

EXEMPT
(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD REPRINT

A.B. 158

ASSEMBLY BILL NO. 158—ASSEMBLYMEN DINI, PERKINS, EVANS, ANDERSON, THOMAS, PARKS, BACHE, SEGERBLOM, NEIGHBORS, DE BRAGA, MANENDO, CARPENTER, KOIVISTO, WILLIAMS, CHOWNING, GIUNCHIGLIANI, GIBBONS, LESLIE, NOLAN AND BUCKLEY

FEBRUARY 8, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes in statutory procedures for protection and placement of children. (BDR 11-475)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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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 children; requiring the notification of certain persons who apply to receive the placement of a child regarding the status of their application; creating a board to expedite and limiting the periods for certain procedures involved in proceedings for the placement of children; making various changes regarding the appointment and duties of a guardian ad litem for certain children in protective custody; making various changes in accordance with the Adoption and Safe Families Act of 1997 and the Child Abuse Prevention and Treatment Act of 1996; clarifying certain provisions regarding the authority of a court to determine the custody of a child; authorizing the involvement of various persons interested in certain proceedings for the placement of children; providing a preference for the placement of siblings together; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 127 of NRS is hereby amended by adding thereto a
- 2 new section to read as follows:
- 3 *A child-placing agency shall, to the extent practicable, give preference*
- 4 *to the placement of a child for adoption or permanent free care together*
- 5 *with his siblings.*

1 **Sec. 2.** NRS 127.150 is hereby amended to read as follows:

2 127.150 1. If the court finds that the best interests of the child
3 warrant the granting of the petition, an order or decree of adoption must be
4 made and filed, ordering that henceforth the child is the child of the
5 petitioners. *When determining whether the best interests of the child*
6 *warrant the granting of a petition that is filed by a foster parent, the*
7 *court shall give strong consideration to the emotional bond between the*
8 *child and the foster parent.* A copy of the order or decree must be sent to
9 the nearest office of the division by the petitioners within 7 days after the
10 order or decree is issued. In the decree the court may change the name of
11 the child, if desired. No order or decree of adoption may be made until after
12 the child has lived for 6 months in the home of the petitioners.

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

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

20 **Sec. 3.** NRS 127.220 is hereby amended to read as follows:

21 127.220 As used in NRS ~~127.230~~ 127.220 to 127.310, inclusive, *and*
22 *section 1 of this act*, unless the context otherwise requires:

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

26 2. "Child-placing agency" means the division or a nonprofit
27 corporation organized pursuant to chapter 82 of NRS, and licensed by the
28 division to place children for adoption or permanent free care.

29 3. "Person" includes a hospital.

30 4. "Recommend the placement of a child" means to suggest to a
31 licensed child-placing agency that a prospective adoptive parent be allowed
32 to adopt a specific child, born or in utero.

33 **Sec. 4.** Chapter 128 of NRS is hereby amended by adding thereto a
34 new section to read as follows:

35 *Except as otherwise required by specific statute, the court shall use its*
36 *best efforts to ensure that proceedings conducted pursuant to this chapter*
37 *are completed within 6 months after the petition is filed.*

38 **Sec. 5.** NRS 128.100 is hereby amended to read as follows:

39 128.100 1. In any proceeding for terminating parental rights, or any
40 rehearing or appeal thereon, the court may appoint an attorney to represent
41 the child as his counsel and *, if the child does not have a guardian ad*
42 *litem appointed pursuant to NRS 432B.500, as his* guardian ad litem.

2. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

Sec. 6. NRS 128.105 is hereby amended to read as follows:

128.105 The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for *the* termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

1. The best interests of the child would be served by the termination of parental rights; and

2. The conduct of the parent or parents *was the basis for a finding made pursuant to subsection 3 of section 18 of this act or* demonstrated at least one of the following:

(a) Abandonment of the child;

(b) Neglect of the child;

(c) Unfitness of the parent;

(d) Failure of parental adjustment;

(e) Risk of serious physical, mental or emotional injury to the child if he were returned to, or remains in, the home of his parent or parents;

(f) Only token efforts by the parent or parents:

(1) To support or communicate with the child;

(2) To prevent neglect of the child;

(3) To avoid being an unfit parent; or

(4) To eliminate the risk of serious physical, mental or emotional injury to the child; or

(g) With respect to termination of the parental rights of one parent, the abandonment by that parent.

Sec. 7. NRS 128.109 is hereby amended to read as follows:

128.109 1. If a child has been placed outside *of* his home pursuant to chapter 432B of NRS, the following provisions must be applied ~~for the purposes of determining~~ *to determine* the conduct of the parent:

(a) If the child has resided outside *of* his home pursuant to that placement for ~~18~~ *14* months of any ~~24~~ *20* consecutive months, it must be presumed that the parent or parents have demonstrated only token efforts to care for the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.

(b) If the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the date

1 on which the child was placed or the plan was commenced, whichever
2 occurs later, that failure to comply is evidence of failure of parental
3 adjustment as set forth in paragraph (d) of subsection 2 of NRS 128.105.

4 2. If a child has been placed outside *of* his home pursuant to chapter
5 432B of NRS and has resided outside *of* his home pursuant to that
6 placement for ~~[18]~~ 14 months of any ~~[24]~~ 20 consecutive months, the best
7 interests of the child must be presumed to be served by *the* termination of
8 parental rights.

9 3. The presumptions specified in subsections 1 and 2 must not be
10 overcome or otherwise affected by evidence of failure of the state to
11 provide services to the family.

12 **Sec. 8.** NRS 128.110 is hereby amended to read as follows:

13 128.110 1. Whenever the procedure described in this chapter has
14 been followed, and upon finding grounds for *the* termination of parental
15 rights pursuant to NRS 128.105 at a hearing upon the petition, the court
16 shall make a written order, signed by the judge presiding in the court,
17 judicially depriving the parent or parents of the custody and control of, and
18 terminating the parental rights of the parent or parents with respect to the
19 child, and declaring the child to be free from such custody or control, and
20 placing *the* custody and control *of the child* in some person or agency
21 qualified by the laws of this state to provide services and care to children,
22 or to receive any children for placement.

23 2. If the child is placed in the custody and control of a person or
24 agency qualified by the laws of this state to receive children for placement,
25 the person or agency, ~~[may,]~~ in seeking to place the child ~~[]~~ :

26 (a) *May* give preference to *the placement of the child with* any person
27 related within the third degree of consanguinity to the child whom the
28 person or agency finds suitable and able to provide proper care and
29 guidance for the child, regardless of whether the relative resides within this
30 state.

31 (b) *Shall, if practicable, give preference to the placement of the child*
32 *together with his siblings.*

33 *Any search for a relative with whom to place a child pursuant to this*
34 *subsection must be completed within 1 year after the initial placement of*
35 *the child outside of his home.*

36 **Sec. 9.** Chapter 432 of NRS is hereby amended by adding thereto a
37 new section to read as follows:

38 *As soon as practicable after the division receives an application by a*
39 *person to receive the placement of a child, the division shall notify the*
40 *person in writing as to whether the person will be considered for*
41 *approval as an adoptive parent or as a provider of foster care.*

1 **Sec. 10.** NRS 432.032 is hereby amended to read as follows:
2 432.032 The division shall adopt regulations for the administration of
3 NRS 432.010 to 432.085, inclusive, *and section 9 of this act*, which are
4 binding upon all recipients and local units.

5 **Sec. 11.** NRS 432.100 is hereby amended to read as follows:
6 432.100 1. There is hereby established a statewide central registry
7 for the collection of information concerning the abuse or neglect of a child.
8 This central registry must be maintained by and in the central office of the
9 division.

10 2. The central registry must contain:

11 (a) The information in any report of child abuse or neglect made
12 pursuant to NRS 432B.220, and the results, if any, of the investigation of
13 the report;

14 (b) Statistical information on the protective services provided in this
15 state; and

16 (c) Any other information which the division determines to be in
17 furtherance of NRS 432.100 to 432.130, inclusive, and 432B.010 to
18 432B.400, inclusive ~~H~~, *and sections 17 and 18 of this act*.

19 3. The division may designate a county hospital in each county whose
20 population is 100,000 or more as a regional registry for the collection of
21 information concerning the abuse or neglect of a child.

22 **Sec. 12.** Chapter 432B of NRS is hereby amended by adding thereto
23 the provisions set forth as sections 13 to 18, inclusive, of this act.

24 **Sec. 13. 1.** *The rural advisory board to expedite proceedings for*
25 *the placement of children, consisting of two members from each local*
26 *advisory board created by a district court pursuant to section 14 of this*
27 *act, is hereby created within the division of child and family services.*

28 **2.** *After the initial terms, the members of the rural advisory board*
29 *serve terms of 4 years. Any member of the rural advisory board may be*
30 *reappointed. If a vacancy occurs during the term of a member, the*
31 *district court that created the local advisory board from which the*
32 *member was appointed shall appoint a person to replace that member for*
33 *the remainder of the unexpired term.*

34 **3.** *Members of the rural advisory board serve without compensation,*
35 *except that necessary travel and per diem expenses may be reimbursed,*
36 *not to exceed the amounts provided for state officers and employees*
37 *generally, to the extent that money is made available for that purpose.*

38 **4.** *The division of child and family services shall provide the rural*
39 *advisory board with administrative support and shall provide any*
40 *information requested by the rural advisory board to the rural advisory*
41 *board within 10 working days after receiving the request for information.*

42 **5.** *The rural advisory board shall:*

1 (a) *At its first meeting and annually thereafter, elect a chairman from*
2 *among its members.*

3 (b) *Meet at least four times annually and may meet at other times*
4 *upon the call of the chairman.*

5 (c) *Review the findings of each local advisory board created pursuant*
6 *to section 14 of this act.*

7 (d) *Prepare and make available to the public an annual report*
8 *including, without limitation, a summary of the activities of the rural*
9 *advisory board.*

10 **Sec. 14. 1.** *The district court in each judicial district that includes*
11 *a county whose population is less than 100,000 shall create a local*
12 *advisory board to expedite proceedings for the placement of children.*
13 *The district court shall appoint to the local advisory board:*

14 (a) *One member who is representative of foster parents;*

15 (b) *One member who is representative of attorneys in public or private*
16 *practice;*

17 (c) *One member who is employed by the division of child and family*
18 *services;*

19 (d) *One member who is either employed by the public school system*
20 *and works with children on a regular basis, or works in the field of*
21 *mental health and works with children on a regular basis; and*

22 (e) *One member who is a resident of the judicial district in which the*
23 *local advisory board is created.*

24 **2.** *The district court shall provide for initial terms of each member of*
25 *the local advisory board so that the terms are staggered. After the initial*
26 *terms, the members of the local advisory board shall serve terms of 4*
27 *years. Any member of the local advisory board may be reappointed. If a*
28 *vacancy occurs during the term of a member, the district court shall*
29 *appoint a person similarly qualified to replace that member for the*
30 *remainder of the unexpired term. The district court may remove a*
31 *member from the local advisory board if the member neglects his duty or*
32 *commits malfeasance in office.*

33 **3.** *The district court shall appoint two members of the local advisory*
34 *board to serve on the rural advisory board created pursuant to section 13*
35 *of this act.*

36 **4.** *Members of a local advisory board serve without compensation,*
37 *and necessary travel and per diem expenses may not be reimbursed.*

38 **5.** *The division of child and family services shall provide each local*
39 *advisory board with administrative support and shall provide any*
40 *information requested by a local advisory board to the local advisory*
41 *board within 10 working days after receiving the request for information.*

42 **6.** *Each local advisory board shall:*

1 (a) At its first meeting and annually thereafter, elect a chairman from
2 among its members.

3 (b) Review each case referred to it pursuant to section 15 of this act,
4 and provide the referring court and the office of the attorney general
5 with any recommendations to expedite the completion of the case.

6 (c) Twice each year, provide a report of its activities and any
7 recommendations to expedite the completion of cases to the district court,
8 the division of child and family services and the legislature, or the
9 legislative commission when the legislature is not in regular session.

10 7. A local advisory board may review other cases as deemed
11 appropriate by the district court.

12 **Sec. 15.** If the court has not approved the permanent placement of a
13 child within 12 months after the initial removal of the child from his
14 home, it shall refer the case to the local advisory board created pursuant
15 to section 14 of this act, if such a local advisory board was created for
16 that judicial district, to obtain recommendations from the local advisory
17 board to expedite the completion of the case.

18 **Sec. 16. 1.** To qualify for appointment as a guardian ad litem
19 pursuant to NRS 432B.500 in a judicial district that includes a county
20 whose population is less than 100,000, a special advocate must be a
21 volunteer from the community who completes an initial 12 hours of
22 specialized training and, annually thereafter, completes 6 hours of
23 specialized training. The training must be approved by the court and
24 include information regarding:

- 25 (a) The dynamics of the abuse and neglect of children;
- 26 (b) Factors to consider in determining the best interests of a child,
27 including planning for the permanent placement of the child;
- 28 (c) The interrelationships between the family system, legal process
29 and system of child welfare;
- 30 (d) Skills in mediation and negotiation;
- 31 (e) Federal, state and local laws affecting children;
- 32 (f) Cultural, ethnic and gender-specific issues;
- 33 (g) Domestic violence;
- 34 (h) Resources and services available in the community for children in
35 need of protection;
- 36 (i) Child development;
- 37 (j) Standards for guardians ad litem;
- 38 (k) Confidentiality issues; and
- 39 (l) Such other topics as the court deems appropriate.

40 2. To qualify for appointment as a guardian ad litem pursuant to
41 NRS 432B.500 in a judicial district that does not include a county whose
42 population is less than 100,000, a special advocate must be qualified
43 pursuant to the standards for training of the National Court Appointed

1 *Special Advocate Association or its successor. If such an association*
2 *ceases to exist, the court shall determine the standards for training.*

3 **Sec. 17.** *The division of child and family services shall:*

4 *1. Establish a panel comprised of volunteer members to evaluate the*
5 *extent to which agencies which provide protective services are effectively*
6 *discharging their responsibilities for the protection of children.*

7 *2. Adopt regulations to carry out the provisions of subsection 1*
8 *which must include, without limitation, the imposition of appropriate*
9 *restrictions on the disclosure of information obtained by the panel and*
10 *civil sanctions for the violation of those restrictions.*

11 **Sec. 18.** *1. Except as otherwise provided in this section, an agency*
12 *which provides protective services shall make reasonable efforts to*
13 *preserve and reunify the family of a child to prevent or eliminate the*
14 *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*
18 *agency which provides protective services may make reasonable efforts to*
19 *place the child for adoption or with a legal guardian concurrently with*
20 *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 services shall make*
24 *reasonable efforts to place the child in a timely manner in accordance*
25 *with that plan and to complete whatever actions are necessary to finalize*
26 *the permanent placement of the child.*

27 *3. An agency which provides protective services is not required to*
28 *make the reasonable efforts required by subsection 1 if the court finds*
29 *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*
34 *the parent or primary caretaker, which resulted in substantial bodily*
35 *harm to 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*
38 *or repetitious as to indicate that any plan to return the child to his home*
39 *would result in an unacceptable risk to the health or welfare of the child;*
40 *or*

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

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

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

8 *(d) The child or a sibling of the child was previously removed from his*
9 *home, adjudicated to have been abused or neglected, returned to his*
10 *home and subsequently removed from his home as a result of additional*
11 *abuse or neglect; or*

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

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

17 *(2) Is entitled to seek custody of the child but fails to do so within 60*
18 *days after learning that the child was placed in foster care.*

19 **Sec. 19.** NRS 432B.280 is hereby amended to read as follows:

20 432B.280 1. Reports made pursuant to this chapter, as well as all
21 records concerning these reports and investigations thereof, are
22 confidential.

23 2. Any person, law enforcement agency or public agency, institution or
24 facility who willfully releases data or information concerning such reports
25 and investigations, except:

26 (a) Pursuant to a criminal prosecution relating to *the* abuse or neglect of
27 a child; ~~and~~

28 ~~—(b) To persons or agencies enumerated in~~ *or*

29 *(b) As authorized pursuant to* NRS 432B.290,
30 is guilty of a misdemeanor.

31 **Sec. 20.** NRS 432B.290 is hereby amended to read as follows:

32 432B.290 1. Except as otherwise provided in ~~{subsection 2 or 5,}~~
33 *subsections 2, 5 and 6*, data or information concerning reports and
34 investigations thereof made pursuant to this chapter may be made available
35 only to:

36 (a) A physician who has before him a child who he reasonably believes
37 may have been abused or neglected;

38 (b) A person authorized to place a child in protective custody, if he has
39 before him a child who he reasonably believes may have been abused or
40 neglected and he requires the information to determine whether to place the
41 child in protective custody;

- 1 (c) An agency, including, without limitation, an agency in another
2 jurisdiction, responsible for or authorized to undertake the care, treatment
3 or supervision of:
- 4 (1) The child; or
5 (2) The person responsible for the welfare of the child;
- 6 (d) A district attorney or other law enforcement officer who requires the
7 information in connection with an investigation or prosecution of *the* abuse
8 or neglect of a child;
- 9 (e) A court, for in camera inspection only, unless the court determines
10 that public disclosure of the information is necessary for the determination
11 of an issue before it;
- 12 (f) A person engaged in bona fide research or an audit, but information
13 identifying the subjects of a report must not be made available to him;
- 14 (g) The *attorney and the* guardian ad litem of the child;
- 15 (h) A grand jury upon its determination that access to these records is
16 necessary in the conduct of its official business;
- 17 (i) ~~[An agency which provides protective services or which is authorized~~
18 ~~to receive, investigate and evaluate reports of abuse or neglect of a child;]~~
19 *A federal, state or local governmental entity, or an agency of such an*
20 *entity, that needs access to the information to carry out its legal*
21 *responsibilities to protect children from abuse and neglect;*
- 22 (j) A person ~~[who]~~ or an organization that has entered into a written
23 agreement with an agency which provides protective services to provide
24 assessments or services and that has been trained to make such assessments
25 or provide such services;
- 26 (k) A team organized *pursuant to NRS 432B.350* for the protection of a
27 child ; ~~[pursuant to NRS 432B.350;]~~
- 28 (l) A team organized pursuant to NRS 432B.405 to review the death of a
29 child;
- 30 (m) A parent or legal guardian of the child, if the identity of the person
31 responsible for reporting the alleged abuse or neglect of the child to a
32 public agency is kept confidential;
- 33 (n) The ~~[person named in the report as allegedly being abused or~~
34 ~~neglected, if he is not a minor or otherwise legally incompetent;]~~ *persons*
35 *who are the subject of a report;*
- 36 (o) An agency that is authorized by law to license foster homes or
37 facilities for children or to investigate persons applying for approval to
38 adopt a child, if the agency has before it an application for that license or is
39 investigating an applicant to adopt a child;
- 40 (p) Upon written consent of the parent, any officer of this state or a city
41 or county thereof or legislator authorized by the agency or department
42 having jurisdiction or by the legislature, acting within its jurisdiction, to

1 investigate the activities or programs of an agency that provides protective
2 services if:

3 (1) The identity of the person making the report is kept confidential;
4 and

5 (2) The officer, legislator or a member of his family is not the person
6 alleged to have committed the abuse or neglect;

7 (q) The division of parole and probation of the department of motor
8 vehicles and public safety for use pursuant to NRS 176.135 in making a
9 presentence investigation and report to the district court; ~~or~~

10 (r) Any person who is required pursuant to NRS 432B.220 to make a
11 report to an agency which provides protective services or to a law
12 enforcement agency ~~or~~;

13 *(s) The rural advisory board to expedite proceedings for the placement*
14 *of children created pursuant to section 13 of this act or a local advisory*
15 *board to expedite proceedings for the placement of children created*
16 *pursuant to section 14 of this act; or*

17 *(t) The panel established pursuant to section 17 of this act to evaluate*
18 *agencies which provide protective services.*

19 2. Except as otherwise provided in subsection 3, data or information
20 concerning reports and investigations thereof made pursuant to this chapter
21 may be made available to any member of the general public if the child
22 who is the subject of ~~the~~ a report dies or is critically injured as a result of
23 alleged abuse or neglect, except that the data or information which may be
24 disclosed is limited to:

25 (a) The fact that a report of abuse or neglect has been made and, if
26 appropriate, a factual description of the contents of the report;

27 (b) Whether an investigation has been initiated pursuant to NRS
28 432B.260, and the result of a completed investigation; and

29 (c) Such other information *as is* authorized for disclosure by a court
30 pursuant to subsection 4.

31 3. An agency which provides protective services shall not disclose data
32 or information pursuant to subsection 2 if the agency determines that the
33 disclosure is not in the best interests of the child or if disclosure of the
34 information would adversely affect any pending investigation concerning
35 ~~the~~ a report.

36 4. Upon petition, a court of competent jurisdiction may authorize the
37 disclosure of additional information to the public pursuant to subsection 2
38 if good cause is shown by the petitioner for the disclosure of the additional
39 information.

40 5. An agency investigating a report of the abuse or neglect of a child
41 shall, upon request, provide to a person named in the report as allegedly
42 causing the abuse or neglect of the child:

43 (a) A

copy

of:

1 (1) Any statement made in writing to an investigator for the agency by
2 the person named in the report as allegedly causing the abuse or neglect of
3 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 is
8 named in the report as allegedly causing the abuse or neglect of the child.

9 The summary must not identify the person responsible for reporting the
10 alleged abuse or neglect.

11 6. *An agency which provides protective services shall disclose the*
12 *identity of a person who makes a report or otherwise initiates an*
13 *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 7. 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,
23 who is given access, pursuant to subsection 1 or 2, to information
24 identifying the subjects of a report who makes this information public is
25 guilty of a misdemeanor.

26 ~~7.~~ 8. The division of child and family services shall adopt regulations
27 to carry out the provisions of this section.

28 **Sec. 21.** NRS 432B.290 is hereby amended to read as follows:

29 432B.290 1. Except as otherwise provided in ~~subsection 2,~~
30 *subsections 2 and 3*, data or information concerning reports and
31 investigations thereof made pursuant to this chapter may be made available
32 only to:

33 (a) A physician who has before him a child who he reasonably believes
34 may have been abused or neglected;

35 (b) A person authorized to place a child in protective custody, if he has
36 before him a child who he reasonably believes may have been abused or
37 neglected and he requires the information to determine whether to place the
38 child in protective custody;

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

42 (1) The child; or

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

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

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The *attorney and the* guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

~~(i) [An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;]~~

A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A team organized *pursuant to NRS 432B.350* for the protection of a child ; ~~[pursuant to NRS 432B.350;]~~

(k) *A team organized pursuant to NRS 432B.405 to review the death of a child;*

(l) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

~~[(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;]~~

(m) *The persons who are the subject of a report;*

(n) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

~~[(n)]~~ (o) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential;
and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect; ~~for~~

~~-(o)]~~ (p) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court

~~[(p)]~~ ;

1 *(q) The rural advisory board to expedite proceedings for the*
2 *placement of children created pursuant to section 13 of this act or a local*
3 *advisory board to expedite proceedings for the placement of children*
4 *created pursuant to section 14 of this act; or*

5 *(r) The panel established pursuant to section 17 of this act to evaluate*
6 *agencies which provide protective services.*

7 2. An agency investigating a report of the abuse or neglect of a child
8 shall, upon request, provide to a person named in the report as allegedly
9 causing the abuse or neglect of the child:

10 (a) A copy of:

11 (1) Any statement made in writing to an investigator for the agency by
12 the person named in the report as allegedly causing the abuse or neglect of
13 the child; or

14 (2) Any recording made by the agency of any statement made orally
15 to an investigator for the agency by the person named in the report as
16 allegedly causing the abuse or neglect of the child; or

17 (b) A written summary of the allegations made against the person who is
18 named in the report as allegedly causing the abuse or neglect of the child.
19 The summary must not identify the person responsible for reporting the
20 alleged abuse or neglect.

21 3. *An agency which provides protective services shall disclose the*
22 *identity of a person who makes a report or otherwise initiates an*
23 *investigation pursuant to this chapter if a court, after reviewing the*
24 *record in camera and determining that there is reason to believe that the*
25 *person knowingly made a false report, orders the disclosure.*

26 4. Any person, except for:

27 (a) The subject of a report;

28 (b) A district attorney or other law enforcement officer initiating legal
29 proceedings; or

30 (c) An employee of the division of parole and probation of the
31 department of motor vehicles and public safety making a presentence
32 investigation and report to the district court pursuant to NRS 176.135,
33 who is given access, pursuant to subsection 1, to information identifying the
34 subjects of a report who makes this information public is guilty of a
35 misdemeanor.

36 ~~[4.]~~ 5. The division of child and family services shall adopt regulations
37 to carry out the provisions of this section.

38 **Sec. 22.** NRS 432B.395 is hereby amended to read as follows:

39 432B.395 An agency which provides protective services shall submit
40 annually to the division of child and family services for its approval a plan
41 to ensure that *the* reasonable efforts *required by subsection 1 of section 18*
42 *of this act* are made by that agency . ~~[to prevent or eliminate removal of a~~

~~child from his home and, when removal is necessary, to facilitate the return of the child to his home.]~~

Sec. 23. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the ~~[child's]~~ welfare *of a child* who is alleged to have abused or neglected ~~[a]~~ *the* child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~, *and sections 15 and 16 of this act.* Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent him. The court may, if it finds it appropriate, appoint an attorney to represent the child.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney, as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. ~~[An]~~ *Except as otherwise provided in NRS 432B.500, an* attorney appointed to represent a child may also be appointed as guardian ad litem for the child. ~~[pursuant to NRS 432B.500, unless the attorney requests the appointment of a separate guardian ad litem.]~~ He may not receive any compensation for his services as a guardian ad litem.

Sec. 24. NRS 432B.457 is hereby amended to read as follows:

432B.457 1. If the court or a special master appointed pursuant to NRS 432B.455 finds that a person ~~[, including, but not limited to, a parent or other relative, teacher, friend or neighbor of a child:~~

~~—1.— Has a personal interest in the well-being of the child; or~~

~~—2.— Possesses information that is relevant to the determination of who should take custody of the]~~ *has a special interest in a* child, the court or the special master ~~[may allow]~~ *shall:*

(a) *Except for good cause, ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and*

(b) *Allow* the person to testify at any hearing held pursuant to this chapter to determine ~~[the person most qualified and suitable to take custody]~~ *any temporary or permanent placement* of the child.

2. *For the purposes of this section, a person “has a special interest in a child” if:*

(a) *The*

person

is:

- 1 (1) *A parent or other relative of the child;*
- 2 (2) *A foster parent or other provider of substitute care for the child;*
- 3 (3) *A provider of care for the medical or mental health of the child;*

4 *or*

- 5 (4) *A teacher or other school official who works directly with the*
- 6 *child; and*

7 (b) *The person:*

- 8 (1) *Has a personal interest in the well-being of the child; or*
- 9 (2) *Possesses information that is relevant to the determination of*
- 10 *the placement of the child.*

11 **Sec. 25.** NRS 432B.500 is hereby amended to read as follows:

12 432B.500 1. After a petition is filed that a child is in need of
13 protection pursuant to NRS 432B.490, the court shall appoint ~~to~~
14 ~~representative of an agency which provides protective services, a juvenile~~
15 ~~probation officer, an officer of the court or a volunteer as~~ a guardian ad
16 litem ~~to represent and protect the best interests of the child. A~~ *for the*
17 *child. The person so appointed:*

18 (a) *Must meet the requirements of section 16 of this act or, if such a*
19 *person is not available, a representative of an agency which provides*
20 *protective services, a juvenile probation officer, an officer of the court or*
21 *another volunteer.*

22 (b) *Must not be a* parent or other person responsible for the child's
23 welfare . ~~may not be so appointed.~~

24 2. No compensation may be allowed a person serving as a guardian ad
25 litem ~~to~~ *pursuant to this section.*

26 3. *A guardian ad litem appointed pursuant to this section shall:*

27 (a) *Represent and protect the best interests of the child until excused*
28 *by the court;*

29 (b) *Thoroughly research and ascertain the relevant facts of each case*
30 *for which he is appointed, and ensure that the court receives an*
31 *independent, objective account of those facts;*

32 (c) *Meet with the child wherever the child is placed as often as is*
33 *necessary to determine that the child is safe and to ascertain the best*
34 *interests of the child;*

35 (d) *Explain to the child the role of the guardian ad litem and, when*
36 *appropriate, the nature and purpose of each proceeding in his case;*

37 (e) *Participate in the development and negotiation of any plans for*
38 *and orders regarding the child, and monitor the implementation of those*
39 *plans and orders to determine whether services are being provided in an*
40 *appropriate and timely manner;*

41 (f) *Appear at all proceedings regarding the child;*

42 (g) *Inform the court of the desires of the child, but exercise his*
43 *independent judgment regarding the best interests of the child;*

1 *(h) Present recommendations to the court and provide reasons in*
2 *support of those recommendations;*

3 *(i) Request the court to enter orders that are clear, specific and, when*
4 *appropriate, include periods for compliance;*

5 *(j) Review the progress of each case for which he is appointed, and*
6 *advocate for the expedient completion of the case; and*

7 *(k) Perform such other duties as the court orders.*

8 **Sec. 26.** NRS 432B.540 is hereby amended to read as follows:

9 432B.540 1. If the court finds that the allegations of the petition are
10 true, it shall order that a report be made in writing by an agency which
11 provides protective services, concerning the conditions in the child's place
12 of residence, the child's record in school, the mental, physical and social
13 background of his family, its financial situation and other matters relevant
14 to the case.

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

20 (a) A description of the type, *safety* and appropriateness of the home or
21 institution in which the child could be placed, a plan for ~~assuring~~
22 *ensuring* that he would receive *safe and* proper care and a description of
23 his needs;

24 (b) A description of the services to be provided to the child and to a
25 parent to facilitate the return of the child to the custody of his parent or to
26 ~~assure~~ *ensure* his permanent placement;

27 (c) The appropriateness of the services to be provided under the plan;
28 and

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

30 3. If the child is not residing in his home, the agency shall include as a
31 part of the plan for the permanent placement of the child, established
32 pursuant to NRS 432B.590, a recommendation to terminate parental rights
33 unless it determines that initiating a petition for the termination of parental
34 rights is not in the best interests of the child. If the agency conclusively
35 determines that initiating a petition for the termination of parental rights is
36 not in the best interests of the child, it shall include a full explanation of the
37 basis for the determination as part of the plan.

38 **Sec. 27.** NRS 432B.550 is hereby amended to read as follows:

39 432B.550 1. If the court finds that ~~the~~ *a* child is in need of
40 protection, it shall determine whether ~~reasonable efforts were made by~~ the
41 agency which provides protective services ~~to prevent or eliminate the need~~
42 ~~for his removal from his home and to facilitate his return to his home.~~ *has*
43 *made the reasonable efforts required by subsection 1 of section 18 of this*

1 *act.* The court may, by its order, after receipt and review of the report from
2 the agency which provides protective services:

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

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

11 (c) Place him in the temporary custody of a public agency or institution
12 authorized to care for children, the local juvenile probation department, the
13 local department of juvenile services or a private agency or institution
14 licensed by the department of human resources to care for such a child; or

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

18 *In carrying out this subsection, the court may, in its sole discretion,*
19 *consider an application pursuant to chapter 159 of NRS for the*
20 *guardianship of the child. If the court grants such an application, it may*
21 *retain jurisdiction of the case or transfer the case to another court of*
22 *competent jurisdiction.*

23 2. If, pursuant to subsection 1, a child is placed other than with a parent
24 ~~to the~~:

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

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

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

35 4. A copy of the report prepared for the court by the agency which
36 provides protective services must be sent to the custodian and the parent or
37 legal guardian.

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

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

1 ***(b) If practicable, together with his siblings.***

2 ***Any search for a relative with whom to place a child pursuant to this***
3 ***section must be completed within 1 year after the initial placement of the***
4 ***child outside of his home.*** If a child is placed with any person who resides
5 outside ***of*** this state, the placement must be in accordance with NRS
6 127.330.

7 **Sec. 28.** NRS 432B.580 is hereby amended to read as follows:

8 432B.580 1. Except as otherwise provided in this section, if a child is
9 placed pursuant to NRS 432B.550 other than with a parent, the placement
10 must be reviewed by the court at least semiannually. Unless the parent,
11 guardian or the custodian objects to the referral, the court may enter an
12 order directing that the placement be reviewed by a panel appointed
13 pursuant to NRS 432B.585.

14 2. An agency acting as the custodian of the child shall, before any
15 hearing for review of the placement of a child, submit a report to the court,
16 or to the panel if it has been designated to review the matter, which
17 includes an evaluation of the progress of the child and his family and any
18 recommendations for further supervision, treatment or rehabilitation. A
19 copy of the report must be given to the parents, the guardian ad litem and
20 the attorney, if any, representing the parent or the child.

21 3. The court or the panel shall hold a hearing to review the placement,
22 unless the parent, guardian or ~~the~~ custodian files a motion with the court
23 to dispense with the hearing. If the motion is granted, the court or panel
24 may make its determination from any report, statement or other information
25 submitted to it.

26 4. Notice of the hearing must be given by registered or certified mail to
27 ~~all parties of~~ :

28 ***(a) All the parties to*** any of the prior proceedings ~~to~~ ; and

29 ***(b) Any persons planning to adopt the child, relatives of the child or***
30 ***providers of foster care who are currently providing care to the child,***
31 except a parent whose rights have been terminated pursuant to chapter 128
32 of NRS or who has voluntarily relinquished the child for adoption pursuant
33 to NRS 127.040.

34 5. The court or panel may require the presence of the child at the
35 ***hearing and shall provide to each person to whom notice was given***
36 ***pursuant to subsection 4 an opportunity to be heard at the*** hearing.

37 6. The court or panel shall review:

38 (a) The continuing necessity for and appropriateness of the placement;

39 (b) The extent of compliance with the plan submitted pursuant to
40 subsection 2 of NRS 432B.540;

41 (c) Any progress which has been made in alleviating the problem which
42 resulted in the placement of the child;

and

(d) The date the child may be returned to *and safely maintained in* his home or placed for adoption or under a legal guardianship.

7. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.

Sec. 29. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.600, the court shall hold a hearing concerning the permanent placement of ~~the child~~ *a child*:

(a) *Not* later than ~~18~~ 12 months after the ~~most recent~~ *initial* removal of the child from his home and annually thereafter.

(b) *Within 30 days after making any of the findings set forth in subsection 3 of section 18 of this act.*

Notice of this hearing must be given by registered or certified mail to all ~~parties of the dispositional proceeding, except a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.~~ *of the persons to whom notice must be given pursuant to subsection 4 of NRS 432B.580.*

2. The court may require the presence of the child at the *hearing and shall provide to each person to whom notice was given pursuant to subsection 1 an opportunity to be heard at the* hearing.

3. At the hearing the court shall establish a plan for the permanent placement of the child and determine whether:

(a) The child should be returned to his parents or other relatives;

(b) The child's placement in the foster home or other similar institution should be continued; or

(c) ~~It is~~ *It is in* the best interests of the child ~~to~~ *to initiate* proceedings to:

(1) Terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption; or

(2) Establish a guardianship pursuant to chapter 159 of NRS . ~~It should be initiated.~~

If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

4. If a child has been placed outside *of* his home and has resided outside *of* his home pursuant to that placement for ~~18~~ 14 months of any ~~24~~ 20 consecutive months, the best interests of the child must be presumed to be served by *the* termination of parental rights.

1 5. This hearing may take the place of the hearing for review required
2 by NRS 432B.580.

3 **6. *The provision of notice and an opportunity to be heard pursuant***
4 ***to this section does not cause any person planning to adopt the child, or***
5 ***any relative or provider of foster care to become a party to the hearing.***

6 **Sec. 30.** Sections 1, 3, 5 and 6 of Senate Bill No. 232 of this session
7 are hereby repealed.

8 **Sec. 31.** 1. This section and sections 1 to 12, inclusive, 14 to 20,
9 inclusive, and 22 to 30, inclusive, of this act become effective on July 1,
10 1999.

11 2. Section 13 of this act becomes effective upon the division of child
12 and family services of the department of human resources being notified of
13 the creation of three or more local advisory boards to expedite proceedings
14 for the placement of children pursuant to section 14 of this act.

15 3. Section 20 of this act expires by limitation on June 30, 2001.

16 4. Section 21 of this act becomes effective at 12:02 a.m. on July 1,
17 2001.

TEXT OF REPEALED SECTIONS

Sections 1, 3, 5 and 6 of Senate Bill No. 232 of this session:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption or permanent free care together with his siblings.

Sec. 3. NRS 127.220 is hereby amended to read as follows:
127.220 As used in NRS ~~127.230~~ **127.220** to 127.310, inclusive, ***and section 1 of this act***, unless the context otherwise requires:

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

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

3. "Person" includes a hospital

4. “Recommend the placement of a child” means to suggest to a licensed child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 5. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for *the* termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing *the* custody and control *of the child* in some person or agency qualified by the laws of this state to provide services and care to children, or to receive any children for placement.

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this state to receive children for placement, the person or agency, ~~may,~~ in seeking to place the child ~~is~~:

(a) *May* give preference to *the placement of the child with* any person related within the third degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

(b) *Shall, if practicable, give preference to the placement of the child together with his siblings.*

Sec. 6. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that ~~the~~ *a* child is in need of protection, it shall determine whether reasonable efforts were made by the agency which provides protective services to prevent or eliminate the need for his removal from his home and to facilitate his return to his home. The court may, by its order, after receipt and review of the report from the agency which provides protective services:

(a) Permit the child to remain in the custody of his parents or guardian with or without supervision by the court or a person or agency designated by the court, upon such conditions as the court may prescribe;

(b) Place him in the temporary or permanent custody of a relative who the court finds suitable to receive and care for him with or without supervision, upon such conditions as the court may prescribe;

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the department of human resources to care for such a child; or

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

2. If, pursuant to subsection 1, a child is placed other than with a parent, the parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.

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

4. A copy of the report prepared for the court by the agency which provides protective services must be sent to the custodian and the parent or legal guardian.

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

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

(b) If practicable, together with his siblings.

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