
9 including the mother of an unborn child, may file with the clerk of the  
10 court a petition under the terms of this chapter. The probation officer of  
11 that county or any agency or person designated by the court shall make  
12 such investigations at any stage of the proceedings as the court may order  
13 or direct.

14       **Sec. 30.** NRS 6.155 is hereby amended to read as follows:

15       6.155 1. Each board of county commissioners may establish and  
16 maintain a program whereby a person may forfeit any money that he is  
17 entitled to receive pursuant to NRS 6.150 for his services and expenses and  
18 have that money donated to an agency which provides ~~{protective}~~ *child*  
19 *welfare* services and that is located in the county in which the person is  
20 serving as a juror. Any money donated through a program established  
21 pursuant to this section must be used only for a program or activity which  
22 is designed to prevent the abuse or neglect of a child or to benefit an  
23 abused or neglected child.

24       2. As used in this section:

25       (a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS  
26 432B.020.

27       (b) "Agency which provides ~~{protective}~~ *child welfare* services" has the  
28 meaning ascribed to it in NRS 432B.030.

29       **Sec. 31.** NRS 62.880 is hereby amended to read as follows:

30       62.880 1. In carrying out the objects and purposes of this chapter, the  
31 juvenile court may use the services and facilities of the ~~{division of child~~  
32 ~~and family services of the department of human resources provided by~~  
33 ~~such division pursuant to the provisions of chapter 432 of NRS and NRS~~  
34 ~~432B.010 to 432B.400, inclusive.~~

35       ~~— 2. The division of child and family }~~ *agency which provides child*  
36 *welfare services.*

37       2. *The agency which provides child welfare* services shall determine  
38 the plans, placements and services to be provided any child pursuant to this  
39 chapter, chapter 432 of NRS and NRS 432B.010 to 432B.400, inclusive.

40       3. *As used in this section, "agency which provides child welfare*  
41 *services" has the meaning ascribed to it in NRS 432B.030.*

42       **Sec. 32.** NRS 159.044 is hereby amended to read as follows:

43       159.044 1. Except as otherwise provided in NRS 127.045, a  
44 proposed ward, a governmental agency, a nonprofit corporation or any  
45 concerned person may petition the court for the appointment of a guardian.

46       2. The petition must state:

47       (a) The name and address of the petitioner.



- 1 (b) The name, age and address of the proposed ward. If he is a minor,  
2 the petition must state the date on which he will attain the age of majority  
3 and whether he will need guardianship after attaining the age of majority.  
4 (c) Whether the proposed ward is a resident or nonresident of this state.  
5 (d) The names and addresses, so far as they are known to the petitioner,  
6 of the relatives of the proposed ward within the second degree.  
7 (e) The name and address of the proposed guardian.  
8 (f) That the proposed guardian has never been convicted of a felony.  
9 (g) A summary of the reasons why a guardian is needed.  
10 (h) Whether the appointment of a general or a special guardian is  
11 sought.  
12 (i) A general description and the probable value of the property of the  
13 proposed ward and any income to which he is entitled, if the petition is for  
14 the appointment of a guardian of the estate or a special guardian. If any  
15 money is paid or is payable to the proposed ward by the United States  
16 through the Department of Veterans Affairs, the petition must so state.  
17 (j) The name and address of any person or institution having the care,  
18 custody or control of the proposed ward.  
19 (k) The relationship, if any, of the petitioner to the proposed ward and  
20 the interest, if any, of the petitioner in the appointment.  
21 (l) Requests for any of the specific powers set forth in NRS 159.117 to  
22 159.175, inclusive, necessary to enable the guardian to carry out the duties  
23 of the guardianship.  
24 (m) Whether the guardianship is sought as the result of an investigation  
25 of a report of abuse or neglect that is conducted pursuant to chapter 432B  
26 of NRS by an agency which provides ~~protective~~ *child welfare* services.  
27 As used in this paragraph, "agency which provides ~~protective~~ *child*  
28 *welfare* services" has the meaning ascribed to it in NRS 432B.030.  
29 **Sec. 33.** NRS 179A.100 is hereby amended to read as follows:  
30 179A.100 1. The following records of criminal history may be  
31 disseminated by an agency of criminal justice without any restriction  
32 pursuant to this chapter:  
33 (a) Any which reflect records of conviction only; and  
34 (b) Any which pertain to an incident for which a person is currently  
35 within the system of criminal justice, including parole or probation.  
36 2. Without any restriction pursuant to this chapter, a record of criminal  
37 history or the absence of such a record may be:  
38 (a) Disclosed among agencies which maintain a system for the mutual  
39 exchange of criminal records.  
40 (b) Furnished by one agency to another to administer the system of  
41 criminal justice, including the furnishing of information by a police  
42 department to a district attorney.  
43 (c) Reported to the central repository.  
44 3. An agency of criminal justice shall disseminate to a prospective  
45 employer, upon request, records of criminal history concerning a  
46 prospective employee or volunteer which:  
47 (a) Reflect convictions only; or



1 (b) Pertain to an incident for which the prospective employee or  
2 volunteer is currently within the system of criminal justice, including  
3 parole or probation.

4 4. The central repository shall disseminate to a prospective or current  
5 employer, upon request, information relating to sexual offenses concerning  
6 an employee, prospective employee, volunteer or prospective volunteer  
7 who gives his written consent to the release of that information.

8 5. Records of criminal history must be disseminated by an agency of  
9 criminal justice upon request, to the following persons or governmental  
10 entities:

11 (a) The person who is the subject of the record of criminal history for  
12 the purposes of NRS 179A.150.

13 (b) The person who is the subject of the record of criminal history or his  
14 attorney of record when the subject is a party in a judicial, administrative,  
15 licensing, disciplinary or other proceeding to which the information is  
16 relevant.

17 (c) The state gaming control board.

18 (d) The state board of nursing.

19 (e) The private investigator's licensing board to investigate an applicant  
20 for a license.

21 (f) A public administrator to carry out his duties as prescribed in chapter  
22 253 of NRS.

23 (g) A public guardian to investigate a ward or proposed ward or persons  
24 who may have knowledge of assets belonging to a ward or proposed ward.

25 (h) Any agency of criminal justice of the United States or of another  
26 state or the District of Columbia.

27 (i) Any public utility subject to the jurisdiction of the public utilities  
28 commission of Nevada when the information is necessary to conduct a  
29 security investigation of an employee or prospective employee, or to  
30 protect the public health, safety or welfare.

31 (j) Persons and agencies authorized by statute, ordinance, executive  
32 order, court rule, court decision or court order as construed by appropriate  
33 state or local officers or agencies.

34 (k) Any person or governmental entity which has entered into a contract  
35 to provide services to an agency of criminal justice relating to the  
36 administration of criminal justice, if authorized by the contract, and if the  
37 contract also specifies that the information will be used only for stated  
38 purposes and that it will be otherwise confidential in accordance with state  
39 and federal law and regulation.

40 (l) Any reporter for the electronic or printed media in his professional  
41 capacity for communication to the public.

42 (m) Prospective employers if the person who is the subject of the  
43 information has given written consent to the release of that information by  
44 the agency which maintains it.

45 (n) For the express purpose of research, evaluative or statistical  
46 programs pursuant to an agreement with an agency of criminal justice.

47 (o) ~~The division of child and family services of the department of~~  
48 ~~human resources and any county agency that is operated pursuant to NRS~~  
49 ~~432B.325 or authorized by a court of competent jurisdiction to receive and~~



1 ~~investigate reports of abuse or neglect of children and which provides or~~  
2 ~~arranges for protective services for such children.] An agency which~~  
3 ~~provides child welfare services, as defined in NRS 432B.030.~~

4 (p) The welfare division of the department of human resources or its  
5 designated representative.

6 (q) An agency of this or any other state or the Federal Government that  
7 is conducting activities pursuant to Part D of Title IV of the Social Security  
8 Act, ~~(H)~~ 42 U.S.C. §§ 651 et seq. ~~D-I~~

9 (r) The state disaster identification team of the division of emergency  
10 management of the department of motor vehicles and public safety.

11 6. Agencies of criminal justice in this state which receive information  
12 from sources outside this state concerning transactions involving criminal  
13 justice which occur outside Nevada shall treat the information as  
14 confidentially as is required by the provisions of this chapter.

15 **Sec. 34.** NRS 200.359 is hereby amended to read as follows:

16 200.359 1. A person having a limited right of custody to a child by  
17 operation of law or pursuant to an order, judgment or decree of any court,  
18 including a judgment or decree which grants another person rights to  
19 custody or visitation of the child, or any parent having no right of custody  
20 to the child, who:

21 (a) In violation of an order, judgment or decree of any court willfully  
22 detains, conceals or removes the child from a parent, guardian or other  
23 person having lawful custody or a right of visitation of the child; or

24 (b) In the case of an order, judgment or decree of any court that does not  
25 specify when the right to physical custody or visitation is to be exercised,  
26 removes the child from the jurisdiction of the court without the consent of  
27 either the court or all persons who have the right to custody or  
28 visitation,  
29 is guilty of a category D felony and shall be punished as provided in NRS  
30 193.130.

31 2. A parent who has joint legal custody of a child pursuant to NRS  
32 125.465 shall not willfully conceal or remove the child from the custody of  
33 the other parent with the specific intent to deprive the other parent of the  
34 parent and child relationship. A person who violates this subsection shall  
35 be punished as provided in subsection 1.

36 3. If the mother of a child has primary physical custody pursuant to  
37 subsection 2 of NRS 126.031, the father of the child shall not willfully  
38 conceal or remove the child from the physical custody of the mother. If the  
39 father of a child has primary physical custody pursuant to subsection 2 of  
40 NRS 126.031, the mother of the child shall not willfully conceal or remove  
41 the child from the physical custody of the father. A person who violates  
42 this subsection shall be punished as provided in subsection 1.

43 4. Before an arrest warrant may be issued for a violation of this  
44 section, the court must find that:

45 (a) This is the home state of the child, as defined in subsection 5 of NRS  
46 125A.040; and

47 (b) There is cause to believe that the entry of a court order in a civil  
48 proceeding brought pursuant to chapter 125, 125A or 125C of NRS will



1 not be effective to enforce the rights of the parties and would not be in the  
2 best interests of the child.

3 5. Upon conviction for a violation of this section, the court shall order  
4 the defendant to pay restitution for any expenses incurred in locating or  
5 recovering the child.

6 6. The prosecuting attorney may recommend to the judge that the  
7 defendant be sentenced as for a misdemeanor and the judge may impose  
8 such a sentence if he finds that:

9 (a) The defendant has no prior conviction for this offense and the child  
10 has suffered no substantial harm as a result of the offense; or

11 (b) The interests of justice require that the defendant be punished as for  
12 a misdemeanor.

13 7. A person who aids or abets any other person to violate this section  
14 shall be punished as provided in subsection 1.

15 8. This section does not apply to a person who detains, conceals or  
16 removes a child to protect the child from the imminent danger of abuse or  
17 neglect or to protect himself from imminent physical harm, and reported  
18 the detention, concealment or removal to a law enforcement agency or an  
19 agency which provides ~~protective~~ *child welfare* services within 24 hours  
20 after detaining, concealing or removing the child, or as soon as the  
21 circumstances allowed. As used in this subsection:

22 (a) “Abuse or neglect” has the meaning ascribed to it in paragraph (a) of  
23 subsection 3 of NRS 200.508.

24 (b) “Agency which provides ~~protective~~ *child welfare* services” has the  
25 meaning ascribed to it in NRS 432B.030.

26 **Sec. 35.** Chapter 218 of NRS is hereby amended by adding thereto the  
27 provisions set forth as sections 36 to 39, inclusive, of this act.

28 **Sec. 36.** *As used in sections 36 to 39, inclusive, of this act,*  
29 *“committee” means the legislative committee on children, youth and*  
30 *families.*

31 **Sec. 37. 1.** *There is hereby established a legislative committee on*  
32 *children, youth and families consisting of:*

33 (a) *Five members appointed by the majority leader of the senate, at*  
34 *least two of whom were members of the committee on finance during the*  
35 *immediately preceding legislative session; and*

36 (b) *Five members appointed by the speaker of the assembly, at least*  
37 *two of whom were members of the committee on ways and means during*  
38 *the immediately preceding legislative session.*

39 2. *The members of the committee shall elect a chairman and vice*  
40 *chairman from among their members. The chairman must be elected*  
41 *from one house of the legislature and the vice chairman from the other*  
42 *house. After the initial election of a chairman and vice chairman, each*  
43 *of those officers holds office for a term of 2 years commencing on July 1*  
44 *of each odd-numbered year. If a vacancy occurs in the chairmanship or*  
45 *vice chairmanship, the members of the committee shall elect a*  
46 *replacement for the remainder of the unexpired term.*

47 3. *Any member of the committee who is not a candidate for*  
48 *reelection or who is defeated for reelection continues to serve until the*  
49 *convening of the next session of the legislature.*



1     4. Vacancies on the committee must be filled in the same manner as  
2     the original appointments.

3     **Sec. 38.** 1. The members of the committee shall meet throughout  
4     each year at the times and places specified by a call of the chairman or a  
5     majority of the committee.

6     2. The director of the legislative counsel bureau or his designee shall  
7     act as the nonvoting recording secretary.

8     3. The committee shall prescribe regulations for its own management  
9     and government.

10    4. Except as otherwise provided in subsection 5, six voting members  
11    of the committee constitute a quorum.

12    5. Any recommended legislation proposed by the committee must be  
13    approved by a majority of the members of the senate and by a majority of  
14    the members of the assembly appointed to the committee.

15    6. Except during a regular or special session of the legislature, the  
16    members of the committee are entitled to receive the compensation  
17    provided for a majority of the members of the legislature during the first  
18    60 days of the preceding regular session, the per diem allowance  
19    provided for state officers and employees generally and the travel  
20    expenses provided pursuant to NRS 218.2207 for each day or portion of a  
21    day of attendance at a meeting of the committee and while engaged in the  
22    business of the committee. The salaries and expenses paid pursuant to  
23    this subsection and the expenses of the committee must be paid from the  
24    legislative fund.

25    **Sec. 39.** The committee shall:

26    1. Study and comment upon issues related to the provision of child  
27    welfare services within this state, including, without limitation:

- 28    (a) Programs for the provision of child welfare services;  
29    (b) Licensing and reimbursement of providers of foster care;  
30    (c) Mental health services; and  
31    (d) Compliance with federal requirements.

32    2. Receive progress reports and testimony from the division of child  
33    and family services of the department of human resources on the  
34    activities of each mental health consortium established pursuant to  
35    section 121 of this act.

36    3. Conduct investigations and hold hearings in connection with its  
37    powers pursuant to this section.

38    4. Request that the legislative counsel bureau assist in the study of  
39    issues related to the provision of child welfare services within this state.

40    5. Make recommendations to the legislature concerning the manner  
41    in which the provision of child welfare services within this state may be  
42    improved.

43    **Sec. 40.** NRS 232.400 is hereby amended to read as follows:

44    232.400 1. The purposes of the division ~~of child and family services~~  
45    ~~in the department~~ are to:

46    (a) Provide a comprehensive state system for the coordination and  
47    provision of services to children and families who need assistance relating  
48    to juvenile justice and the care, welfare and mental health of children.

49    (b) Aid in the preservation, rehabilitation and reunification of families.



- 1 (c) Ensure that children are placed in the least restrictive environment  
2 available which is appropriate to their needs.
- 3 (d) ~~Provide~~ *Coordinate and provide* services for youth who are in  
4 need of residential care or in need of treatment or both.
- 5 2. In accomplishing its purposes, the division shall:
- 6 (a) Establish and ~~operate a central, comprehensive state~~ *coordinate a*  
7 system for:  
8 (1) The diagnosis and assessment of the needs of particular children  
9 and families, including those in need of multiple services;  
10 (2) The referral of children and families to appropriate services; and  
11 (3) The management and monitoring of cases in which children and  
12 families are referred to multiple services.
- 13 (b) ~~Provide~~ *Plan and coordinate the provision of* services for the  
14 support of families to:  
15 (1) Maintain the integrity of families;  
16 (2) Ensure that children are not unnecessarily removed from their  
17 homes; and  
18 (3) Ensure that families are reunited as soon as practicable after the  
19 removal of children from their homes.
- 20 (c) Ensure that a sufficient range of services is available to provide care  
21 and treatment to children and families in the least restrictive setting  
22 appropriate to their needs.
- 23 (d) Work closely with other governmental agencies and with public and  
24 private agencies providing the same or similar services.
- 25 3. The division shall develop standards for carrying out programs  
26 aimed toward the prevention of delinquent acts of children and programs  
27 for the treatment of those brought to its attention. It shall assist in the  
28 development of programs for the predelinquent children whose behavior  
29 tends to lead them into contact with law enforcement agencies.
- 30 4. The division shall develop and assist in carrying out programs for  
31 the diversion of juveniles out of the judicial system and programs for the  
32 aftercare of juveniles who have been released from state institutions, who  
33 have been brought before the juvenile court or family court or have  
34 otherwise come into contact with law enforcement agencies. The  
35 administrator of the division shall observe and evaluate the success of  
36 those programs.
- 37 **Sec. 41.** NRS 392.126 is hereby amended to read as follows:  
38 392.126 1. There is hereby created in each county at least one  
39 advisory board to review school attendance. The membership of each such  
40 board may consist of:  
41 (a) One probation officer in the county who works on cases relating to  
42 juveniles, appointed by the judge or judges of the juvenile court of the  
43 county;  
44 (b) One representative of a law enforcement agency in the county who  
45 works on cases relating to juveniles, appointed by the judge or judges of  
46 the juvenile court of the county;  
47 (c) One representative of the district attorney for the county, appointed  
48 by the district attorney;



\* A B 1 \*



1 (d) One parent or legal guardian of a pupil who is enrolled in a public  
2 school in the county, or his designee or alternate who is also a parent or  
3 legal guardian, appointed by the president of the board of trustees of the  
4 school district;

5 (e) One member of the board of trustees of the school district, appointed  
6 by the president of the board of trustees;

7 (f) One school counselor or school teacher employed by the school  
8 district, appointed by an organization or association that represents licensed  
9 educational personnel in the school district;

10 (g) One deputy sheriff in the county, appointed by the sheriff of the  
11 county; and

12 (h) One representative of the ~~local office of the division of child and~~  
13 ~~family services of the department of human resources, appointed by the~~  
14 ~~executive head of that office.~~ *agency which provides child welfare*  
15 *services, as defined in NRS 432B.030.*

16 2. The members of each such board shall elect a chairman from among  
17 their membership.

18 3. Each member of such a board must be appointed for a term of 2  
19 years. A vacancy in the membership of the board must be filled in the same  
20 manner as the original appointment for the remainder of the unexpired  
21 term.

22 4. Each member of such a board serves without compensation, except  
23 that, for each day or portion of a day during which a member of the board  
24 attends a meeting of the board or is otherwise engaged in the business of  
25 the board, he is entitled to receive the per diem allowance and travel  
26 expenses provided for state officers and employees generally. The board of  
27 trustees of the school district shall pay the per diem allowance and travel  
28 expenses from the general fund of the school district.

29 **Sec. 42.** NRS 392.165 is hereby amended to read as follows:

30 392.165 1. The board of trustees of a school district and the  
31 governing body of a charter school shall not allow a child to be  
32 permanently enrolled in any school in the district or any charter school  
33 until the parent or guardian of the child furnishes a birth certificate or other  
34 document suitable as proof of the child's identity and, if applicable, a copy  
35 of the child's records from the school he most recently attended.

36 2. Except as otherwise provided in subsection 3, a child must be  
37 enrolled in a school under his name as it appears in the identifying  
38 document or records required by subsection 1, unless the parent or  
39 guardian furnishes a court order or decree authorizing a change of name or  
40 directing the board of trustees of the school district or the governing body  
41 of a charter school to enroll the child under a name other than the name  
42 which appears in the identifying document or records.

43 3. A child who is in the custody of the ~~division of child and family~~  
44 ~~services of the department of human resources~~ *agency which provides*  
45 *child welfare services, as defined in NRS 432B.030*, may be enrolled in a  
46 school under a name other than the name which appears in the identifying  
47 document or records required by subsection 1 if the court determines that  
48 to do so would be in the best interests of the child.



1 4. If the parent or guardian fails to furnish the identifying document or  
2 records required by subsection 1 within 30 days after the child is  
3 conditionally enrolled, the principal, superintendent or governing body of a  
4 charter school shall notify the local law enforcement agency and request a  
5 determination as to whether the child has been reported as missing.

6 **Sec. 43.** NRS 392.210 is hereby amended to read as follows:

7 392.210 1. Except as otherwise provided in subsection 2, a parent,  
8 guardian or other person who has control or charge of any child and to  
9 whom notice has been given of the child's truancy as provided in NRS  
10 392.130 and 392.140, and who fails to prevent the child's subsequent  
11 truancy within that school year, is guilty of a misdemeanor.

12 2. A person who is licensed ~~by the division of child and family~~  
13 ~~services of the department of human resources~~ pursuant to NRS 424.030  
14 to conduct a family foster home or group foster home is liable pursuant to  
15 subsection 1 for a child in his foster care only if the person has received  
16 notice of the truancy of the child as provided in NRS 392.130 and 392.140,  
17 and negligently fails to prevent the subsequent truancy of the child within  
18 that school year.

19 **Sec. 44.** NRS 394.145 is hereby amended to read as follows:

20 394.145 1. A private elementary or secondary school in this state  
21 shall not permanently admit any child until the parent or guardian of the  
22 child furnishes a birth certificate or other document suitable as proof of the  
23 child's identity and, if applicable, a copy of the child's records from the  
24 school he most recently attended.

25 2. Except as otherwise provided in subsection 3, a child must be  
26 admitted to a school under his name as it appears in the identifying  
27 document or records required by subsection 1, unless the parent or  
28 guardian furnishes a court order or decree authorizing a change of name or  
29 directing the principal or other person in charge of that school to admit the  
30 child under a name other than the name which appears in the identifying  
31 document or records.

32 3. A child who is in the custody of the ~~division of child and family~~  
33 ~~services of the department of human resources~~ *agency which provides*  
34 *child welfare services, as defined in NRS 432B.030*, may be admitted to a  
35 school under a name other than the name which appears in the identifying  
36 document or records required by subsection 1 if the court determines that  
37 to do so would be in the best interests of the child.

38 4. If the parent or guardian fails to furnish the identifying document or  
39 records required by subsection 1 within 30 days after the child is  
40 conditionally admitted, the principal or other person in charge of the school  
41 shall notify the local law enforcement agency and request a determination  
42 as to whether the child has been reported as missing.

43 5. Any parent, guardian or other person who, with intent to deceive  
44 under this section:

- 45 (a) Presents a false birth certificate or record of attendance at school; or  
46 (b) Refuses to furnish a suitable identifying document, record of  
47 attendance at school or proof of change of name, upon request by a local  
48 law enforcement agency conducting an investigation in response to  
49 notification pursuant to subsection 4,



1 of a child under 17 years of age who is under his control or charge, is  
2 guilty of a misdemeanor.

3 **Sec. 45.** Chapter 424 of NRS is hereby amended by adding thereto a  
4 new section to read as follows:

5 *“Licensing authority” means:*

6 *1. In a county whose population is 100,000 or more, the agency*  
7 *which provides child welfare services, as defined in NRS 432B.030; and*

8 *2. In a county whose population is less than 100,000, the division.*

9 **Sec. 46.** NRS 424.010 is hereby amended to read as follows:

10 424.010 As used in this chapter, unless the context otherwise requires,  
11 the words and terms defined in NRS 424.012 to 424.017, inclusive, *and*  
12 *section 45 of this act* have the meanings ascribed to them in those sections.

13 **Sec. 47.** NRS 424.013 is hereby amended to read as follows:

14 424.013 “Family foster home” means a family home in which one to  
15 six children under ~~16~~ 18 years of age not related ~~by blood, adoption or~~  
16 ~~marriage~~ *within the first degree of consanguinity or affinity* to the person  
17 or persons maintaining the home are received, cared for and maintained,  
18 for compensation or otherwise, including the provision of permanent free  
19 care. The term includes a family home in which such a child is received,  
20 cared for and maintained pending completion of proceedings for the  
21 adoption of the child by the person or persons maintaining the home.

22 **Sec. 48.** NRS 424.015 is hereby amended to read as follows:

23 424.015 “Group foster home” means a natural person, partnership,  
24 firm, corporation or association who provides full-time care for 7 to 15  
25 children who are:

26 1. Under ~~16~~ 18 years of age;  
27 2. Not related ~~by blood, adoption or marriage~~ *within the first degree*  
28 *of consanguinity or affinity* to any natural person maintaining or operating  
29 the home; and

30 3. Received, cared for and maintained for compensation or otherwise,  
31 including the provision of permanent free care.

32 **Sec. 49.** NRS 424.017 is hereby amended to read as follows:

33 424.017 “Provider of family foster care” means a person who is  
34 licensed ~~by the division~~ to conduct a family foster home pursuant to NRS  
35 424.030.

36 **Sec. 50.** NRS 424.020 is hereby amended to read as follows:

37 424.020 1. *The division, in consultation with each licensing*  
38 *authority in a county whose population is 100,000 or more, shall adopt*  
39 *regulations to:*

40 *(a) Establish procedures and requirements for the licensure of family*  
41 *foster homes and group foster homes; and*

42 *(b) Monitor such licensure.*

43 2. The division, in cooperation with the state board of health and the  
44 state fire marshal, shall:

45 (a) Establish reasonable minimum standards for family foster homes  
46 and group foster homes.

47 (b) Prescribe rules for the regulation of family foster homes and group  
48 foster homes.

49 ~~2. All licensed~~



1     3. All family foster homes and group foster homes *licensed pursuant*  
2 *to this chapter* must conform to the standards established and the rules  
3 prescribed in subsection ~~4-1~~ 2.

4     Sec. 51. NRS 424.030 is hereby amended to read as follows:

5     424.030 1. No person may conduct a family foster home or a group  
6 foster home without receiving a license to do so from the ~~{division.~~  
7 ~~2. Except as otherwise provided in subsection 4, no} licensing~~  
8 ~~authority.~~

9     2. No license may be issued to a family foster home or a group foster  
10 home until a fair and impartial investigation of the home and its standards  
11 of care has been made by the ~~{division or a child placing agency licensed~~  
12 ~~by the division.} licensing authority or its designee.~~

13     3. Any family foster home or group foster home that conforms to the  
14 established standards of care and prescribed rules must receive a regular  
15 license from the ~~{division.} licensing authority,~~ which must be in force for  
16 1 year after the date of issuance. On reconsideration of the standards  
17 maintained, the license may be renewed annually.

18     4. ~~{When, because of an emergency situation, a child must be placed~~  
19 ~~before completion of the licensing investigation, a family foster home or~~  
20 ~~group foster home may be issued a provisional license for a period not to~~  
21 ~~exceed 3 months, renewable for one additional period not to exceed 3~~  
22 ~~months. A provisional license may be issued to a foster home only after~~  
23 ~~determination that the health and safety of the child or children placed~~  
24 ~~therein will not be jeopardized. If at any time during the period a~~  
25 ~~provisional license is in effect, it is determined that the foster home does~~  
26 ~~not meet minimum licensing standards, the provisional license must be~~  
27 ~~revoked and any child or children placed in the foster home must be~~  
28 ~~promptly removed by the placing agency. If, on or before the expiration~~  
29 ~~date of the provisional license, it has been determined that the foster home~~  
30 ~~meets minimum licensing standards, a regular license must be issued~~  
31 ~~pursuant to the provisions of subsection 3, to be in force for 1 year after the~~  
32 ~~date of issuance.~~

33     ~~5. When} If~~ a family foster home *or group foster home* does not meet  
34 minimum licensing standards but offers values and advantages to a  
35 particular child or children and will not jeopardize the health and safety of  
36 the child or children placed therein, the family foster home *or group foster*  
37 *home* may be issued a special license, which must be in force for 1 year  
38 after the date of issuance and may be renewed annually. No foster children  
39 other than those specified on the license may be cared for in the home.

40     ~~{6-} 5.~~ The license must show:

41     (a) The name of the persons licensed to conduct the family foster home  
42 or group foster home.

43     (b) The exact location of the family foster home or group foster home.

44     (c) The number of children that may be received and cared for at one  
45 time.

46     (d) If the license is a special license issued pursuant to subsection ~~{5-} 4,~~  
47 the name of the child or children for whom the family foster home *or*  
48 *group foster home* is licensed to provide care.



1 ~~17.1~~ 6. No family foster home or group foster home may receive for  
2 care more children than are specified in the license.

3 7. *In consultation with each licensing authority in a county whose*  
4 *population is 100,000 or more, the division may adopt regulations*  
5 *regarding the issuance of provisional and special licenses.*

6 **Sec. 52.** NRS 424.031 is hereby amended to read as follows:

7 424.031 1. The ~~division~~ *licensing authority or a person or entity*  
8 *designated by the licensing authority* shall obtain from appropriate law  
9 enforcement agencies information on the background and personal history  
10 of each applicant for a license to conduct a foster home, prospective  
11 employee of that applicant or of a person who is licensed to conduct a  
12 foster home, and resident of a foster home who is 18 years of age or older,  
13 to determine whether the person investigated has been arrested for or  
14 convicted of any crime.

15 2. The ~~division~~ *licensing authority or its approved designee* may  
16 charge each person investigated pursuant to this section for the reasonable  
17 cost of that investigation.

18 **Sec. 53.** NRS 424.033 is hereby amended to read as follows:

19 424.033 1. Each applicant for a license to conduct a foster home,  
20 prospective employee of that applicant or of a person who is licensed to  
21 conduct a foster home, or resident of a foster home who is 18 years of age  
22 or older ~~shall~~ *must* submit to the ~~division~~ *licensing authority or its*  
23 *approved designee* a complete set of his fingerprints and written  
24 permission authorizing the ~~division~~ *licensing authority or its approved*  
25 *designee* to forward those fingerprints to the central repository for Nevada  
26 records of criminal history for submission to the Federal Bureau of  
27 Investigation for its report to enable the ~~division~~ *licensing authority or*  
28 *its approved designee* to conduct an investigation pursuant to NRS  
29 424.031.

30 2. The ~~division~~ *licensing authority or its approved designee* may  
31 exchange with the central repository or the Federal Bureau of Investigation  
32 any information respecting the fingerprints submitted.

33 3. When a report from the Federal Bureau of Investigation is received  
34 by the central repository, it shall immediately forward a copy of the report  
35 to the ~~division~~ *licensing authority or its approved designee.*

36 **Sec. 54.** NRS 424.036 is hereby amended to read as follows:

37 424.036 Before issuing a license to conduct a family foster home  
38 pursuant to NRS 424.030, the ~~division~~ *licensing authority* shall discuss  
39 with the applicant and, to the extent possible, ensure that the applicant  
40 understands:

41 1. The role of a provider of family foster care, the ~~division~~ *licensing*  
42 *authority* and the members of the immediate family of a child placed in a  
43 family foster home; and

44 2. The personal skills which are required of a provider of family foster  
45 care and the other residents of a family foster home to provide effective  
46 foster care.

47 **Sec. 55.** NRS 424.037 is hereby amended to read as follows:

48 424.037 1. Before placing a child with a provider of family foster  
49 care, the ~~division~~ *licensing authority* shall inform the provider of the



1 plans, if any, which the ~~{division}~~ *licensing authority* has developed  
2 relating to the provision of care required for that child. If the plan for the  
3 child changes, the ~~{division}~~ *licensing authority* shall inform the provider  
4 of family foster care of the changes and the reasons for those changes.

5 2. The ~~{division}~~ *licensing authority* shall consult with a provider of  
6 family foster care concerning the care to be provided to a child placed with  
7 the provider, including appropriate disciplinary actions that may be taken.

8 3. If issues concerning the health, safety or care of a child occur during  
9 the placement of the child with a provider of family foster care, the  
10 ~~{division}~~ *licensing authority* shall:

11 (a) Consider the daily routine of the provider when determining how to  
12 respond to those issues; and

13 (b) To the extent possible, respond to those issues in a manner which is  
14 the least disruptive to that daily routine, unless that response would not be  
15 in the best interest of the child.

16 **Sec. 56.** NRS 424.038 is hereby amended to read as follows:

17 424.038 1. Before placing, and during the placement of, a child in a  
18 family foster home, the ~~{division}~~ *licensing authority* shall provide to the  
19 provider of family foster care such information relating to the child as is  
20 necessary to ensure the health and safety of the child and the other  
21 residents of the family foster home. This information must include the  
22 medical history and previous behavior of the child to the extent that such  
23 information is available.

24 2. The provider of family foster care may at any time before, during or  
25 after the placement of the child in his family foster home, request  
26 information about the child from the ~~{division}~~ *licensing authority*. After  
27 the child has left the care of the provider, the ~~{division}~~ *licensing authority*  
28 shall provide the information requested by the provider, unless the  
29 information is otherwise declared to be confidential by law or the  
30 ~~{division}~~ *licensing authority* determines that providing the information is  
31 not in the best interests of the child.

32 3. The provider of family foster care shall maintain the confidentiality  
33 of information obtained pursuant to this section under the terms and  
34 conditions otherwise required by law.

35 **Sec. 57.** NRS 424.040 is hereby amended to read as follows:

36 424.040 ~~{The division, or its authorized agent,}~~ *A licensing authority*  
37 *or its designee* shall visit every licensed family foster home and group  
38 foster home as often as necessary to ensure that proper care is given to the  
39 children.

40 **Sec. 58.** NRS 424.047 is hereby amended to read as follows:

41 424.047 1. ~~{The division}~~ *A licensing authority* shall, upon request,  
42 provide to a provider of family foster care access to all information, except  
43 references, in the records maintained by the ~~{division}~~ *licensing authority*  
44 concerning that provider.

45 2. After reasonable notice and by appointment, a provider of family  
46 foster care may inspect the information kept in those records.

47 **Sec. 59.** NRS 424.050 is hereby amended to read as follows:

48 424.050 Whenever ~~{the division}~~ *a licensing authority* is advised or  
49 has reason to believe that any person is conducting or maintaining a foster





1 home for children without a license, as required by this chapter, the  
2 ~~division~~ *licensing authority* shall have an investigation made. If the  
3 person is conducting a foster home, the ~~division~~ *licensing authority* shall  
4 either issue a license or take action to prevent continued operation of the  
5 foster home.

6 **Sec. 60.** NRS 424.060 is hereby amended to read as follows:

7 424.060 If the ~~division~~ *licensing authority* at any time finds that a  
8 child in a foster home is subject to undesirable influences or lacks proper  
9 or wise care and management, the ~~division~~ *licensing authority* shall  
10 notify any agency or institution that has placed the child in the home to  
11 remove the child from the home. If the child is in a foster home where he  
12 has been placed by his parents, relatives or other persons independently of  
13 any agency, the ~~division~~ *licensing authority* shall take necessary action  
14 to remove the child and arrange for his care.

15 **Sec. 61.** NRS 424.070 is hereby amended to read as follows:

16 424.070 No person other than the parents or guardian of a child and no  
17 agency or institution in this state or from outside this state may place any  
18 child in the control or care of any person without sending notice of the  
19 pending placement and receiving approval of the placement from the  
20 division ~~+~~ *or its designee*. No such person, parent, guardian, agency or  
21 institution may place a child for adoption except as *otherwise* provided in  
22 chapter 127 of NRS.

23 **Sec. 62.** NRS 424.075 is hereby amended to read as follows:

24 424.075 1. A provider of family foster care may:

25 (a) Refuse to accept the placement of a child in his family foster home;  
26 or

27 (b) Request that a child placed in his family foster home be  
28 removed,  
29 unless the provider has a written agreement with the ~~division~~ *licensing*  
30 *authority* to the contrary.

31 2. If a provider of family foster care refuses to accept the placement of  
32 a child in, or requests the removal of a child from, his family foster home,  
33 the ~~division~~ *licensing authority* may not, based solely on that refusal or  
34 request:

35 (a) Revoke the license of the provider to conduct a family foster home;  
36 (b) Remove any other child placed in the family foster home;  
37 (c) Refuse to consider future placements of children in the family foster  
38 home; or

39 (d) Refuse or deny any other rights of the provider as may be provided  
40 by the provisions of this chapter and any regulations adopted pursuant  
41 thereto.

42 **Sec. 63.** NRS 424.077 is hereby amended to read as follows:

43 424.077 1. The division shall ~~establish, by regulation,~~ *, in*  
44 *consultation with each licensing authority in a county whose population*  
45 *is 100,000 or more, adopt regulations for the establishment of* a program  
46 pursuant to which a provider of family foster care may receive respite from  
47 the stresses and responsibilities that result from the daily care of children  
48 placed in his family foster home.





1       2. The ~~division shall provide~~ *licensing authority shall establish and*  
2 *operate a program that complies with the regulations adopted pursuant*  
3 *to subsection 1 to provide respite*, training and support to a provider of  
4 family foster care in order to develop and enhance the skills of the provider  
5 to provide foster care.

6       **Sec. 64.** NRS 424.079 is hereby amended to read as follows:  
7 424.079 Upon the request of a provider of family foster care, the  
8 ~~division~~ *licensing authority* shall allow the provider to visit a child after  
9 the child leaves the care of the provider if:

- 10       1. The child agrees to the visitation; and  
11       2. The ~~division~~ *licensing authority* determines that the visitation is in  
12 the best interest of the child.

13       **Sec. 65.** NRS 424.085 is hereby amended to read as follows:  
14 424.085 1. Except as otherwise provided by specific statute, a person  
15 who is licensed by the ~~division~~ *licensing authority* pursuant to NRS  
16 424.030 to conduct a family foster home or group foster home is not liable  
17 for any act of a child in his foster care unless the person licensed by the  
18 ~~division~~ *licensing authority* took an affirmative action that contributed to  
19 the act of the child.

20       2. The immunity from liability provided pursuant to this section  
21 includes, without limitation, immunity from any fine, penalty, debt or other  
22 liability incurred as a result of the act of the child.

23       **Sec. 66.** NRS 424.090 is hereby amended to read as follows:  
24 424.090 The provisions of this chapter do not apply to homes in  
25 which:

26       1. Care is provided only for a neighbor's or friend's child on an  
27 irregular or occasional basis for a brief period, not to exceed 90 days.

28       2. Care is provided by the legal guardian.

29       3. Care is provided for an exchange student.

30       4. Care is provided to enable a child to take advantage of educational  
31 facilities that are not available in his home community.

32       5. Any child or children are received, cared for and maintained  
33 pending completion of proceedings for adoption of such child or children,  
34 except as otherwise provided in ~~NRS 127.2815~~ *regulations adopted by*  
35 *the division*.

36       6. *Except as otherwise provided in regulations adopted by the*  
37 *division, care is voluntarily provided to a minor child who is:*

38       (a) *Related to the caretaker by blood, adoption or marriage; and*

39       (b) *Not in the custody of an agency which provides child welfare*  
40 *services.*

41       **Sec. 67.** Chapter 432 of NRS is hereby amended by adding thereto a  
42 new section to read as follows:

43       1. *The head of the agency which provides child welfare services in a*  
44 *county whose population is 100,000 or more shall furnish to the county*  
45 *comptroller and the administrator of the division a full, true and correct*  
46 *list of claimants in the county who are entitled to payment for the care*  
47 *and services provided for in NRS 432.010 to 432.085, inclusive, and of*  
48 *the amount to be paid to each of them, certified to by him as being a full,*  
49 *true and correct list of such claimants in that county and the amount to*



1 *which each of them is entitled pursuant to NRS 432.010 to 432.085,*  
2 *inclusive. The list is subject to revision by the head of the agency which*  
3 *provides child welfare services to make it conform to such changes as*  
4 *may be made pursuant to the terms of NRS 432.010 to 432.085, inclusive.*

5 2. *The total amount of federal and state money to which each*  
6 *claimant is entitled pursuant to the provisions of NRS 432.010 to*  
7 *432.085, inclusive, must be paid in the manner provided in NRS 244.210.*

8 **Sec. 68.** NRS 432.010 is hereby amended to read as follows:

9 432.010 As used in this chapter, except as otherwise defined by  
10 specific statute or unless the context otherwise requires:

11 1. "Administrator" means the administrator of the division.

12 2. *"Agency which provides child welfare services" has the meaning*  
13 *ascribed to it in NRS 432B.030.*

14 3. "Child" means a person less than 18 years of age, or if in school,  
15 until graduation from high school.

16 ~~3-1~~ 4. "Division" means the division of child and family services of  
17 the department of human resources.

18 ~~4-1~~ 5. "Maintenance" means general expenses for care such as board,  
19 shelter, clothing, transportation and other necessary or incidental expenses,  
20 or any of them, or monetary payments therefor.

21 ~~5-1~~ 6. "Special services" means medical, hospital, psychiatric,  
22 surgical or dental services, or any combination thereof.

23 **Sec. 69.** NRS 432.020 is hereby amended to read as follows:

24 432.020 ~~{The division}~~ *An agency which provides child welfare*  
25 *services* shall:

26 1. Provide, to the extent that support is not otherwise required by court  
27 order or pursuant to specific statute, maintenance and special services to:

28 (a) Unmarried mothers and children awaiting adoptive placement.

29 (b) Children who are placed in the custody of the ~~{division,}~~ *agency*  
30 *which provides child welfare services*, and who are placed in foster homes,  
31 homes of relatives other than parents or other facilities or institutions.  
32 Except as otherwise provided by specific statute, if any child is to be  
33 placed in the custody of the ~~{division,}~~ *agency which provides child*  
34 *welfare services*, pursuant to any order of a court or request made by a  
35 person or agency other than the ~~{division,}~~ *agency which provides child*  
36 *welfare services*, this order or request may be issued or made only after an  
37 opportunity for a hearing has been given to the ~~{division}~~ *agency which*  
38 *provides child welfare services* after 3 days' notice, or upon request of the  
39 ~~{division,}~~ *agency which provides child welfare services.*

40 2. Except as otherwise provided by court order or specific statute,  
41 return a child to his natural home or home of a competent relative for a  
42 probationary period any time after the expiration of 60 days after the  
43 placement of the child in the custody of the ~~{division,}~~ *agency which*  
44 *provides child welfare services*, with notification to but without formal  
45 application to a court, but the ~~{division}~~ *agency which provides child*  
46 *welfare services* retains the right to custody of the child during the  
47 probationary period, until a court of competent jurisdiction determines  
48 proper custody of the child.



~~{3. Accept money from and cooperate with the United States or any of its agencies in carrying out the provisions of NRS 432.010 to 432.085, inclusive, and of any federal acts pertaining to public child welfare and youth services, insofar as authorized by the legislature.}~~

**Sec. 70.** NRS 432.027 is hereby amended to read as follows:

432.027 As soon as practicable after ~~{the division}~~ *an agency which provides child welfare services* receives an application by a person to receive the placement of a child, the ~~{division}~~ *agency which provides child welfare services* shall notify the person in writing as to whether the person will be considered for approval as an adoptive parent or as a provider of foster care.

**Sec. 71.** NRS 432.030 is hereby amended to read as follows:

432.030 No employee of ~~{the division}~~ *an agency which provides child welfare services* may provide maintenance and special services for any child except as otherwise provided by specific statute or:

1. Upon the request of a child whom the ~~{division}~~ *agency which provides child welfare services* determines to be emancipated;
2. Pursuant to court order or request; or
3. Upon referral of appropriate law enforcement officials for emergency care.

**Sec. 72.** NRS 432.0305 is hereby amended to read as follows:

432.0305 The department of human resources, through the division, shall:

1. Observe and study the changing nature and extent of the need for child welfare *services* and develop through tests and demonstrations effective ways of meeting those needs.

2. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including the adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of programs for child welfare, and in increasing the efficiency of those programs by prompt and judicious use of new federal grants which will assist the division in carrying out the provisions of NRS 432.010 to 432.085, inclusive. *The department shall consider any request for a change in the state plan submitted by an agency which provides child welfare services.*

3. Enter into reciprocal agreements with other states relative to services for child welfare and institutional care, when deemed necessary or convenient by the administrator of the division.

4. *Enter into agreements with an agency which provides child welfare services in a county whose population is 100,000 or more when deemed necessary or convenient by the administrator of the division.*

5. *Accept money from and cooperate with the United States or any of its agencies in carrying out the provisions of NRS 432.010 to 432.085, inclusive, and of any federal acts pertaining to public child welfare and youth services, insofar as authorized by the legislature.*

**Sec. 73.** NRS 432.031 is hereby amended to read as follows:

432.031 1. The department of human resources, through the division, shall act as the single state agency of the State of Nevada and its political



1 subdivisions in the administration of any federal money granted to the state  
2 to aid in the furtherance of any services and activities for child welfare.

3 2. If the Congress of the United States passes any law increasing the  
4 participation of the Federal Government in a Nevada program for child  
5 welfare, either as relates to eligibility for assistance or otherwise, the  
6 director of the department of human resources is authorized to accept, with  
7 the approval of the governor, the increased benefits of that legislation. The  
8 division may adopt such standards as are required by the Congress of the  
9 United States as a condition to the acceptance of those benefits.

10 3. *An agency which provides child welfare services in a county*  
11 *whose population is 100,000 or more shall enter into such agreements*  
12 *with the division as are necessary to maximize the amount of money that*  
13 *this state may obtain from the Federal Government for the provision of*  
14 *child welfare services throughout this state.*

15 **Sec. 74.** NRS 432.032 is hereby amended to read as follows:

16 432.032 The division , *in consultation with each agency which*  
17 *provides child welfare services*, shall adopt regulations for the  
18 administration of NRS 432.010 to 432.085, inclusive, which are binding  
19 upon all recipients and local units.

20 **Sec. 75.** NRS 432.033 is hereby amended to read as follows:

21 432.033 To secure accuracy, uniformity and completeness in statistics  
22 and information, the division , *in consultation with each agency which*  
23 *provides child welfare services*, may prescribe forms of reports and records  
24 to be kept by *an agency which provides child welfare services* and all  
25 persons subject to ~~its~~ supervision *by the division* or investigation pursuant  
26 to NRS 432.010 to 432.085, inclusive.

27 **Sec. 76.** NRS 432.035 is hereby amended to read as follows:

28 432.035 1. To safeguard and restrict the use or disclosure of any  
29 information concerning applicants for and recipients of services for child  
30 welfare to purposes directly connected to the administration of NRS  
31 432.010 to 432.085, inclusive, by the division, pursuant to the applicable  
32 provisions of the Social Security Act, the division shall , *in consultation*  
33 *with each agency which provides child welfare services*, establish and  
34 enforce reasonable regulations governing the custody, use and preservation  
35 of the records, files and communications filed with the division ~~it~~ *and any*  
36 *agency which provides child welfare services.*

37 2. Whenever, pursuant to the provisions of law or regulations of the  
38 division, names and addresses of, or information concerning, applicants for  
39 and recipients of services for child welfare are furnished to or held by *an*  
40 *agency which provides child welfare services* or any other agency or  
41 department of government, that agency or department shall comply with  
42 the regulations of the division prohibiting the publication of information  
43 and its use for purposes not directly connected with the administration of  
44 NRS 432.010 to 432.085, inclusive, by the division.

45 3. Except for purposes directly connected with the administration of  
46 NRS 432.010 to 432.085, inclusive, no person may publish, disclose, use  
47 or permit or cause to be published, disclosed or used any confidential  
48 information pertaining to a recipient of services under the provisions of  
49 NRS 432.010 to 432.085, inclusive.



1     **Sec. 77.** NRS 432.037 is hereby amended to read as follows:  
2     432.037 1. The trust fund for child welfare is hereby created. All  
3     benefits for survivors or other awards payable to children receiving *child*  
4     *welfare* services pursuant to NRS 432.010 to 432.085, inclusive, *in a*  
5     *county whose population is less than 100,000* must be deposited in the  
6     state treasury for credit to the fund.

7     2. The division shall:

8         (a) Keep a separate account for each child who receives money.

9         (b) Deduct from the account any services to the child provided by  
10     public money. Any surplus remaining may be expended for extraordinary  
11     items deemed beneficial to the child.

12         (c) Remit any surplus balance to the parent or legal guardian of the  
13     child, or to the child if he is emancipated or has reached the age of 18  
14     years, when the division is no longer legally responsible for him.

15     3. The division shall pay interest to each child's separate account  
16     maintained in the trust fund for child welfare at the end of each interest  
17     period. Interest must be paid at a rate equal to the average of the interest  
18     rates quoted by at least three banking institutions for interest-bearing  
19     savings accounts of \$3,000 or less on the first day of each interest period.  
20     Interest must be paid on the child's account commencing with the first  
21     interest period that the division is legally responsible for the child. Interest  
22     must not be paid for the interest period during which the child ceases to be  
23     the legal responsibility of the division.

24     4. *All benefits for survivors or other awards payable to children*  
25     *receiving child welfare services in a county whose population is 100,000*  
26     *or more pursuant to NRS 432.010 to 432.085, inclusive, must be*  
27     *deposited in the trust fund for child welfare established in the county*  
28     *treasury. A disbursement from the benefits for survivors or other awards*  
29     *of a child which is deposited in the fund may be made to the agency*  
30     *which provides child welfare services for any child welfare services*  
31     *provided to the child with public money.*

32     5. As used in this section, "interest period" means that period not less  
33     frequent than quarterly, as determined by the state treasurer, for which  
34     interest must be paid.

35     **Sec. 78.** NRS 432.038 is hereby amended to read as follows:

36     432.038 1. Subject to the approval and regulations of the state board  
37     of examiners, the division may maintain an account in a bank or credit  
38     union for the purchase of birth certificates, death certificates and other  
39     records of vital statistics necessary to perform eligibility and other case-  
40     work functions of the division *in a county whose population is less than*  
41     *100,000* pursuant to NRS 432.010 to 432.085, inclusive.

42     2. *Subject to the approval of the board of county commissioners of*  
43     *the county, an agency that provides child welfare services in a county*  
44     *whose population is 100,000 or more may maintain an account in a bank*  
45     *or credit union for the purchase of birth certificates, death certificates*  
46     *and other records of vital statistics necessary to perform eligibility and*  
47     *other case-work functions of the agency pursuant to NRS 432.010 to*  
48     *432.085, inclusive.*



1     **Sec. 79.** NRS 432.039 is hereby amended to read as follows:  
2     432.039 1. When in the judgment of the court it is in the best  
3     interests of a child in the lawful custody of ~~{the division, the division}~~ *an*  
4     *agency which provides child welfare services, such an agency* may  
5     petition for appointment as guardian of the person and estate of the child in  
6     the manner provided by chapter 159 of NRS.

7     2. The clerk of the district court, county clerk, county recorder or other  
8     county officer shall not require the payment of any fees or charges by the  
9     ~~{division}~~ *agency which provides child welfare services* for appointment  
10    as guardian pursuant to this section and the district court shall waive the  
11    furnishing of a bond by the ~~{division}~~ *agency which provides child welfare*  
12    *services* if it is appointed guardian.

13    3. Except as otherwise provided in this section, the ~~{division}~~ *agency*  
14    *which provides child welfare services* shall comply with all applicable  
15    provisions of chapter 159 of NRS.

16    **Sec. 80.** NRS 432.070 is hereby amended to read as follows:

17    432.070 1. The administrator shall furnish to the state controller a  
18    full, true and correct list of claimants in each county *whose population is*  
19    *less than 100,000 who are* entitled to payment for the care and services  
20    provided for in NRS 432.010 to 432.085, inclusive, and of the amount to  
21    be paid to each of them from the state child welfare services account,  
22    certified to by him as being a full, true and correct list of such claimants in  
23    that county and the amount to which each of them is entitled ~~{under}~~  
24    *pursuant to* NRS 432.010 to 432.085, inclusive. The list is subject to  
25    revision by the administrator to make it conform to such changes as may be  
26    made pursuant to the terms of NRS 432.010 to 432.085, inclusive.

27    2. Upon receiving the certified list the state controller shall promptly  
28    draw his warrant upon the state child welfare services account payable to  
29    each claimant in the amount to which he is entitled, and the state treasurer  
30    shall pay the same. Every warrant must be for the total amount of federal  
31    and state money to which each claimant is entitled ~~{under}~~ *pursuant to* the  
32    provisions of NRS 432.010 to 432.085, inclusive.

33    3. Immediately after the warrants have been drawn, the state controller  
34    shall deliver or mail them to the division. Immediately thereafter the  
35    division shall mail them to the individual recipients. The facilities of the  
36    central mailing room must be used.

37    **Sec. 81.** NRS 432.085 is hereby amended to read as follows:

38    432.085 1. The parents of a child placed in the custody of ~~{the~~  
39    ~~division}~~ *an agency which provides child welfare services* pursuant to the  
40    provisions of NRS 62.880 or 432.010 to 432.085, inclusive, or chapter  
41    432B of NRS are liable to the ~~{division}~~ *agency which provides child*  
42    *welfare services* for the cost of maintenance and special services provided  
43    to the child.

44    2. The division shall ~~{, in accordance with NRS 232.464,}~~ establish *by*  
45    *regulation* reasonable schedules for the repayment of money owed by  
46    parents pursuant to subsection 1.

47    3. ~~{The division}~~ *An agency which provides child welfare services*  
48    may waive all or any part of the amount due pursuant to this section if it





1 determines that the parents of the child do not have the ability to pay the  
2 amount.

3 4. If a parent refuses to pay ~~the division~~ *an agency which provides*  
4 *child welfare services* for money owed under this section, the ~~division~~  
5 *agency which provides child welfare services* may bring a civil action to  
6 recover all money owed with interest thereon at the rate of 7 percent per  
7 year commencing 30 days after an itemized statement of the amount owed  
8 is submitted to the parents.

9 5. All money collected pursuant to this section must be deposited :

10 (a) *In a county whose population is less than 100,000*, with the state  
11 treasurer for credit to the state child welfare services account.

12 (b) *In a county whose population is 100,000 or more, with the county*  
13 *treasurer for credit to a fund or account established by the board of*  
14 *county commissioners.*

15 **Sec. 82.** NRS 432.095 is hereby amended to read as follows:

16 432.095 1. There is hereby created the placement prevention  
17 revolving account in the amount of \$25,000 to be used for the payment of  
18 claims *in a county whose population is less than 100,000* of recipients of  
19 goods or services from the division and vendors providing goods or  
20 services to those recipients pursuant to procedures established by the  
21 division.

22 2. Upon written request from the administrator, the state controller  
23 shall draw his warrant from money already authorized for the use of the  
24 division in the sum of \$25,000. When the warrant is paid, the administrator  
25 shall deposit the money in a financial institution qualified to receive  
26 deposits of public money. All money deposited in the placement  
27 prevention revolving account pursuant to this section must be secured with  
28 a depository bond that is satisfactory to the state board of examiners, unless  
29 it is otherwise secured by the Federal Deposit Insurance Corporation, the  
30 National Credit Union Share Insurance Fund or a private insurer approved  
31 pursuant to NRS 678.755.

32 3. After an expenditure of money from the placement prevention  
33 revolving account, the administrator shall present a claim to the state board  
34 of examiners to maintain a balance of \$25,000. If the claim is approved by  
35 the state board of examiners, the state controller shall draw his warrant  
36 from money already authorized for the use of the division in the amount of  
37 the claim in favor of the placement prevention revolving account, and the  
38 state treasurer shall pay the warrant.

39 4. Money in the placement prevention revolving account *created*  
40 *pursuant to subsection 1* does not revert to the state general fund at the end  
41 of the fiscal year, and the balance in the account must be carried forward.

42 5. Purchases made by the division pursuant to this section are exempt  
43 from the State Purchasing Act.

44 6. *The board of county commissioners of a county whose population*  
45 *is 100,000 or more may establish a fund or account to be used for the*  
46 *payment of claims of recipients of goods or services from the agency*  
47 *which provides child welfare services and vendors providing goods or*  
48 *services to those recipients pursuant to procedures established by the*  
49 *agency which provides child welfare services.*





1     **Sec. 83.** Chapter 432B of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3     ***"Child welfare services" includes, without limitation:***

- 4     1. ***Protective services, including, without limitation, investigations of***  
5 ***abuse or neglect and assessments;***
- 6     2. ***Foster care services, including, without limitation, maintenance***  
7 ***and special services, as defined in NRS 432.010; and***
- 8     3. ***Services related to adoption.***

9     **Sec. 84.** NRS 432B.030 is hereby amended to read as follows:

10    432B.030 "Agency which provides ~~protective~~ *child welfare*  
11 *services*" means:

12    1. ~~The~~ *In a county whose population is less than 100,000, the* local  
13 office of the division of child and family services; or

14    2. ~~An~~ *In a county whose population is 100,000 or more, the* agency  
15 of ~~a county authorized by the court to receive and investigate reports of~~  
16 ~~abuse or neglect,~~ *the county,*

17 which provides or arranges for necessary *child welfare* services.

18     **Sec. 85.** NRS 432B.130 is hereby amended to read as follows:

19    432B.130 A person is responsible for a child's welfare under the  
20 provisions of this chapter if he is the child's parent, guardian, ~~or foster~~  
21 ~~parent,~~ a stepparent with whom the child lives, an adult person continually  
22 or regularly found in the same household as the child, or a person directly  
23 responsible or serving as a volunteer for or employed in a public or private  
24 home, institution or facility where the child actually resides or is receiving  
25 child care outside of his home for a portion of the day.

26     **Sec. 86.** NRS 432B.160 is hereby amended to read as follows:

27    432B.160 1. Except as otherwise provided in subsection 2, immunity  
28 from civil or criminal liability extends to every person who in good faith:

- 29    (a) Makes a report pursuant to NRS 432B.220;
- 30    (b) Conducts an interview or allows an interview to be taken pursuant to  
31 NRS 432B.270;
- 32    (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
- 33    (d) Causes a medical test to be performed pursuant to NRS 432B.270;
- 34    (e) Provides a record, or a copy thereof, of a medical test performed  
35 pursuant to NRS 432B.270 to an agency ~~that provides protective~~ *which*  
36 *provides child welfare* services to the child, a law enforcement agency that  
37 participated in the investigation of the report of abuse or neglect of the  
38 child or the prosecuting attorney's office;
- 39    (f) Holds a child pursuant to NRS 432B.400, takes possession of a child  
40 pursuant to section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st session of*  
41 *the Nevada Legislature* or places a child in protective custody pursuant to  
42 any provision of this chapter;
- 43    (g) Performs any act pursuant to subsection 2 of section 1 of ~~this act;~~  
44 *Senate Bill No. 191 of the 71st session of the Nevada Legislature;*
- 45    (h) Refers a case or recommends the filing of a petition pursuant to  
46 NRS 432B.380; or
- 47    (i) Participates in a judicial proceeding resulting from a referral or  
48 recommendation.



1 2. The provisions of subsection 1 do not confer any immunity from  
2 liability for the negligent performance of any act pursuant to paragraph (b)  
3 of subsection 2 of section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st*  
4 *session of the Nevada Legislature.*

5 3. In any proceeding to impose liability against a person for:  
6 (a) Making a report pursuant to NRS 432B.220; or  
7 (b) Performing any act set forth in paragraphs (b) to (i), inclusive of  
8 subsection 1,

9 there is a presumption that the person acted in good faith.

10 **Sec. 87.** NRS 432B.170 is hereby amended to read as follows:

11 432B.170 Nothing in the provisions of NRS 432.100 to 432.130,  
12 inclusive, or this chapter prohibits an agency which provides ~~protective~~  
13 *child welfare* services from sharing information with other state or local  
14 agencies if:

15 1. The purpose for sharing the information is for the development of a  
16 plan for the care, treatment or supervision of a child who has been abused  
17 or neglected or of a person responsible for the child's welfare;

18 2. The other agency has standards for confidentiality equivalent to  
19 those of the agency which provides ~~protective~~ *child welfare* services; and

20 3. Proper safeguards are taken to ensure the confidentiality of the  
21 information.

22 **Sec. 88.** NRS 432B.180 is hereby amended to read as follows:

23 432B.180 The division of child and family services shall:

24 1. Administer any money granted to the state by the Federal  
25 Government. ~~under 42 U.S.C. § 5103;~~

26 ~~— 2. Plan and coordinate all protective~~

27 *2. Plan, coordinate and monitor the delivery of child welfare* services  
28 provided throughout the state. ~~;~~

29 3. Provide ~~directly or arrange for other persons or governmental~~  
30 ~~organizations to provide protective services;~~ *child welfare services*  
31 *directly or arrange for the provision of those services in a county whose*  
32 *population is less than 100,000.*

33 4. Coordinate its activities with and assist the efforts of any law  
34 enforcement agency, a court of competent jurisdiction, *an agency which*  
35 *provides child welfare services* and any public or private organization  
36 which provides social services for the prevention, identification and  
37 treatment of abuse or neglect of children ~~;~~ *and for permanent placement*  
38 *of children.*

39 5. Involve communities in the improvement of ~~protective service;~~  
40 *child welfare services.*

41 6. Evaluate all ~~protective~~ *child welfare* services provided throughout  
42 the state and withhold money from ~~for revoke the license of~~ any agency  
43 providing ~~protective~~ *child welfare* services which is not complying with  
44 the regulations adopted by the division of child and family services. ~~;~~ *and*

45 7. Evaluate the plans submitted for approval pursuant to NRS  
46 432B.395.

47 *8. In consultation with each agency which provides child welfare*  
48 *services, request sufficient money for the provision of child welfare*  
49 *services throughout this state.*



1     **Sec. 89.** NRS 432B.190 is hereby amended to read as follows:  
2     432B.190 The division of child and family services shall , *in*  
3     *consultation with each agency which provides child welfare services,*  
4     adopt regulations establishing reasonable and uniform standards for:  
5     1. ~~{Protective}~~ *Child welfare* services provided in this state;  
6     2. Programs for the prevention of abuse or neglect of a *child and the*  
7     *achievement of the permanent placement of a* child;  
8     3. The development of local councils involving public and private  
9     organizations;  
10    4. Reports of abuse or neglect, records of these reports and the  
11    response to these reports;  
12    5. The management and assessment of reported cases of abuse or  
13    neglect;  
14    6. The protection of the legal rights of parents and children;  
15    7. Emergency shelter for a child;  
16    8. The prevention, identification and correction of abuse or neglect of  
17    a child in residential institutions;  
18    9. Evaluating the development and contents of a plan submitted for  
19    approval pursuant to NRS 432B.395;  
20    10. Developing and distributing to persons who are responsible for a  
21    child's welfare a pamphlet that sets forth the procedures for taking a child  
22    for placement in protective custody and the legal rights of persons who are  
23    parties to a proceeding held pursuant to NRS 432B.410 to 432B.590,  
24    inclusive, and sections 3 and 4 of ~~{this act}~~ *Assembly Bill No. 429 of the*  
25    *71st session of the Nevada Legislature,* during all stages of the  
26    proceeding; and  
27    11. Making the necessary inquiries required pursuant to NRS  
28    432B.397 to determine whether a child is an Indian child.  
29    **Sec. 90.** NRS 432B.200 is hereby amended to read as follows:  
30    432B.200 The division of child and family services shall establish and  
31    maintain a center with a toll-free telephone number to receive reports of  
32    abuse or neglect of a child in this state 24 hours a day, 7 days a week. Any  
33    reports made to this center must be promptly transmitted to the agency  
34    ~~{providing protective}~~ *which provides child welfare* services in the  
35    community where the child is located.  
36    **Sec. 91.** NRS 432B.210 is hereby amended to read as follows:  
37    432B.210 An agency which provides ~~{protective}~~ *child welfare*  
38    services must receive from the state, any of its political subdivisions or any  
39    agency of either, any cooperation, assistance and information it requests in  
40    order to fulfill its responsibilities under NRS 432.100 to 432.130,  
41    inclusive, and this chapter.  
42    **Sec. 92.** NRS 432B.215 is hereby amended to read as follows:  
43    432B.215 1. An agency which provides ~~{protective services and the~~  
44    ~~division of child and family}~~ *child welfare* services may request the  
45    division of parole and probation of the department of motor vehicles and  
46    public safety for information concerning a probationer or parolee that may  
47    assist the agency ~~{for the division of child and family services}~~ in carrying



1 out the provisions of this chapter. The division of parole and probation  
2 shall provide such information upon request.

3 2. The agency which provides ~~protective services or the division of~~  
4 ~~child and family~~ *child welfare* services may use the information obtained  
5 pursuant to subsection 1 only for the limited purpose of carrying out the  
6 provisions of this chapter.

7 **Sec. 93.** NRS 432B.220 is hereby amended to read as follows:

8 432B.220 1. Any person who is described in subsection 3 and who,  
9 in his professional or occupational capacity, knows or has reasonable cause  
10 to believe that a child has been abused or neglected shall:

11 (a) Except as otherwise provided in subsection 2, report the abuse or  
12 neglect of the child to an agency which provides ~~protective~~ *child welfare*  
13 services or to a law enforcement agency; and

14 (b) Make such a report as soon as reasonably practicable but not later  
15 than 24 hours after the person knows or has reasonable cause to believe  
16 that the child has been abused or neglected.

17 2. If a person who is required to make a report pursuant to subsection 1  
18 knows or has reasonable cause to believe that the abuse or neglect of the  
19 child involves an act or omission of:

20 (a) A person directly responsible or serving as a volunteer for or an  
21 employee of a public or private home, institution or facility where the child  
22 is receiving child care outside of his home for a portion of the day, the  
23 person shall make the report to a law enforcement agency.

24 (b) An agency which provides ~~protective~~ *child welfare* services or a  
25 law enforcement agency, the person shall make the report to an agency  
26 other than the one alleged to have committed the act or omission, and the  
27 investigation of the abuse or neglect of the child must be made by an  
28 agency other than the one alleged to have committed the act or omission.

29 3. A report must be made pursuant to subsection 1 by the following  
30 persons:

31 (a) A physician, dentist, dental hygienist, chiropractor, optometrist,  
32 podiatric physician, medical examiner, resident, intern, professional or  
33 practical nurse, physician assistant, psychiatrist, psychologist, marriage and  
34 family therapist, alcohol or drug abuse counselor, advanced emergency  
35 medical technician or other person providing medical services licensed or  
36 certified in this state;

37 (b) Any personnel of a hospital or similar institution engaged in the  
38 admission, examination, care or treatment of persons or an administrator,  
39 manager or other person in charge of a hospital or similar institution upon  
40 notification of suspected abuse or neglect of a child by a member of the  
41 staff of the hospital;

42 (c) A coroner;

43 (d) A clergyman, practitioner of Christian Science or religious healer,  
44 unless he has acquired the knowledge of the abuse or neglect from the  
45 offender during a confession;

46 (e) A social worker and an administrator, teacher, librarian or counselor  
47 of a school;



1 (f) Any person who maintains or is employed by a facility or  
2 establishment that provides care for children, children's camp or other  
3 public or private facility, institution or agency furnishing care to a child;

4 (g) Any person licensed to conduct a foster home;

5 (h) Any officer or employee of a law enforcement agency or an adult or  
6 juvenile probation officer;

7 (i) An attorney, unless he has acquired the knowledge of the abuse or  
8 neglect from a client who is or may be accused of the abuse or neglect;

9 (j) Any person who maintains, is employed by or serves as a volunteer  
10 for an agency or service which advises persons regarding abuse or neglect  
11 of a child and refers them to persons and agencies where their requests and  
12 needs can be met; and

13 (k) Any person who is employed by or serves as a volunteer for an  
14 approved youth shelter. As used in this paragraph, "approved youth  
15 shelter" has the meaning ascribed to it in section 4 of ~~this act.~~ *Assembly*  
16 *Bill No. 264 of the 71st session of the Nevada Legislature.*

17 4. A report may be made by any other person.

18 5. If a person who is required to make a report pursuant to subsection 1  
19 knows or has reasonable cause to believe that a child has died as a result of  
20 abuse or neglect, the person shall, as soon as reasonably practicable, report  
21 this belief to the appropriate medical examiner or coroner, who shall  
22 investigate the report and submit to an agency which provides ~~protective~~  
23 *child welfare* services his written findings. The written findings must  
24 include, if obtainable, the information required pursuant to the provisions  
25 of subsection 2 of NRS 432B.230.

26 **Sec. 94.** NRS 432B.230 is hereby amended to read as follows:

27 432B.230 1. A person may make a report pursuant to NRS 432B.220  
28 by telephone or, in light of all the surrounding facts and circumstances  
29 which are known or which reasonably should be known to the person at the  
30 time, by any other means of oral, written or electronic communication that  
31 a reasonable person would believe, under those facts and circumstances, is  
32 a reliable and swift means of communicating information to the person  
33 who receives the report. If the report is made orally, the person who  
34 receives the report must reduce it to writing as soon as reasonably  
35 practicable.

36 2. The report must contain the following information, if obtainable:

37 (a) The name, address, age and sex of the child;

38 (b) The name and address of the child's parents or other person  
39 responsible for his care;

40 (c) The nature and extent of the abuse or neglect of the child;

41 (d) Any evidence of previously known or suspected abuse or neglect of  
42 the child or the child's siblings;

43 (e) The name, address and relationship, if known, of the person who is  
44 alleged to have abused or neglected the child; and

45 (f) Any other information known to the person making the report that  
46 the agency which provides ~~protective~~ *child welfare* services considers  
47 necessary.



1     **Sec. 95.** NRS 432B.250 is hereby amended to read as follows:  
2     432B.250 Any person who is required to make a report pursuant to  
3 NRS 432B.220 may not invoke any of the privileges set forth in chapter 49  
4 of NRS:

- 5     1. For his failure to make a report pursuant to NRS 432B.220;  
6     2. In cooperating with an agency which provides ~~protective~~ *child*  
7 *welfare* services or a guardian ad litem for a child; or  
8     3. In any proceeding held pursuant to NRS 432B.410 to 432B.590,  
9 inclusive.

10    **Sec. 96.** NRS 432B.260 is hereby amended to read as follows:

11    432B.260 1. Upon receipt of a report concerning the possible abuse  
12 or neglect of a child, an agency which provides ~~protective~~ *child welfare*  
13 services or a law enforcement agency shall promptly notify the appropriate  
14 licensing authority, if any, and, within 3 working days, initiate an  
15 investigation. A law enforcement agency shall promptly notify an agency  
16 which provides ~~protective~~ *child welfare* services of any report it receives.

17    2. An agency which provides ~~protective~~ *child welfare* services and a  
18 law enforcement agency shall cooperate in the investigation, if any, of a  
19 report of abuse or neglect of a child.

20    3. If an agency which provides ~~protective~~ *child welfare* services or a  
21 law enforcement agency determines pursuant to an investigation initiated  
22 pursuant to this section that the:

23    (a) Alleged abuse or neglect was the result of the reasonable exercise of  
24 discipline by a parent or guardian of the child involving the use of corporal  
25 punishment, including, without limitation, spanking or paddling; and

26    (b) Corporal punishment so administered was not so excessive as to  
27 constitute abuse or neglect as described in NRS 432B.150,  
28 the agency which provides ~~protective~~ *child welfare* services or the law  
29 enforcement agency shall take no further action in regard to the matter and  
30 shall expunge all references to the matter from its records.

31    **Sec. 97.** NRS 432B.270 is hereby amended to read as follows:

32    432B.270 1. A designee of an agency investigating a report of abuse  
33 or neglect of a child may, without the consent of and outside the presence  
34 of any person responsible for the child's welfare, interview a child  
35 concerning any possible abuse or neglect. The child may be interviewed at  
36 any place where he is found. The designee shall, immediately after the  
37 conclusion of the interview, if reasonably possible, notify a person  
38 responsible for the child's welfare that the child was interviewed, unless  
39 the designee determines that such notification would endanger the child.

40    2. A designee of an agency investigating a report of abuse or neglect of  
41 a child may, without the consent of the person responsible for a child's  
42 welfare:

43    (a) Take or cause to be taken photographs of the child's body, including  
44 the areas of trauma; and

45    (b) If indicated after consultation with a physician, cause X-rays or  
46 medical tests to be performed on a child.

47    3. Upon the taking of any photographs or X-rays or the performance of  
48 any medical tests pursuant to subsection 2, the person responsible for the  
49 child's welfare must be notified immediately, if reasonably possible, unless



1 the designee determines that the notification would endanger the child. The  
2 reasonable cost of these photographs, X-rays or medical tests must be paid  
3 by the agency providing protective services if money is not otherwise  
4 available.

5 4. Any photographs or X-rays taken or records of any medical tests  
6 performed pursuant to subsection 2, or any medical records relating to the  
7 examination or treatment of a child pursuant to this section, or copies  
8 thereof, must be sent to the agency ~~providing protective~~ *which provides*  
9 *child welfare* services, the law enforcement agency participating in the  
10 investigation of the report and the prosecuting attorney's office. Each  
11 photograph, X-ray, result of a medical test or other medical record:

12 (a) Must be accompanied by a statement or certificate signed by the  
13 custodian of medical records of the health care facility where the  
14 photograph or X-ray was taken or the treatment, examination or medical  
15 test was performed, indicating:

16 (1) The name of the child;

17 (2) The name and address of the person who took the photograph or  
18 X-ray, performed the medical test, or examined or treated the child; and

19 (3) The date on which the photograph or X-ray was taken or the  
20 treatment, examination or medical test was performed;

21 (b) Is admissible in any proceeding relating to the abuse or neglect of  
22 the child; and

23 (c) May be given to the child's parent or guardian if he pays the cost of  
24 duplicating them.

25 5. As used in this section, "medical test" means any test performed by  
26 or caused to be performed by a provider of health care, including, without  
27 limitation, a computerized axial tomography scan and magnetic resonance  
28 imaging.

29 **Sec. 98.** NRS 432B.290 is hereby amended to read as follows:

30 432B.290 1. Except as otherwise provided in subsections 2 and 3 and  
31 section 2 of ~~this act,~~ *Assembly Bill No. 429 of the 71st session of the*  
32 *Nevada Legislature*, data or information concerning reports and  
33 investigations thereof made pursuant to this chapter may be made available  
34 only to:

35 (a) A physician, if the physician has before him a child who he has  
36 reasonable cause to believe has been abused or neglected;

37 (b) A person authorized to place a child in protective custody, if the  
38 person has before him a child who he has reasonable cause to believe has  
39 been abused or neglected and the person requires the information to  
40 determine whether to place the child in protective custody;

41 (c) An agency, including, without limitation, an agency in another  
42 jurisdiction, responsible for or authorized to undertake the care, treatment  
43 or supervision of:

44 (1) The child; or

45 (2) The person responsible for the welfare of the child;

46 (d) A district attorney or other law enforcement officer who requires the  
47 information in connection with an investigation or prosecution of the abuse  
48 or neglect of a child;





- 1 (e) A court, for in camera inspection only, unless the court determines  
2 that public disclosure of the information is necessary for the determination  
3 of an issue before it;
- 4 (f) A person engaged in bona fide research or an audit, but information  
5 identifying the subjects of a report must not be made available to him;
- 6 (g) The attorney and the guardian ad litem of the child;
- 7 (h) A grand jury upon its determination that access to these records is  
8 necessary in the conduct of its official business;
- 9 (i) A federal, state or local governmental entity, or an agency of such an  
10 entity, that needs access to the information to carry out its legal  
11 responsibilities to protect children from abuse and neglect;
- 12 (j) A team organized pursuant to NRS 432B.350 for the protection of a  
13 child;
- 14 (k) A team organized pursuant to NRS 432B.405 to review the death of  
15 a child;
- 16 (l) A parent or legal guardian of the child and an attorney of a parent or  
17 guardian of the child, if the identity of the person responsible for reporting  
18 the alleged abuse or neglect of the child to a public agency is kept  
19 confidential;
- 20 (m) The persons who are the subject of a report;
- 21 (n) An agency that is authorized by law to license foster homes or  
22 facilities for children or to investigate persons applying for approval to  
23 adopt a child, if the agency has before it an application for that license or is  
24 investigating an applicant to adopt a child;
- 25 (o) Upon written consent of the parent, any officer of this state or a city  
26 or county thereof or legislator authorized, by the agency or department  
27 having jurisdiction or by the legislature, acting within its jurisdiction, to  
28 investigate the activities or programs of an agency ~~that provides~~  
29 ~~protective~~ *which provides child welfare* services if:
- 30 (1) The identity of the person making the report is kept confidential;  
31 and
- 32 (2) The officer, legislator or a member of his family is not the person  
33 alleged to have committed the abuse or neglect;
- 34 (p) The division of parole and probation of the department of motor  
35 vehicles and public safety for use pursuant to NRS 176.135 in making a  
36 presentence investigation and report to the district court or pursuant to  
37 NRS 176.151 in making a general investigation and report;
- 38 (q) The rural advisory board to expedite proceedings for the placement  
39 of children created pursuant to NRS 432B.602 or a local advisory board to  
40 expedite proceedings for the placement of children created pursuant to  
41 NRS 432B.604; or
- 42 (r) The panel established pursuant to NRS 432B.396 to evaluate  
43 agencies which provide ~~protective~~ *child welfare* services.
- 44 2. An agency investigating a report of the abuse or neglect of a child  
45 shall, upon request, provide to a person named in the report as allegedly  
46 causing the abuse or neglect of the child:
- 47 (a) A copy of:



- 1 (1) Any statement made in writing to an investigator for the agency  
2 by the person named in the report as allegedly causing the abuse or neglect  
3 of the child; or  
4 (2) Any recording made by the agency of any statement made orally  
5 to an investigator for the agency by the person named in the report as  
6 allegedly causing the abuse or neglect of the child; or  
7 (b) A written summary of the allegations made against the person who  
8 is named in the report as allegedly causing the abuse or neglect of the  
9 child. The summary must not identify the person responsible for reporting  
10 the alleged abuse or neglect.
- 11 3. An agency which provides ~~protective~~ *child welfare* services shall  
12 disclose the identity of a person who makes a report or otherwise initiates  
13 an investigation pursuant to this chapter if a court, after reviewing the  
14 record in camera and determining that there is reason to believe that the  
15 person knowingly made a false report, orders the disclosure.
- 16 4. Any person, except for:  
17 (a) The subject of a report;  
18 (b) A district attorney or other law enforcement officer initiating legal  
19 proceedings; or  
20 (c) An employee of the division of parole and probation of the  
21 department of motor vehicles and public safety making a presentence  
22 investigation and report to the district court pursuant to NRS 176.135 or  
23 making a general investigation and report pursuant to NRS 176.151,  
24 who is given access, pursuant to subsection 1, to information identifying  
25 the subjects of a report and who makes this information public is guilty of a  
26 misdemeanor.
- 27 5. The division of child and family services shall adopt regulations to  
28 carry out the provisions of this section.
- 29 **Sec. 99.** NRS 432B.300 is hereby amended to read as follows:  
30 432B.300 Each agency which provides ~~protective~~ *child welfare*  
31 services shall investigate each report of abuse or neglect received or  
32 referred to it to determine:  
33 1. The composition of the family, household or facility, including the  
34 name, address, age, sex and race of each child named in the report, any  
35 siblings or other children in the same place or under the care of the same  
36 person, the persons responsible for the children's welfare and any other  
37 adult living or working in the same household or facility;  
38 2. Whether there is reasonable cause to believe any child is abused or  
39 neglected or threatened with abuse or neglect, the nature and extent of  
40 existing or previous injuries, abuse or neglect and any evidence thereof,  
41 and the person apparently responsible;  
42 3. If there is reasonable cause to believe that a child is abused or  
43 neglected, the immediate and long-term risk to the child if he remains in  
44 the same environment; and  
45 4. The treatment and services which appear necessary to help prevent  
46 further abuse or neglect and to improve his environment and the ability of  
47 the person responsible for the child's welfare to care adequately for him.



1     **Sec. 100.** NRS 432B.320 is hereby amended to read as follows:  
2     432B.320 1. An agency which provides ~~protective~~ *child welfare*  
3 services may waive a full investigation of a report of abuse or neglect of a  
4 child made by another agency or a person if, after assessing the  
5 circumstances, it is satisfied that:

6     (a) The person or other agency who made the report can provide  
7 services to meet the needs of the child and the family, and this person or  
8 agency agrees to do so; and

9     (b) The person or other agency agrees in writing to report periodically  
10 on the child and to report immediately any threat or harm to the child's  
11 welfare.

12     2. The agency which provides ~~protective~~ *child welfare* services shall  
13 supervise for a reasonable period the services provided by the person or  
14 other agency pursuant to subsection 1.

15     **Sec. 101.** NRS 432B.340 is hereby amended to read as follows:

16     432B.340 1. If the agency which provides ~~protective~~ *child welfare*  
17 services determines that a child needs protection, but is not in imminent  
18 danger from abuse or neglect, it may:

19     (a) Offer to the parents or guardian a plan for services and inform him  
20 that the agency has no legal authority to compel him to accept the plan but  
21 that it has the authority to petition the court pursuant to NRS 432B.490 or  
22 to refer the case to the district attorney or a law enforcement agency; or

23     (b) File a petition pursuant to NRS 432B.490 and, if a child is  
24 adjudicated in need of protection, request that the child be removed from  
25 the custody of his parents or guardian or that he remain at home with or  
26 without the supervision of the court or of any person or agency designated  
27 by the court.

28     2. If the parent or guardian accepts the conditions of the plan offered  
29 by the agency pursuant to paragraph (a) of subsection 1, the agency may  
30 elect not to file a petition and may arrange for appropriate services,  
31 including medical care, care of the child during the day, management of the  
32 home or supervision of the child, his parents or guardian.

33     **Sec. 102.** NRS 432B.350 is hereby amended to read as follows:

34     432B.350 An agency which provides ~~protective service~~ *child welfare*  
35 *services* may organize one or more teams for protection of a child to assist  
36 the agency in the evaluation and investigation of reports of abuse or neglect  
37 of a child, diagnosis and treatment of abuse or neglect and the coordination  
38 of responsibilities. Members of the team serve at the invitation of the  
39 agency and must include representatives of other organizations concerned  
40 with education, law enforcement or physical or mental health.

41     **Sec. 103.** NRS 432B.360 is hereby amended to read as follows:

42     432B.360 1. A parent or guardian of a child who is in need of  
43 protection may place the child with a public agency authorized to care for  
44 children or a private institution or agency licensed by the department of  
45 human resources *or a county whose population is 100,000 or more* to care  
46 for such children if:

47     (a) Efforts to keep the child in his own home have failed; and



1 (b) The parents or guardian and the agency or institution voluntarily  
2 sign a written agreement for placement of the child which sets forth the  
3 rights and responsibilities of each of the parties to the agreement.

4 2. If a child is placed with an agency or institution pursuant to  
5 subsection 1, the parent or guardian shall:

6 (a) If able, contribute to the support of the child during his temporary  
7 placement;

8 (b) Inform the agency or institution of any change in his address or  
9 circumstances; and

10 (c) Meet with a representative of the agency or institution and  
11 participate in developing and carrying out a plan for the possible return of  
12 the child to his custody, the placement of the child with a relative or the  
13 eventual adoption of the child.

14 3. A parent or guardian who voluntarily agrees to place a child with an  
15 agency or institution pursuant to subsection 1 is entitled to have the child  
16 returned to his physical custody within 48 hours of a written request to that  
17 agency or institution. If that agency or institution determines that it would  
18 be detrimental to the best interests of the child to return him to the custody  
19 of his parent or guardian, it shall cause a petition to be filed pursuant to  
20 NRS 432B.490.

21 4. If the child has remained in temporary placement for 6 consecutive  
22 months, the agency or institution shall:

23 (a) Immediately return the child to the physical custody of his parent or  
24 guardian; or

25 (b) Cause a petition to be filed pursuant to NRS 432B.490.

26 5. The division of child and family services shall adopt regulations to  
27 carry out the provisions of this section.

28 **Sec. 104.** NRS 432B.370 is hereby amended to read as follows:

29 432B.370 If an agency which provides ~~protective~~ *child welfare*  
30 services determines that there is no reasonable cause to believe that a child  
31 is in need of protection, it shall proceed no further in that matter.

32 **Sec. 105.** NRS 432B.380 is hereby amended to read as follows:

33 432B.380 If the agency which provides ~~protective~~ *child welfare*  
34 services determines that further action is necessary to protect a child who is  
35 in need of protection, as well as any other child under the same care who  
36 may be in need of protection, it may refer the case to the district attorney  
37 for criminal prosecution and may recommend the filing of a petition  
38 pursuant to NRS 432B.490.

39 **Sec. 106.** NRS 432B.390 is hereby amended to read as follows:

40 432B.390 1. An agent or officer of a law enforcement agency, an  
41 officer of the local juvenile probation department or the local department  
42 of juvenile services, or a designee of an agency which provides ~~protective~~  
43 *child welfare* services:

44 (a) May place a child in protective custody without the consent of the  
45 person responsible for the child's welfare if he has reasonable cause to  
46 believe that immediate action is necessary to protect the child from injury,  
47 abuse or neglect.

48 (b) Shall place a child in protective custody upon the death of a parent  
49 of the child, without the consent of the person responsible for the welfare



1 of the child, if the agent, officer or designee has reasonable cause to  
2 believe that the death of the parent of the child is or may be the result of an  
3 act by the other parent that constitutes domestic violence pursuant to NRS  
4 33.018.

5 2. When an agency which provides ~~protective~~ *child welfare* services  
6 receives a report pursuant to subsection 2 of section 1 of ~~this act~~ *Senate*  
7 *Bill No. 191 of the 71st session of the Nevada Legislature*, a designee of  
8 the agency which provides ~~protective~~ *child welfare* services shall  
9 immediately place the child in protective custody.

10 3. If there is reasonable cause to believe that the death of a parent of a  
11 child is or may be the result of an act by the other parent that constitutes  
12 domestic violence pursuant to NRS 33.018, a protective custody hearing  
13 must be held pursuant to NRS 432B.470, whether the child was placed in  
14 protective custody or with a relative. If an agency other than an agency  
15 which provides ~~protective~~ *child welfare* services becomes aware that  
16 there is reasonable cause to believe that the death of a parent of a child is or  
17 may be the result of an act by the other parent that constitutes domestic  
18 violence pursuant to NRS 33.018, that agency shall immediately notify the  
19 agency which provides ~~protective~~ *child welfare* services and a protective  
20 custody hearing must be scheduled.

21 4. An agency which provides ~~protective~~ *child welfare* services shall  
22 request the assistance of a law enforcement agency in the removal of a  
23 child if the agency has reasonable cause to believe that the child or the  
24 person placing the child in protective custody may be threatened with  
25 harm.

26 5. Before taking a child for placement in protective custody, the person  
27 taking the child shall show his identification to any person who is  
28 responsible for the child and is present at the time the child is taken. If a  
29 person who is responsible for the child is not present at the time the child is  
30 taken, the person taking the child shall show his identification to any other  
31 person upon request. The identification required by this subsection must be  
32 a single card that contains a photograph of the person taking the child and  
33 identifies him as a person authorized pursuant to this section to place a  
34 child in protective custody.

35 6. A child placed in protective custody pending an investigation and a  
36 hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the  
37 child needs hospitalization, or in a shelter, which may include a foster  
38 home or other home or facility which provides care for those children, but  
39 the child must not be placed in a jail or other place for detention,  
40 incarceration or residential care of persons convicted of a crime or children  
41 charged with delinquent acts.

42 7. A person placing a child in protective custody pursuant to  
43 subsection 1 shall:

44 (a) Immediately take steps to protect all other children remaining in the  
45 home or facility, if necessary;

46 (b) Immediately make a reasonable effort to inform the person  
47 responsible for the child's welfare that the child has been placed in  
48 protective custody;



1 (c) Give preference in placement of the child to any person related  
2 within the third degree of consanguinity to the child who is suitable and  
3 able to provide proper care and guidance for the child, regardless of  
4 whether the relative resides within this state; and

5 (d) As soon as practicable, inform the agency which provides  
6 ~~protective~~ child welfare services and the appropriate law enforcement  
7 agency.

8 8. If a child is placed with any person who resides outside of this state,  
9 the placement must be in accordance with NRS 127.330.

10 **Sec. 107.** NRS 432B.393 is hereby amended to read as follows:

11 432B.393 1. Except as otherwise provided in this section, an agency  
12 which provides ~~protective~~ child welfare services shall make reasonable  
13 efforts to preserve and reunify the family of a child to prevent or eliminate  
14 the need for his removal from his home and to make it possible for his safe  
15 return to his home.

16 2. In determining the reasonable efforts required by subsection 1, the  
17 health and safety of the child must be the paramount concern. The agency  
18 which provides ~~protective~~ child welfare services may make reasonable  
19 efforts to place the child for adoption or with a legal guardian concurrently  
20 with making the reasonable efforts required pursuant to subsection 1. If the  
21 court determines that continuation of the reasonable efforts required by  
22 subsection 1 is inconsistent with the plan for the permanent placement of  
23 the child, the agency which provides ~~protective~~ child welfare services  
24 shall make reasonable efforts to place the child in a timely manner in  
25 accordance with that plan and to complete whatever actions are necessary  
26 to finalize the permanent placement of the child.

27 3. An agency which provides ~~protective~~ child welfare services is not  
28 required to make the reasonable efforts required by subsection 1 if the  
29 court finds that:

30 (a) A parent or other primary caretaker of the child has:

31 (1) Committed, aided or abetted in the commission of, or attempted,  
32 conspired or solicited to commit murder or voluntary manslaughter;

33 (2) Caused the abuse or neglect of the child, or of another child of the  
34 parent or primary caretaker, which resulted in substantial bodily harm to  
35 the abused or neglected child;

36 (3) Caused the abuse or neglect of the child, a sibling of the child or  
37 another child in the household, and the abuse or neglect was so extreme or  
38 repetitious as to indicate that any plan to return the child to his home would  
39 result in an unacceptable risk to the health or welfare of the child; or

40 (4) Abandoned the child for 60 or more days, and the identity of the  
41 parent of the child is unknown and cannot be ascertained through  
42 reasonable efforts;

43 (b) A parent of the child has, for the previous 6 months, had the ability  
44 to contact or communicate with the child and made no more than token  
45 efforts to do so;

46 (c) The parental rights of a parent to a sibling of the child have been  
47 terminated by a court order upon any basis other than the execution of a  
48 voluntary relinquishment of those rights by a natural parent, and the court  
49 order is not currently being appealed;



1 (d) The child or a sibling of the child was previously removed from his  
2 home, adjudicated to have been abused or neglected, returned to his home  
3 and subsequently removed from his home as a result of additional abuse or  
4 neglect;

5 (e) The child is less than 1 year of age, the father of the child is not  
6 married to the mother of the child and the father of the child:

7 (1) Has failed within 60 days after learning of the birth of the child,  
8 to visit the child, to commence proceedings to establish his paternity of the  
9 child or to provide financial support for the child; or

10 (2) Is entitled to seek custody of the child but fails to do so within 60  
11 days after learning that the child was placed in foster care; or

12 (f) The child was delivered to a provider of emergency services  
13 pursuant to section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st session*  
14 *of the Nevada Legislature.*

15 **Sec. 108.** NRS 432B.395 is hereby amended to read as follows:

16 432B.395 An agency which provides ~~protective~~ *child welfare*  
17 services shall submit annually to the division of child and family services  
18 for its approval a plan to ensure that the reasonable efforts required by  
19 subsection 1 of NRS 432B.393 are made by that agency.

20 **Sec. 109.** NRS 432B.396 is hereby amended to read as follows:

21 432B.396 The division of child and family services shall:

22 1. Establish a panel comprised of volunteer members to evaluate the  
23 extent to which agencies which provide ~~protective~~ *child welfare* services  
24 are effectively discharging their responsibilities for the protection of  
25 children.

26 2. Adopt regulations to carry out the provisions of subsection 1 which  
27 must include, without limitation, the imposition of appropriate restrictions  
28 on the disclosure of information obtained by the panel and civil sanctions  
29 for the violation of those restrictions.

30 **Sec. 110.** NRS 432B.397 is hereby amended to read as follows:

31 432B.397 1. The agency ~~providing protective~~ *which provides child*  
32 *welfare* services for a child that is taken into custody pursuant to this  
33 chapter shall make all necessary inquiries to determine whether the child is  
34 an Indian child. The agency shall report that determination to the court.

35 2. An agency ~~that provides protective~~ *which provides child welfare*  
36 services pursuant to this chapter shall provide training for its personnel  
37 regarding the requirements of the Indian Child Welfare Act.

38 **Sec. 111.** NRS 432B.400 is hereby amended to read as follows:

39 432B.400 A physician treating a child or a person in charge of a  
40 hospital or similar institution may hold a child for no more than 24 hours if  
41 there is reasonable cause to believe that the child has been abused or  
42 neglected and that he is in danger of further harm if released. The physician  
43 or other person shall immediately notify a law enforcement agency or an  
44 agency which provides ~~protective~~ *child welfare* services that he is  
45 holding the child.

46 **Sec. 112.** NRS 432B.405 is hereby amended to read as follows:

47 432B.405 1. An agency which provides ~~protective~~ *child welfare*  
48 services:





1 (a) May organize one or more multidisciplinary teams to review the  
2 death of a child; and

3 (b) Shall organize one or more multidisciplinary teams to review the  
4 death of a child upon receiving a written request from an adult related to  
5 the child within the third degree of consanguinity, if the request is received  
6 by the agency within 1 year after the date of death of the child.

7 2. Members of a team organized pursuant to subsection 1 serve at the  
8 invitation of the agency and must include representatives of other  
9 organizations concerned with education, law enforcement or physical or  
10 mental health.

11 3. Each organization represented on such a team may share with other  
12 members of the team information in its possession concerning the child  
13 who is the subject of the review, siblings of the child, any person who was  
14 responsible for the welfare of the child and any other information deemed  
15 by the organization to be pertinent to the review.

16 4. Before establishing any child death review team, an agency shall  
17 adopt a written protocol describing its objectives and the structure of such a  
18 team.

19 **Sec. 113.** NRS 432B.440 is hereby amended to read as follows:

20 432B.440 The agency which provides ~~protective~~ *child welfare*  
21 services shall assist the court during all stages of any proceeding in  
22 accordance with NRS 432B.410 to 432B.590, inclusive.

23 **Sec. 114.** NRS 432B.490 is hereby amended to read as follows:

24 432B.490 1. An agency which provides ~~protective~~ *child welfare*  
25 services:

26 (a) In cases where the death of a parent of the child is or may be the  
27 result of an act by the other parent that constitutes domestic violence  
28 pursuant to NRS 33.018, shall within 10 days after the hearing on  
29 protective custody initiate a proceeding in court by filing a petition which  
30 meets the requirements set forth in NRS 432B.510;

31 (b) In other cases where a hearing on protective custody is held, shall  
32 within 10 days after the hearing on protective custody, unless good cause  
33 exists, initiate a proceeding in court by filing a petition which meets the  
34 requirements set forth in NRS 432B.510 or recommend against any further  
35 action in court; or

36 (c) If a child is not placed in protective custody, may, after an  
37 investigation is made under NRS 432B.010 to 432B.400, inclusive, file a  
38 petition which meets the requirements set forth in NRS 432B.510.

39 2. If the agency recommends against further action, the court may, on  
40 its own motion, initiate proceedings when it finds that it is in the best  
41 interests of the child.

42 3. If a child has been placed in protective custody and if further action  
43 in court is taken, an agency which provides ~~protective~~ *child welfare*  
44 services shall make recommendations to the court concerning whether the  
45 child should be returned to the person responsible for his welfare pending  
46 further action in court.



1     **Sec. 115.** NRS 432B.500 is hereby amended to read as follows:  
2     432B.500 1. After a petition is filed that a child is in need of  
3     protection pursuant to NRS 432B.490, the court shall appoint a guardian ad  
4     litem for the child. The person so appointed:  
5     (a) Must meet the requirements of NRS 432B.505 or, if such a person is  
6     not available, a representative of an agency which provides ~~protective~~  
7     ~~child welfare~~ services, a juvenile probation officer, an officer of the court  
8     or another volunteer.  
9     (b) Must not be a parent or other person responsible for the child's  
10    welfare.  
11    2. No compensation may be allowed a person serving as a guardian ad  
12    litem pursuant to this section.  
13    3. A guardian ad litem appointed pursuant to this section shall:  
14    (a) Represent and protect the best interests of the child until excused by  
15    the court;  
16    (b) Thoroughly research and ascertain the relevant facts of each case for  
17    which he is appointed, and ensure that the court receives an independent,  
18    objective account of those facts;  
19    (c) Meet with the child wherever the child is placed as often as is  
20    necessary to determine that the child is safe and to ascertain the best  
21    interests of the child;  
22    (d) Explain to the child the role of the guardian ad litem and, when  
23    appropriate, the nature and purpose of each proceeding in his case;  
24    (e) Participate in the development and negotiation of any plans for and  
25    orders regarding the child, and monitor the implementation of those plans  
26    and orders to determine whether services are being provided in an  
27    appropriate and timely manner;  
28    (f) Appear at all proceedings regarding the child;  
29    (g) Inform the court of the desires of the child, but exercise his  
30    independent judgment regarding the best interests of the child;  
31    (h) Present recommendations to the court and provide reasons in  
32    support of those recommendations;  
33    (i) Request the court to enter orders that are clear, specific and, when  
34    appropriate, include periods for compliance;  
35    (j) Review the progress of each case for which he is appointed, and  
36    advocate for the expedient completion of the case; and  
37    (k) Perform such other duties as the court orders.  
38    **Sec. 116.** NRS 432B.510 is hereby amended to read as follows:  
39    432B.510 1. A petition alleging that a child is in need of protection  
40    may be signed only by:  
41    (a) A representative of an agency which provides ~~protective~~ ~~child~~  
42    ~~welfare~~ services;  
43    (b) A law enforcement officer or probation officer; or  
44    (c) The district attorney.  
45    2. The district attorney shall countersign every petition alleging need  
46    of protection, and shall represent the petitioner in all proceedings. If the  
47    district attorney fails or refuses to countersign the petition, the petitioner  
48    may seek a review by the attorney general. If the attorney general



1 determines that a petition should be filed, he shall countersign the petition  
2 and shall represent the petitioner in all subsequent proceedings.

3 3. Every petition must be entitled, "In the Matter of ....., a  
4 child," and must be verified by the person who signs it.

5 4. Every petition must set forth specifically:

6 (a) The facts which bring the child within the jurisdiction of the court as  
7 indicated in NRS 432B.410.

8 (b) The name, date of birth and address of the residence of the child.

9 (c) The names and addresses of the residences of his parents and any  
10 other person responsible for the child's welfare, and spouse if any. If his  
11 parents or other person responsible for his welfare do not reside in this  
12 state or cannot be found within the state, or if their addresses are unknown,  
13 the petition must state the name of any known adult relative residing within  
14 the state, or if there is none, the known adult relative residing nearest to the  
15 court.

16 (d) Whether the child is in protective custody, and if so, the agency  
17 responsible for placing the child in protective custody and the reasons  
18 therefor.

19 5. When any of the facts required by subsection 4 are not known, the  
20 petition must so state.

21 **Sec. 117.** NRS 432B.520 is hereby amended to read as follows:

22 432B.520 1. After a petition has been filed, the court shall direct the  
23 clerk to issue a summons requiring the person who has custody or control  
24 of the child to appear personally and bring the child before the court at a  
25 time and place stated in the summons. If the person so summoned is other  
26 than a parent or guardian of the child, then the parent or guardian, or both,  
27 must also be notified by a similar summons of the pendency of the hearing  
28 and of the time and place appointed.

29 2. Summons may be issued requiring the appearance of any other  
30 person whose presence, in the opinion of the court, is necessary.

31 3. Each summons must include notice of the right of parties to counsel  
32 at the adjudicatory hearing. A copy of the petition must be attached to each  
33 summons.

34 4. If the:

35 (a) Person summoned resides in this state, the summons must be served  
36 personally;

37 (b) Person summoned cannot be found within this state or does not  
38 reside in this state, the summons must be mailed by registered or certified  
39 mail to his last known address; or

40 (c) Child was delivered to a provider of emergency services pursuant to  
41 section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st session of the*  
42 *Nevada Legislature* and the location of the parent is unknown, the  
43 summons must be served on the parent by publication at least once a week  
44 for 3 consecutive weeks in a newspaper published in the county and if no  
45 such newspaper is published, then a newspaper published in this state that  
46 has a general circulation in the county. The failure of the parent to appear  
47 in the action after the service of summons on the parent pursuant to this  
48 paragraph shall be deemed to constitute a waiver by the parent of any



1 further notice of the proceedings that would otherwise be required pursuant  
2 to this chapter.

3 5. If it appears that the child is in such condition or surroundings that  
4 his welfare requires that his custody be immediately assumed by the court,  
5 the court may order, by endorsement upon the summons, that the person  
6 serving it shall at once deliver the child to an agency which provides  
7 ~~protective~~ *child welfare* services in whose custody the child must remain  
8 until the further order of the court.

9 6. If the summons cannot be served or the person who has custody or  
10 control of the child fails to obey it, or:

11 (a) In the judge's opinion, the service will be ineffectual or the welfare  
12 of the child requires that he be brought forthwith into the custody of the  
13 court; or

14 (b) A person responsible for the child's welfare has absconded with him  
15 or concealed him from a representative of an agency which provides  
16 ~~protective~~ *child welfare* services,  
17 the court may issue a writ for the attachment of the child's person,  
18 commanding a law enforcement officer or a representative of an agency  
19 which provides ~~protective~~ *child welfare* services to place the child in  
20 protective custody.

21 **Sec. 118.** NRS 432B.540 is hereby amended to read as follows:

22 432B.540 1. If the court finds that the allegations of the petition are  
23 true, it shall order that a report be made in writing by an agency which  
24 provides ~~protective~~ *child welfare* services, concerning:

25 (a) Except as otherwise provided in paragraph (b), the conditions in the  
26 child's place of residence, the child's record in school, the mental, physical  
27 and social background of his family, its financial situation and other  
28 matters relevant to the case; or

29 (b) If the child was delivered to a provider of emergency services  
30 pursuant to section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st session*  
31 *of the Nevada Legislature*, any matters relevant to the case.

32 2. If the agency believes that it is necessary to remove the child from  
33 the physical custody of his parents, it must submit with the report a plan  
34 designed to achieve a placement of the child in a safe setting as near to the  
35 residence of his parent as is consistent with the best interests and special  
36 needs of the child. The plan must include:

37 (a) A description of the type, safety and appropriateness of the home or  
38 institution in which the child could be placed, a plan for ensuring that he  
39 would receive safe and proper care and a description of his needs;

40 (b) A description of the services to be provided to the child and to a  
41 parent to facilitate the return of the child to the custody of his parent or to  
42 ensure his permanent placement;

43 (c) The appropriateness of the services to be provided under the plan;  
44 and

45 (d) A description of how the order of the court will be carried out.

46 3. If the child is not residing in his home, the agency shall include as a  
47 part of the plan for the permanent placement of the child, established  
48 pursuant to NRS 432B.590, a recommendation to terminate parental rights  
49 unless it determines that initiating a petition for the termination of parental



1 rights is not in the best interests of the child. If the agency conclusively  
2 determines that initiating a petition for the termination of parental rights is  
3 not in the best interests of the child, it shall include a full explanation of the  
4 basis for the determination as part of the plan.

5 **Sec. 119.** NRS 432B.550 is hereby amended to read as follows:

6 432B.550 1. If the court finds that a child is in need of protection, it  
7 shall determine whether the agency which provides ~~protective~~ *child*  
8 *welfare* services has made the reasonable efforts required by subsection 1  
9 of NRS 432B.393. The court may, by its order, after receipt and review of  
10 the report from the agency which provides ~~protective~~ *child welfare*  
11 services:

12 (a) Permit the child to remain in the temporary or permanent custody of  
13 his parents or a guardian with or without supervision by the court or a  
14 person or agency designated by the court, and with or without retaining  
15 jurisdiction of the case, upon such conditions as the court may prescribe;

16 (b) Place him in the temporary or permanent custody of a relative or  
17 other person who the court finds suitable to receive and care for him with  
18 or without supervision, and with or without retaining jurisdiction of the  
19 case, upon such conditions as the court may prescribe;

20 (c) Place him in the temporary custody of a public agency or institution  
21 authorized to care for children, the local juvenile probation department, the  
22 local department of juvenile services or a private agency or institution  
23 licensed by the department of human resources *or a county whose*  
24 *population is 100,000 or more* to care for such a child; or

25 (d) Commit him to the custody of the superintendent of the northern  
26 Nevada children's home or the superintendent of the southern Nevada  
27 children's home, in accordance with chapter 423 of NRS.

28 In carrying out this subsection, the court may, in its sole discretion,  
29 consider an application pursuant to chapter 159 of NRS for the  
30 guardianship of the child. If the court grants such an application, it may  
31 retain jurisdiction of the case or transfer the case to another court of  
32 competent jurisdiction.

33 2. If, pursuant to subsection 1, a child is placed other than with a  
34 parent:

35 (a) The parent retains the right to consent to adoption, to determine the  
36 child's religious affiliation and to reasonable visitation, unless restricted by  
37 the court. If the custodian of the child interferes with these rights, the  
38 parent may petition the court for enforcement of his rights.

39 (b) The court shall set forth good cause why the child was placed other  
40 than with a parent.

41 3. If, pursuant to subsection 1, the child is to be placed with a relative,  
42 the court may consider, among other factors, whether the child has resided  
43 with a particular relative for 3 years or more before the incident which  
44 brought the child to the court's attention.

45 4. Except as otherwise provided in this subsection, a copy of the report  
46 prepared for the court by the agency which provides ~~protective~~ *child*  
47 *welfare* services must be sent to the custodian and the parent or legal  
48 guardian. If the child was delivered to a provider of emergency services  
49 pursuant to section 1 of ~~this act~~ *Senate Bill No. 191 of the 71st session of*



1 *the Nevada Legislature* and the location of the parent is unknown, the  
2 report need not be sent to that parent.

3 5. In determining the placement of a child pursuant to this section, if  
4 the child is not permitted to remain in the custody of his parents or  
5 guardian, preference must be given to placing the child:

6 (a) With any person related within the third degree of consanguinity to  
7 the child who is suitable and able to provide proper care and guidance for  
8 the child, regardless of whether the relative resides within this state.

9 (b) If practicable, together with his siblings.

10 Any search for a relative with whom to place a child pursuant to this  
11 section must be completed within 1 year after the initial placement of the  
12 child outside of his home. If a child is placed with any person who resides  
13 outside of this state, the placement must be in accordance with NRS  
14 127.330.

15 **Sec. 120.** Chapter 433B of NRS is hereby amended by adding thereto  
16 the provisions set forth as sections 121 and 122 of this act.

17 **Sec. 121. 1. *A mental health consortium is hereby established in***  
18 ***each of the following jurisdictions:***

19 ***(a) A county whose population is 100,000 or more; and***

20 ***(b) The region consisting of all counties whose population are less***  
21 ***than 100,000.***

22 ***2. In a county whose population is 100,000 or more, such a***  
23 ***consortium must consist of at least the following persons appointed by***  
24 ***the administrator:***

25 ***(a) A representative of the division;***

26 ***(b) A representative of the agency which provides child welfare***  
27 ***services;***

28 ***(c) A representative of the division of health care financing and policy***  
29 ***of the department;***

30 ***(d) A representative of the board of trustees of the school district in***  
31 ***the county;***

32 ***(e) A representative of the local juvenile probation department;***

33 ***(f) A representative of the local chamber of commerce or business***  
34 ***community;***

35 ***(g) A private provider of mental health care;***

36 ***(h) A provider of foster care; and***

37 ***(i) A parent of an emotionally disturbed child.***

38 ***3. In the region consisting of counties whose population are less***  
39 ***than 100,000, such a consortium must consist of at least the following***  
40 ***persons appointed by the administrator:***

41 ***(a) A representative of the division of mental health and***  
42 ***developmental services of the department;***

43 ***(b) A representative of the agency which provides child welfare***  
44 ***services in the region;***

45 ***(c) A representative of the division of health care financing and policy***  
46 ***of the department;***

47 ***(d) A representative of the boards of trustees of the school districts in***  
48 ***the region;***

49 ***(e) A representative of the local juvenile probation departments;***



1 (f) A representative of the chambers of commerce or business  
2 community in the region;

3 (g) A private provider of mental health care;

4 (h) A provider of foster care; and

5 (i) A parent of an emotionally disturbed child.

6 **Sec. 122. 1.** On or before January 1 of each year, each mental  
7 health consortium established pursuant to section 121 of this act shall  
8 prepare a recommended plan for the provision of mental health services  
9 to emotionally disturbed children in the jurisdiction of the consortium.

10 2. In preparing the recommended plan, each mental health  
11 consortium must be guided by the following principles:

12 (a) The system of mental health services set forth in the plan should  
13 be centered on emotionally disturbed children and their families, with the  
14 needs and strengths of those children and their family dictating the types  
15 and mix of services provided.

16 (b) The families of emotionally disturbed children, including, without  
17 limitation, foster parents, should be active participants in all aspects of  
18 planning, selecting and delivering mental health services at the local  
19 level.

20 (c) The system of mental health services should be community-based  
21 and flexible, with accountability and the focus of the services at the local  
22 level.

23 (d) The system of mental health services should provide timely access  
24 to a comprehensive array of cost-effective mental health services.

25 (e) Children and their families who are in need of mental health  
26 services should be identified as early as possible through screening,  
27 assessment processes, treatment and systems of support.

28 (f) Comprehensive mental health services should be made available in  
29 the least restrictive but clinically appropriate environment.

30 (g) The family of an emotionally disturbed child should be eligible to  
31 receive mental health services from the system.

32 (h) Mental health services should be provided to emotionally disturbed  
33 children in a sensitive manner that is responsive to cultural and gender-  
34 based differences and the special needs of the children.

35 3. The plan prepared pursuant to this section must include:

36 (a) An assessment of the need for mental health services in the  
37 jurisdiction of the consortium;

38 (b) A description of the types of services to be offered to emotionally  
39 disturbed children based on the amount of money available to pay the  
40 costs of such mental health services within the jurisdiction of the  
41 consortium;

42 (c) Criteria for eligibility for those services;

43 (d) A description of the manner in which those services may be  
44 obtained by eligible children;

45 (e) The manner in which the costs for those services will be allocated;

46 (f) The mechanisms to manage the money provided for those services;

47 (g) Documentation of the number of emotionally disturbed children  
48 who are not currently being provided services, the costs to provide





1 *services to those children, the obstacles to providing services to those*  
2 *children and recommendations for removing those obstacles;*

3 *(h) Methods for obtaining additional money and services for*  
4 *emotionally disturbed children from private and public entities; and*

5 *(i) The manner in which family members of eligible children and*  
6 *other persons may be involved in the treatment of the children.*

7 4. *On or before January 15 of each year, each mental health*  
8 *consortium shall submit the recommended plan prepared pursuant to this*  
9 *section to the department. If the department disapproves the plan, the*  
10 *department shall submit the plan to the consortium for revision and*  
11 *resubmission to the department.*

12 5. *On or before January 15 of each year, each mental health*  
13 *consortium shall submit the recommended plan prepared pursuant to this*  
14 *section to the legislative committee on children, youth and families*  
15 *established pursuant to section 37 of this act and shall submit progress*  
16 *reports to the legislative committee on children, youth and families at the*  
17 *end of each calendar quarter.*

18 **Sec. 123.** NRS 442.400 is hereby amended to read as follows:

19 442.400 The ~~division of child and family services of the department~~  
20 *agency which provides child welfare services* or a licensed child-placing  
21 agency shall inquire, during its initial contact with a natural parent of a  
22 child who is to be placed for adoption, about consumption of alcohol or  
23 substance abuse by the mother of the child during pregnancy. The  
24 information obtained from the inquiry must be:

25 1. Included in the report provided to the adopting parents of the child  
26 pursuant to NRS 127.152; and

27 2. Reported to the health division on a form prescribed by the health  
28 division. The report must not contain any identifying information and may  
29 be used only for statistical purposes.

30 **Sec. 124.** NRS 442.405 is hereby amended to read as follows:

31 442.405 1. The ~~division of child and family services of the~~  
32 ~~department~~ *agency which provides child welfare services* shall inquire,  
33 during its initial contact with a natural parent of a child who is to be placed  
34 in a family foster home, about consumption of alcohol or substance abuse  
35 by the mother of the child during pregnancy. The information obtained  
36 from the inquiry must be:

37 (a) Provided to the provider of family foster care pursuant to NRS  
38 424.038; and

39 (b) Reported to the health division on a form prescribed by the health  
40 division. The report must not contain any identifying information and may  
41 be used only for statistical purposes.

42 2. As used in this section, “family foster home” has the meaning  
43 ascribed to it in NRS 424.013.

44 **Sec. 125.** NRS 442.410 is hereby amended to read as follows:

45 442.410 An agency which provides ~~protective~~ *child welfare* services  
46 shall inquire, during its initial contact with a natural parent of a child whom  
47 a court has determined must be kept in temporary or permanent custody,  
48 about consumption of alcohol or substance abuse by the mother of the child  
49 during pregnancy. The information obtained from the inquiry must be:



1 1. Included in the report the agency is required to make pursuant to  
2 NRS 432B.540; and

3 2. Reported to the health division on a form prescribed by the health  
4 division. The report must not contain any identifying information and may  
5 be used only for statistical purposes.

6 **Sec. 126.** NRS 641B.210 is hereby amended to read as follows:

7 641B.210 1. The board shall ~~not~~ grant a license to engage in social  
8 work as an associate in social work to any ~~person on or after June 19,~~

9 ~~1995.~~ *applicant who:*

10 *(a) Possesses the preliminary qualifications set forth in NRS*  
11 *641B.200; and*

12 *(b) Is employed by an agency which provides child welfare services in*  
13 *a county whose population is 100,000 or more as a social worker,*  
14 *supervisor of social work or administrator of social work on September 1,*  
15 *2002.*

16 2. The board shall renew the license of any person who was granted a  
17 license to engage in social work as an associate in social work if he  
18 complies with the provisions of NRS 641B.280.

19 3. A person who is granted a license to engage in social work as an  
20 associate in social work *pursuant to subsection 1* may supervise another  
21 person engaged in the practice of social work.

22 4. The provisions of this section do not prohibit a social worker,  
23 supervisor of social work or administrator of social work who is employed  
24 by a public employer on July 1, 1988, and who is granted a license to  
25 engage in social work as an associate in social work ~~to~~ *pursuant to*  
26 *subsection 1*, from being promoted to any position for which he would  
27 qualify but for the provisions of this chapter.

28 *5. As used in this section, "agency which provides child welfare*  
29 *services" has the meaning ascribed to it in NRS 432B.030.*

30 **Sec. 127.** Section 122 of this act is hereby amended to read as follows:

31 Sec. 122. 1. On or before January 1 of each year, each mental  
32 health consortium established pursuant to section 121 of this act shall  
33 prepare a recommended plan for the provision of mental health  
34 services to emotionally disturbed children in the jurisdiction of the  
35 consortium.

36 2. In preparing the recommended plan, each mental health  
37 consortium must be guided by the following principles:

38 (a) The system of mental health services set forth in the plan  
39 should be centered on emotionally disturbed children and their  
40 families, with the needs and strengths of those children and their  
41 family dictating the types and mix of services provided.

42 (b) The families of emotionally disturbed children, including,  
43 without limitation, foster parents, should be active participants in all  
44 aspects of planning, selecting and delivering mental health services at  
45 the local level.

46 (c) The system of mental health services should be community-  
47 based and flexible, with accountability and the focus of the services at  
48 the local level.



(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of an emotionally disturbed child should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to emotionally disturbed children in a sensitive manner that is responsive to cultural and gender-based differences and special needs of the children.

3. The plan prepared pursuant to this section must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) A description of the types of services to be offered to emotionally disturbed children based on the amount of money available to pay the costs of such mental health services within the jurisdiction of the consortium;

(c) Criteria for eligibility for those services;

(d) A description of the manner in which those services may be obtained by eligible children;

(e) The manner in which the costs for those services will be allocated;

(f) The mechanisms to manage the money provided for those services;

(g) Documentation of the number of emotionally disturbed children who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(h) Methods for obtaining additional money and services for emotionally disturbed children from private and public entities; and

(i) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the department. If the department disapproves the plan, the department shall submit the plan to the consortium for revision and resubmission to the department.

~~5. On or before January 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the legislative committee on children, youth and families established pursuant to section 37 of this act and shall submit progress reports to the legislative committee on children, youth and families at the end of each calendar quarter.~~



1     **Sec. 128.** Sections 2 and 3 of chapter 508, Statutes of Nevada 1999, at  
2 page 2612, are hereby amended to read as follows:

3     Sec. 2. On or before November 30, ~~1999~~ **2002**, the division of  
4 child and family services of the department of human resources shall  
5 submit a report to the director of the legislative counsel bureau for  
6 transmittal to the appropriate legislative committee. The report must  
7 include the following information for each agreement entered into  
8 pursuant to section 1 of this act:

9     1. The number of children involved in the pilot project  
10 established pursuant to the agreement;

11     2. A description of the services provided to those children that  
12 includes:

13         (a) The name of the agency that provided the services; and

14         (b) The costs incurred by the agency that provided the services;

15     3. If available, the disposition of the cases of those children; and

16     4. An analysis of the benefits, if any, to the children involved in  
17 the pilot project and to the families of those children.

18     Sec. 3. This act becomes effective on July 1, 1999, and expires  
19 by limitation on June 30, ~~1999~~ **2003**.

20     **Sec. 129.** Section 1 of Senate Bill No. 191 of the 71st session of the  
21 Nevada Legislature is hereby amended to read as follows:

22     Section 1. Chapter 432B of NRS is hereby amended by adding  
23 thereto a new section to read as follows:

24     1. A provider of emergency services shall take immediate  
25 possession of a child who is or appears to be not more than 30 days  
26 old if:

27         (a) The child is voluntarily delivered to the provider by a parent of  
28 the child; and

29         (b) The parent does not express an intent to return for the child.

30     2. A provider of emergency services who takes possession of a  
31 child pursuant to subsection 1 shall:

32         (a) Perform any act necessary to maintain and protect the physical  
33 health and safety of the child.

34         (b) As soon as reasonably practicable but not later than 24 hours  
35 after the provider takes possession of the child, report that possession  
36 to an agency which provides ~~protective~~ **child welfare** services.

37     3. A person who delivers a child to a provider of emergency  
38 services pursuant to subsection 1:

39         (a) Is presumed to have intended to consent to the termination of  
40 his parental rights to the child.

41         (b) Shall be deemed to have given his consent to the performance  
42 of all necessary emergency services and care for the child.

43         (c) Must not be required to provide any background or medical  
44 information regarding the child, but may voluntarily do so.

45         (d) Unless there is reasonable cause to believe that the child has  
46 been abused or neglected, excluding the mere fact that the person has  
47 delivered the child to the provider pursuant to subsection 1:

48             (1) Must not be required to disclose any identifying information,  
49 but may voluntarily do so;



- 1 (2) Must be allowed to leave at any time; and  
2 (3) Must not be pursued or followed.  
3 4. As used in this section, "provider of emergency services"  
4 means:  
5 (a) A hospital, an obstetric center or an independent center for  
6 emergency medical care licensed pursuant to chapter 449 of NRS;  
7 (b) A public fire-fighting agency; or  
8 (c) A law enforcement agency.

9 **Sec. 130.** NRS 424.035 is hereby repealed.

10 **Sec. 131.** The legislative committee on children, youth and families  
11 established pursuant to section 37 of this act shall monitor the transfer of  
12 duties relating to the provision of child welfare services from the division  
13 of child and family services of the department of human resources to each  
14 agency which provides child welfare services in a county whose population  
15 is 100,000 or more, including, without limitation, the fiscal effects  
16 resulting from the transfer of such duties.

17 **Sec. 132.** 1. The division of child and family services of the  
18 department of human resources, in consultation with each agency which  
19 provides child welfare services in a county whose population is 100,000 or  
20 more, shall develop a plan for funding the provision of child welfare  
21 services in this state. The plan must address the fiscal responsibility of the  
22 state and each such county for any increases in the costs of providing those  
23 services. The division of child and family services shall submit the plan to  
24 the legislative committee on children, youth and families established  
25 pursuant to section 37 of this act on or before September 15, 2002, for its  
26 review.

27 2. The legislative committee on children, youth and families may  
28 revise the plan submitted by the division of child and family services  
29 pursuant to subsection 1 as it deems necessary and shall submit the plan,  
30 including any necessary revisions, to the governor and the interim finance  
31 committee on or before November 15, 2002.

32 **Sec. 133.** 1. Notwithstanding the provisions of chapter 284 of NRS  
33 and any regulations adopted pursuant thereto to the contrary:

34 (a) The positions in the division of child and family services of the  
35 department of human resources that are to be abolished must be determined  
36 jointly by the division and each agency which provides child welfare  
37 services in a county whose population is 100,000 or more based on the  
38 necessity of the positions to carry out the provisions of this act.

39 (b) The abolishment of positions pursuant to paragraph (a) must not  
40 affect employees of the division who are employed in positions that will  
41 not be abolished.

42 2. The agency which provides child welfare services in a county in  
43 which a position in the division of child and family services of the  
44 department of human resources which is being abolished is located shall  
45 make an offer of employment in a comparable position to the employee of  
46 the division who had filled that position immediately preceding its  
47 abolishment.

48 3. An employee of the division of child and family services of the  
49 department of human resources who accepts an offer of employment made



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1 pursuant to subsection 2 from an agency which provides child welfare  
2 services in a county whose population is 100,000 or more may:

3 (a) Transfer all of his accrued sick leave, including, without limitation,  
4 all of his unused sick leave accrued but not carried forward pursuant to  
5 NRS 284.355, as of the effective date of the abolishment of his position to  
6 his sick leave account with the agency with which he accepted employment  
7 pursuant to subsection 2. If an employee of the division transfers his sick  
8 leave pursuant to this paragraph, he may only use that sick leave after he  
9 has exhausted the sick leave that he accrues at the county agency. The  
10 employee may not receive any payment for that sick leave after the sick  
11 leave has been transferred pursuant to this paragraph; or

12 (b) Receive payment for his unused sick leave, exclusive of any unused  
13 sick leave accrued but not carried forward, as of the effective date of the  
14 abolishment of his position, according to his number of years of public  
15 service, except service with a political subdivision of the state, as follows:

16 (1) For less than 10 years of service, not more than \$1,500.  
17 (2) For 10 years of service or more but less than 15 years, not more  
18 than \$2,500.  
19 (3) For 15 years of service or more but less than 20 years, not more  
20 than \$4,000.  
21 (4) For 20 years of service or more but less than 25 years, not more  
22 than \$6,000.  
23 (5) For 25 years of service or more, not more than \$8,000.

24 If the payment provided pursuant to this paragraph does not compensate  
25 the employee fully for the unused sick leave that the employee has accrued  
26 and carried forward, the remaining balance of the employee's unused sick  
27 leave must be transferred to his sick leave account with the agency with  
28 which he accepted employment pursuant to subsection 2. All of the  
29 employee's unused sick leave that has been accrued but not carried forward  
30 pursuant to NRS 284.355 must be transferred to his sick leave account with  
31 the agency with which he accepted employment pursuant to subsection 2.  
32 If sick leave is transferred to the employee's sick leave account with the  
33 county agency pursuant to this paragraph, the employee may only use that  
34 sick leave after he has exhausted the sick leave that he accrues at the  
35 county agency. The employee may not receive any payment for sick leave  
36 that is transferred pursuant to this paragraph.

37 4. Notwithstanding any provision to the contrary, an employee of the  
38 division of child and family services of the department of human resources  
39 who accepted an offer of employment made pursuant to subsection 2 with  
40 an agency which provides child welfare services in a county whose  
41 population is 100,000 or more shall receive payment for all of the annual  
42 leave that he had accrued as of the date of the abolishment of his position,  
43 unless the employee, before the effective date of the abolishment of his  
44 position, requests the division to transfer a portion or all of his accrued  
45 annual leave to his account for annual leave with the agency with which he  
46 accepted employment pursuant to subsection 2. If the employee requests  
47 the transfer of a portion of his annual leave to his account for annual leave  
48 with the county agency pursuant to this subsection, the employee shall  
49 receive payment for the remaining balance of his accrued annual leave that



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1 he did not transfer. After his acceptance of employment with the county  
2 agency, the employee must accrue annual leave at a rate that is based on  
3 his years of state service and county service.

4 5. An employee of the division of child and family services of the  
5 department of human resources who is licensed to engage in social work  
6 pursuant to chapter 641B of NRS must be classified and continued as a  
7 social worker after accepting employment with the county agency pursuant  
8 to subsection 2. Persons hired by the county agency on or after October 1,  
9 2001, in the capacity of social worker, supervisor of social work or  
10 administrator of social work must be licensed pursuant to chapter 641B of  
11 NRS.

12 6. Notwithstanding any county ordinance or regulation to the contrary,  
13 an employee of the division of child and family services of the department  
14 of human resources who is a permanent employee of the division at the  
15 time at which he accepts employment offered pursuant to subsection 2 with  
16 an agency which provides child welfare services in a county whose  
17 population is 100,000 or more must not be subject to any probationary  
18 period otherwise applicable to his initial employment with the county  
19 agency. An employee of the division of child and family services of the  
20 department of human resources who is not a permanent employee of the  
21 division at the time at which he accepts employment offered pursuant to  
22 subsection 2 with an agency which provides child welfare services in a  
23 county whose population is 100,000 or more may be subject to a  
24 probationary period between 6 months and 2 years, as determined by the  
25 county agency. If such an employee completes his probationary period  
26 successfully, the employee must be given permanent status.

27 7. If an employee of the division of child and family services of the  
28 department of human resources accepts an offer of employment made  
29 pursuant to subsection 2 with an agency which provides child welfare  
30 services in a county whose population is 100,000 or more, the base salary  
31 for the new position with the county agency:

32 (a) Must be in a range of salary such that the employee will not  
33 experience any reduction in his annual net salary.

34 (b) Must be adjusted to include any merit increase that the employee  
35 would have been eligible to receive within the 1-year period after his  
36 acceptance of an offer pursuant to subsection 2 if the employee had  
37 remained employed by the division of child and family services of the  
38 department of human resources. Such an increase must not commence until  
39 the date on which the employee would have received the merit increase if  
40 the employee had remained employed by the division of child and family  
41 services.

42 (c) Must include any increases that had been provided to the employee  
43 pursuant to NRS 284.177 before the abolishment of his position. After  
44 acceptance of an offer of employment made pursuant to subsection 2 with  
45 the county agency, any increase in the employee's salary based on  
46 longevity must be based only on the employee's years of service with the  
47 county agency.

48 (d) Must be increased by 5 percent more than the base salary of the  
49 corresponding position that he occupied at the division which was



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1 abolished if the employee is fluent in a language spoken by 10 percent or  
2 more of the clients of the agency.

3 8. Notwithstanding any provision of the law, county ordinance or  
4 collective bargaining agreement entered into pursuant to chapter 288 of  
5 NRS to the contrary, an agency which provides child welfare services in a  
6 county whose population is 100,000 or more shall pay to the public  
7 employees' benefits program the premiums or contributions for each  
8 employee of the division of child and family services of the department of  
9 human resources who:

10 (a) Accepts an offer of employment made pursuant to subsection 2 by  
11 the agency; and

12 (b) Participated in the public employees' benefits program,  
13 from the date on which the position of the employee was abolished until  
14 the employee is eligible for coverage for health benefits by the county  
15 agency. The coverage of the employee under the public employees'  
16 benefits program must be continuous until his coverage for health benefits  
17 commences with the county agency.

18 9. An agency which provides child welfare services in a county whose  
19 population is 100,000 or more shall recognize the results of any  
20 background investigation or drug screening performed regarding an  
21 employee of the division of child and family services of the department of  
22 human resources who accepts an offer of employment made pursuant to  
23 subsection 2 with that agency.

24 10. Notwithstanding any provision of the law, county ordinance or  
25 collective bargaining agreement entered into pursuant to chapter 288 of  
26 NRS to the contrary, an employee of the division of child and family  
27 services of the department of human resources who accepts an offer of  
28 employment made pursuant to subsection 2 is entitled to the same rights as  
29 a county employee in the case of a layoff at the county agency. For the  
30 purposes of a layoff at the county agency, the number of years of state  
31 service of such an employee of the division of child and family services  
32 must be considered in addition to his years of service with the county  
33 agency within the classification and unit in which the employee is  
34 employed if the employee has maintained the same classification that the  
35 employee had before accepting employment with the county agency  
36 pursuant to subsection 2.

37 **Sec. 134.** Notwithstanding any provision of chapter 284 of NRS or  
38 any regulations adopted pursuant thereto to the contrary, an employee of  
39 the division of child and family services of the department of human  
40 resources whose position is or will be abolished may request that his name  
41 be placed on the appropriate reemployment list before or after his position  
42 is abolished and is entitled to all related rights and privileges as if he had  
43 been laid off on the date on which his position was abolished.

44 **Sec. 135.** Notwithstanding the amendatory provisions of this act, the  
45 division of child and family services of the department of human resources  
46 shall, except as otherwise provided in NRS 432B.325, provide child  
47 welfare services in a county whose population is 100,000 or more as  
48 necessary until the division and the board of county commissioners of the  
49 county agree that an agency in the county is fully capable of providing



1 child welfare services. Any dispute regarding the capability of the agency  
2 to provide child welfare services must be determined by the governor.

3 **Sec. 136.** 1. There is hereby appropriated from the state general fund  
4 to the division of child and family services of the department of human  
5 resources the sum of \$5,166,860 for one-time costs associated with the  
6 transfer of certain child welfare services from the department of human  
7 resources to Clark County and Washoe County. No expenditures may be  
8 made from the money appropriated pursuant to this subsection for ongoing  
9 costs related to the integration of the child welfare system.

10 2. The money appropriated by subsection 1 must be deposited into the  
11 account established solely for the costs related to the integration of the  
12 child welfare system.

13 3. Any remaining balance of the appropriation made by subsection 1  
14 must not be committed for expenditure after June 30, 2003, and reverts to  
15 the state general fund as soon as all payments of money committed have  
16 been made.

17 **Sec. 137.** 1. There is hereby appropriated from the state general fund  
18 to the division of child and family services of the department of human  
19 resources for ongoing costs associated with the transfer of certain child  
20 welfare services from the department of human resources to Clark County  
21 and Washoe County:

22 For the fiscal year 2001-2002..... \$1,015,497

23 For the fiscal year 2002-2003..... \$5,619,610

24 On or before June 30, 2002, the sum appropriated pursuant to this  
25 subsection may be transferred from one fiscal year to the other with the  
26 approval of the interim finance committee upon the recommendation of the  
27 Governor.

28 2. The money appropriated by subsection 1 must be deposited into the  
29 account established solely for the costs related to the integration of the  
30 child welfare system.

31 3. Any remaining balance of the sum appropriated by subsection 1 for  
32 fiscal year 2001-2002 that has not been transferred to fiscal year 2002-  
33 2003 must not be committed for expenditure after June 30, 2002, and  
34 reverts to the state general fund as soon as all payments of money  
35 committed have been made.

36 4. Any remaining balance of the sum appropriated by subsection 1 for  
37 fiscal year 2002-2003 and any sum transferred from fiscal year 2001-2002  
38 must not be committed for expenditure after June 30, 2003, and reverts to  
39 the state general fund as soon as all payments of money committed have  
40 been made.

41 **Sec. 138.** 1. Notwithstanding any provision of chapter 353 of NRS  
42 to the contrary, the division of child and family services of the department  
43 of human resources may submit a request to the budget division of the  
44 department of administration to transfer money appropriated to the division  
45 in the budget accounts for children and family administration, youth  
46 community services and child care services to the account established  
47 solely for the costs related to the integration of the child welfare system.  
48 The interim finance committee may approve the transfer of money from



1 those three budget accounts pursuant to this subsection upon receipt of a  
2 recommendation to do so from the governor.

3 2. On or before June 30, 2002, any sum transferred from the budget  
4 account for youth community services to the new account established  
5 solely for the costs related to the integration of the child welfare system  
6 pursuant to subsection 1 may be transferred from one fiscal year to the  
7 other with the approval of the interim finance committee upon the  
8 recommendation of the Governor.

9 3. Any remaining balance of the sums transferred to the new account  
10 established solely for the costs related to the integration of the child  
11 welfare system pursuant to subsection 1 for fiscal year 2001-2002 that has  
12 not been transferred to fiscal year 2002-2003 must not be committed for  
13 expenditure after June 30, 2002, and reverts to the state general fund as  
14 soon as all payments of money committed have been made.

15 4. Any remaining balance of the sums transferred to the new account  
16 established solely for the costs related to the integration of the child  
17 welfare system pursuant to subsection 1 for fiscal year 2002-2003 and any  
18 sum transferred in that account from fiscal year 2001-2002 must not be  
19 committed for expenditure after June 30, 2003, and reverts to the state  
20 general fund as soon as all payments of money committed have been made.

21 **Sec. 139.** 1. This section and sections 128, 134, 136 and 140 of this  
22 act become effective upon passage and approval.

23 2. Sections 35 to 39, inclusive, 131, 137 and 138 of this act become  
24 effective on July 1, 2001.

25 3. Sections 1 to 9, inclusive, 11, 13 to 20, inclusive, 22 to 34,  
26 inclusive, 40 to 92, inclusive, 94 to 126, inclusive, 129, 130, 132, 133 and  
27 135 of this act become effective on October 1, 2001.

28 4. Sections 10, 21 and 93 of this act become effective at 12:01 a.m. on  
29 October 1, 2001.

30 5. Section 12 of this act becomes effective at 12:02 a.m. on October 1,  
31 2001.

32 6. Section 126 of this act expires by limitation on January 1, 2005.

33 7. Sections 35 to 39, inclusive, 122 and 131 of this act expire by  
34 limitation on June 30, 2005.

35 8. Section 127 of this act becomes effective on July 1, 2005.

36 **Sec. 140.** The Legislative Counsel shall:

37 1. In preparing the reprint and supplements to the Nevada Revised  
38 Statutes, appropriately change any references to "agency which provides  
39 protective services" to "agency which provides child welfare services."

40 2. In preparing supplements to the Nevada Administrative Code,  
41 appropriately change any references to "agency which provides protective  
42 services" to "agency which provides child welfare services."



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**TEXT OF REPEALED SECTION**

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**424.035 Delegation of authority to issue provisional licenses:  
Regulations.**

1. The division may provide by regulation for the delegation of its authority to issue provisional licenses to foster homes if the situation requires the issuance of a provisional license immediately.

2. In the regulations adopted pursuant to this section, the division shall specify:

- (a) The classes of persons to whom the authority will be delegated;
- (b) The procedure for applying for authority to issue provisional licenses;
- (c) The conditions under which a provisional license may be issued by a person to whom authority has been delegated pursuant to this section; and
- (d) Procedures which the person who has issued a provisional license must follow after doing so.

