

ASSEMBLY BILL NO. 315—COMMITTEE ON JUDICIARY
(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

FEBRUARY 24, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes regarding adoption of children and protection of children from abuse and neglect in accordance with certain federal requirements. (BDR 11-846)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 children; 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; 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.** NRS 128.105 is hereby amended to read as follows:
2 128.105 The primary consideration in any proceeding to terminate
3 parental rights must be whether the best interests of the child will be served
4 by the termination. An order of the court for ***the*** termination of parental
5 rights must be made in light of the considerations set forth in this section
6 and NRS 128.106 to 128.109, inclusive, and based on evidence and
7 include a finding that:
8 1. The best interests of the child would be served by the termination of
9 parental rights; and
10 2. The conduct of the parent or parents ***was the basis for a finding***
11 ***made pursuant to subsection 3 of section 6 of this act or*** demonstrated at
12 least one of the following:
13 (a) Abandonment of the child;
14 (b) Neglect of the child;
15 (c) Unfitness of the parent;

- 1 (d) Failure of parental adjustment;
- 2 (e) Risk of serious physical, mental or emotional injury to the child if he
- 3 were returned to, or remains in, the home of his parent or parents;
- 4 (f) Only token efforts by the parent or parents:
 - 5 (1) To support or communicate with the child;
 - 6 (2) To prevent neglect of the child;
 - 7 (3) To avoid being an unfit parent; or
 - 8 (4) To eliminate the risk of serious physical, mental or emotional
 - 9 injury to the child; or
- 10 (g) With respect to termination of the parental rights of one parent, the
- 11 abandonment by that parent.

12 **Sec. 2.** NRS 128.109 is hereby amended to read as follows:

13 128.109 1. If a child has been placed outside *of* his home pursuant to

14 chapter 432B of NRS, the following provisions must be applied ~~for the~~

15 ~~purposes of determining~~ *to determine* the conduct of the parent:

16 (a) If the child has resided outside *of* his home pursuant to that

17 placement for ~~18~~ 15 months of any ~~24~~ 22 consecutive months, it must

18 be presumed that the parent or parents have demonstrated only token

19 efforts to care for the child as set forth in paragraph (f) of subsection 2 of

20 NRS 128.105.

21 (b) If the parent or parents fail to comply substantially with the terms

22 and conditions of a plan to reunite the family within 6 months after the

23 date on which the child was placed or the plan was commenced, whichever

24 occurs later, that failure to comply is evidence of failure of parental

25 adjustment as set forth in paragraph (d) of subsection 2 of NRS 128.105.

26 2. If a child has been placed outside *of* his home pursuant to chapter

27 432B of NRS and has resided outside *of* his home pursuant to that

28 placement for ~~18~~ 15 months of any ~~24~~ 22 consecutive months, the best

29 interests of the child must be presumed to be served by *the* termination of

30 parental rights.

31 3. The presumptions specified in subsections 1 and 2 must not be

32 overcome or otherwise affected by evidence of failure of the state to

33 provide services to the family.

34 **Sec. 3.** NRS 432.100 is hereby amended to read as follows:

35 432.100 1. There is hereby established a statewide central registry

36 for the collection of information concerning the abuse or neglect of a child.

37 This central registry must be maintained by and in the central office of the

38 division.

39 2. The central registry must contain:

40 (a) The information in any report of child abuse or neglect made

41 pursuant to NRS 432B.220, and the results, if any, of the investigation of

42 the

report;

1 (b) Statistical information on the protective services provided in this
2 state; and

3 (c) Any other information which the division determines to be in
4 furtherance of NRS 432.100 to 432.130, inclusive, and 432B.010 to
5 432B.400, inclusive ~~H~~, *and sections 5 and 6 of this act.*

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

9 **Sec. 4.** Chapter 432B of NRS is hereby amended by adding thereto
10 the provisions set forth as sections 5 and 6 of this act.

11 **Sec. 5.** *The division of child and family services shall:*

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

15 *2. Adopt regulations to carry out this section, which must include the*
16 *imposition of appropriate restrictions on the disclosure of information*
17 *obtained by the panel and civil sanctions for the violation of those*
18 *restrictions.*

19 **Sec. 6.** *1. Except as otherwise provided in this section, an agency*
20 *which provides protective services shall make reasonable efforts to*
21 *preserve and reunify the family of a child to prevent or eliminate the*
22 *need for his removal from his home and to make it possible for his safe*
23 *return to his home.*

24 *2. In determining the reasonable efforts required by subsection 1, the*
25 *health and safety of the child must be the paramount concern. The*
26 *agency which provides protective services may make reasonable efforts to*
27 *place the child for adoption or with a legal guardian concurrently with*
28 *making the reasonable efforts required pursuant to subsection 1. If the*
29 *court or the agency which provides protective services determines that*
30 *continuation of the reasonable efforts required by subsection 1 is*
31 *inconsistent with the plan for the permanent placement of the child, the*
32 *agency shall make reasonable efforts to place the child in a timely*
33 *manner in accordance with that plan and to complete whatever actions*
34 *are necessary to finalize the permanent placement of the child.*

35 *3. An agency which provides protective services is not required to*
36 *make the reasonable efforts required by subsection 1 if the court finds*
37 *that:*

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

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

41 *(2) Caused or allowed the abuse or neglect of the child, or of*
42 *another child of the parent or primary caretaker, which resulted in*
43 *substantial bodily harm to the abused or neglected child;*

1 (3) *Caused or allowed the abuse or neglect of the child, a sibling of*
2 *the child or another child in the household, and the abuse or neglect was*
3 *so extreme or repetitious as to indicate that any plan to return the child to*
4 *his home would result in an unacceptable risk to the health or welfare of*
5 *the child; or*

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

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

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

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

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

22 (1) *Has failed within 30 days after learning of the birth of the child,*
23 *to visit the child, to commence proceedings to establish his paternity of*
24 *the child or to provide financial support for the child; or*

25 (2) *Is entitled to seek custody of the child but fails to do so within 30*
26 *days after learning that the child was placed in foster care.*

27 **Sec. 7.** NRS 432B.280 is hereby amended to read as follows:

28 432B.280 1. Reports made pursuant to this chapter, as well as all
29 records concerning these reports and investigations thereof, are
30 confidential.

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

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

36 ~~—(b) To persons or agencies enumerated in} or~~

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

39 **Sec. 8.** NRS 432B.290 is hereby amended to read as follows:

40 432B.290 1. Except as otherwise provided in ~~{subsection 2 or 5,}~~
41 *subsections 2, 5 and 6*, data or information concerning reports and
42 investigations thereof made pursuant to this chapter may be made available
43 only

to:

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

1 adopt a child, if the agency has before it an application for that license or is
2 investigating an applicant to adopt a child;

3 (p) Upon written consent of the parent, any officer of this state or a city
4 or county thereof or legislator authorized by the agency or department
5 having jurisdiction or by the legislature, acting within its jurisdiction, to
6 investigate the activities or programs of an agency that provides protective
7 services if:

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

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

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

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

18 *(s) The panel established pursuant to section 5 of this act to evaluate*
19 *agencies which provide protective services.*

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

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

28 (b) Whether an investigation has been initiated pursuant to NRS
29 432B.260, and the result of a completed investigation; and

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

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

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

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

(a) A copy of:

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

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

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

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

7. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135, who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report who makes this information public is guilty of a misdemeanor.

~~7-1~~ 8. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 9. NRS 432B.290 is hereby amended to read as follows:

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

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

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

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

(1) The

child;

or

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

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

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

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

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

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

13 ~~(i) [An agency which provides protective services or which is~~
14 ~~authorized to receive, investigate and evaluate reports of abuse or neglect~~
15 ~~of a child;]~~ **A federal, state or local governmental entity, or an agency of**
16 **such an entity, that needs access to the information to carry out its legal**
17 **responsibilities to protect children from abuse and neglect;**

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

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

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

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

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

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

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

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

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

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

1 *(q) The panel established pursuant to section 5 of this act to evaluate*
2 *agencies which provide protective services.*

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

6 (a) A copy of:

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

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

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

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

22 4. Any person, except for:

23 (a) The subject of a report;

24 (b) A district attorney or other law enforcement officer initiating legal
25 proceedings; or

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

32 ~~{4.}~~ 5. The division of child and family services shall adopt regulations
33 to carry out the provisions of this section.

34 **Sec. 10.** NRS 432B.395 is hereby amended to read as follows:

35 432B.395 An agency which provides protective services shall submit
36 annually to the division of child and family services for its approval a plan
37 to ensure that *the* reasonable efforts *required by subsection 1 of section 6*
38 *of this act* are made by that agency . ~~{to prevent or eliminate removal of a~~
39 ~~child from his home and, when removal is necessary, to facilitate the return~~
40 ~~of the child to his home.}~~

41 **Sec. 11.** NRS 432B.540 is hereby amended to read as follows:

42 432B.540 1. If the court finds that the allegations of the petition are
43 true, it shall order that a report be made in writing by an agency which

1 provides protective services, concerning the conditions in the child's place
2 of residence, the child's record in school, the mental, physical and social
3 background of his family, its financial situation and other matters relevant
4 to the case.

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

10 (a) A description of the type , *safety* and appropriateness of the home or
11 institution in which the child could be placed, a plan for ~~{assuring}~~
12 *ensuring* that he would receive *safe and* proper care and a description of
13 his needs;

14 (b) A description of the services to be provided to the child and to a
15 parent to facilitate the return of the child to the custody of his parent or to
16 ~~{assure}~~ *ensure* his permanent placement;

17 (c) The appropriateness of the services to be provided under the plan;
18 and

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

20 3. If the child is not residing in his home, the agency shall include as a
21 part of the plan for the permanent placement of the child, established
22 pursuant to NRS 432B.590, a recommendation to terminate parental rights
23 unless it determines that initiating a petition for the termination of parental
24 rights is not in the best interests of the child. If the agency conclusively
25 determines that initiating a petition for the termination of parental rights is
26 not in the best interests of the child, it shall include a full explanation of
27 the basis for the determination as part of the plan.

28 **Sec. 12.** NRS 432B.550 is hereby amended to read as follows:

29 432B.550 1. If the court finds that ~~{the}~~ *a* child is in need of
30 protection, it shall determine whether ~~{reasonable efforts were made by}~~
31 the agency which provides protective services ~~{to prevent or eliminate the~~
32 ~~need for his removal from his home and to facilitate his return to his~~
33 ~~home.}~~ *has made the reasonable efforts required by subsection 1 of*
34 *section 6 of this act.* The court may, by its order, after receipt and review
35 of the report from the agency which provides protective services:

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

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

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

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

8 *In carrying out this subsection, the court may, in its sole discretion,*
9 *consider an application pursuant to chapter 159 of NRS for the*
10 *guardianship of the child. If the court grants such an application, it may*
11 *retain jurisdiction of the case or transfer the case to another court of*
12 *competent jurisdiction.*

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

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

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

25 5. In determining the placement of a child pursuant to this section, if
26 the child is not permitted to remain in the custody of his parents or
27 guardian, preference must be given to any person related within the third
28 degree of consanguinity to the child who is suitable and able to provide
29 proper care and guidance for the child, regardless of whether the relative
30 resides within this state. If a child is placed with any person who resides
31 outside *of* this state, the placement must be in accordance with NRS
32 127.330.

33 **Sec. 13.** NRS 432B.580 is hereby amended to read as follows:

34 432B.580 1. Except as otherwise provided in this section, if a child
35 is placed pursuant to NRS 432B.550 other than with a parent, the
36 placement must be reviewed by the court at least semiannually. Unless the
37 parent, guardian or the custodian objects to the referral, the court may enter
38 an order directing that the placement be reviewed by a panel appointed
39 pursuant to NRS 432B.585.

40 2. An agency acting as the custodian of the child shall, before any
41 hearing for review of the placement of a child, submit a report to the court,
42 or to the panel if it has been designated to review the matter, which
43 includes an evaluation of the progress of the child and his family and any

1 recommendations for further supervision, treatment or rehabilitation. A
2 copy of the report must be given to the parents, the guardian ad litem and
3 the attorney, if any, representing the parent or the child.

4 3. The court or the panel shall hold a hearing to review the placement,
5 unless the parent, guardian or ~~the~~ custodian files a motion with the court
6 to dispense with the hearing. If the motion is granted, the court or panel
7 may make its determination from any report, statement or other
8 information submitted to it.

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

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

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

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

20 6. The court or panel shall review:

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

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

24 (c) Any progress which has been made in alleviating the problem which
25 resulted in the placement of the child; and

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

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

31 **Sec. 14.** NRS 432B.590 is hereby amended to read as follows:

32 432B.590 1. Except as otherwise provided in NRS 432B.600, the
33 court shall hold a hearing concerning the permanent placement of the child
34 ~~no~~ :

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

37 *(b) Within 30 days after making any of the findings set forth in*
38 *subsection 3 of section 6 of this act.*

39 Notice of this hearing must be given by registered or certified mail to all
40 ~~parties of the dispositional proceeding, except a parent whose rights have~~
41 ~~been terminated pursuant to chapter 128 of NRS or who has voluntarily~~
42 ~~relinquished the child for adoption pursuant to NRS 127.040.] of the~~

1 *persons to whom notice must be given pursuant to subsection 4 of NRS*
2 *432B.580.*

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

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

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

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

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

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

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

17 4. If a child has been placed outside his home and has resided outside
18 his home pursuant to that placement for ~~18~~ 15 months of any ~~24~~ 22
19 consecutive months, the best interests of the child must be presumed to be
20 served by *the* termination of parental rights.

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

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

26 **Sec. 15.** 1. This section and sections 1 to 8, inclusive, and 10 to 14,
27 inclusive, of this act become effective upon passage and approval.

28 2. Section 8 of this act expires by limitation on June 30, 2001.

29 3. Section 9 of this act becomes effective at 12:02 a.m. on July 1,
30 2001.