

ASSEMBLY BILL NO. 531—COMMITTEE ON HEALTH
AND HUMAN SERVICES

MARCH 15, 1999

Referred to Committee on Health and Human Services

SUMMARY—Clarifies and limits liability of certain foster homes for children in their care.
(BDR 38-1637)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to foster homes; clarifying and limiting the liability of certain persons who provide foster care for children in their care; limiting the criminal liability of such persons for the truancy of children in their care; 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 422.310 is hereby amended to read as follows:
2 422.310 1. Spouse for spouse and , ***except as otherwise provided in***
3 ***subsection 2***, parents for minor children are liable for the support of an
4 applicant for or recipient of public assistance.
5 2. ***The provisions of subsection 1 do not impose any liability upon a***
6 ***person who is licensed by the division of child and family services of the***
7 ***department pursuant to NRS 424.030 to conduct a family foster home or***
8 ***group foster home, for the support of a child in his foster care.***
9 3. The welfare division shall investigate the ability of responsible
10 relatives to contribute to the support of an applicant for or recipient of
11 public assistance and shall determine the amount of such support for which
12 such relative is responsible.
13 **Sec. 2.** NRS 422.3752 is hereby amended to read as follows:
14 422.3752 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the***
15 chief of the program for the enforcement of child support of the welfare
16 division or his designee may enforce a court order for the support of a
17 child against the parents of a noncustodial parent of a child if:

1 (a) The custodial parent and noncustodial parent of the child are both
2 less than 18 years of age; and

3 (b) The custodial parent of the child is a member of a household that is
4 receiving benefits.

5 2. *The provisions of subsection 1 do not authorize the enforcement*
6 *against a person who is licensed by the division of child and family*
7 *services of the department pursuant to NRS 424.030 to conduct a family*
8 *foster home or group foster home, of a court order for the support of a*
9 *child by a noncustodial parent who is in the foster care of that person.*

10 3. If the chief or his designee enforces a court order against the parents
11 of a noncustodial parent pursuant to subsection 1, the parents of the
12 noncustodial parent are jointly and severally liable for the payments
13 required pursuant to the order.

14 **Sec. 3.** NRS 423.210 is hereby amended to read as follows:

15 423.210 1. A child other than an orphan must be admitted to the
16 northern Nevada children's home or the southern Nevada children's home
17 when committed by the district court of the county in which such child
18 resides as a dependent child.

19 2. The county from which the child was committed shall pay to the
20 superintendent the sum of \$200 monthly for the care and support of each
21 child committed. The superintendent shall deposit all money collected
22 pursuant to this subsection in the state general fund for credit to the
23 appropriate operating account. Except as otherwise provided in subsection
24 3 ~~H~~ *and section 4 of this act*, the order of commitment must require the
25 parent or parents of the child to reimburse the county the sum of \$200 per
26 month for the care and support of the child.

27 3. ~~HH~~ *Except as otherwise provided in section 4 of this act, if* it
28 appears to the district court that the parent or parents are unable to pay
29 \$200 per month, the order must require the payment of such lesser amount
30 as may be found to be reasonable ~~H~~ or, if the parents ~~be~~ *are* found
31 unable to pay anything, the order must provide that no such payments are
32 required.

33 4. If the parent or parents fail or refuse to comply with the order of the
34 court, the county where the child was committed shall thereupon be
35 entitled to recover from the parent or parents, by appropriate legal action,
36 all money due together with interest thereon at the rate of 7 percent per
37 annum.

38 5. The board of county commissioners of the county from which the
39 child was committed shall advise the district attorney of the county of the
40 failure of a parent or parents to make the support payments required by the
41 court order and the district attorney shall cause appropriate legal action to
42 be taken to collect the payments, together with interest thereon at the rate
43 of 7 percent per annum.

6. When any parent of a child committed pursuant to this section fails to pay the amount ordered for support or, if no support be ordered, fails to make any contribution for support, for a period of 1 year, that failure is prima facie proof of abandonment of the child by the parents.

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

1. Except as otherwise provided by specific statute, a person who is licensed by the division pursuant to NRS 424.030 to conduct a family foster home or group foster home is not liable for:

(a) Any act of a child in his foster care; or

(b) The care, support and maintenance of a child in his foster care who is placed in the custody of any other person or governmental entity as a result of any act of the child, unless the person licensed by the division took an affirmative action that contributed to the act of the child.

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

Sec. 5. NRS 424.090 is hereby amended to read as follows:

424.090 ***The provisions of*** NRS 424.010 to 424.100, inclusive, ***and section 4 of this act*** do not apply to homes in which:

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

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

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

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in NRS 127.2815.

Sec. 6. NRS 425.3822 is hereby amended to read as follows:

425.3822 1. ~~##~~ ***Except as otherwise provided in subsection 3, if*** there is no court order concerning the support of a child entered against the parent from whom support is sought, the chief may issue a notice and finding of financial responsibility after the division:

(a) Makes a payment of public assistance; or

(b) Receives a request for services to carry out the program.

2. The notice must be served upon the parent in the manner prescribed for service of summons in a civil action or by certified mail, restricted delivery, with return receipt requested.

3. The provisions of subsection 1 do not authorize the chief to issue a notice and finding of financial responsibility against a person who is licensed by the division of child and family services of the department of

1 *human resources pursuant to NRS 424.030 to conduct a family foster*
2 *home or group foster home, for the support of a child in the foster care*
3 *of that person unless the person is a responsible parent of the child.*

4 **Sec. 7.** NRS 432.085 is hereby amended to read as follows:

5 432.085 1. ~~[The]~~ *Except as otherwise provided in section 4 of this*
6 *act, the* parents of a child placed in the custody of the division pursuant to
7 the provisions of NRS 62.880 or 432.010 to 432.085, inclusive, or chapter
8 432B of NRS are liable to the division for the cost of maintenance and
9 special services provided to the child.

10 2. The division shall, in accordance with NRS 232.464, establish
11 reasonable schedules for the repayment of money owed by parents
12 pursuant to subsection 1.

13 3. The division may waive all or any part of the amount due pursuant
14 to this section if it determines that the parents of the child do not have the
15 ability to pay the amount.

16 4. If a parent refuses to pay the division for money owed under this
17 section, the division may bring a civil action to recover all money owed
18 with interest thereon at the rate of 7 percent per year commencing 30 days
19 after an itemized statement of the amount owed is submitted to the parents.

20 5. All money collected pursuant to this section must be deposited with
21 the state treasurer for credit to the state child welfare services account.

22 **Sec. 8.** NRS 41.470 is hereby amended to read as follows:

23 41.470 1. ~~[Any]~~ *Except as otherwise provided in section 4 of this*
24 *act, any* act of willful misconduct of a minor which results in any injury or
25 death to another person or injury to the private property of another or to
26 public property is imputed to the parents or guardian having custody and
27 control of the minor for all purposes of civil damages, and the parents or
28 guardian having custody or control are jointly and severally liable with the
29 minor for all damages resulting from the willful misconduct.

30 2. The joint and several liability of one or both parents or guardian
31 having custody or control of a minor under this section ~~[shall]~~ *must* not
32 exceed \$10,000 for any such act of willful misconduct of the minor.

33 3. The liability imposed by this section is in addition to any *other*
34 liability ~~[now]~~ imposed by law.

35 **Sec. 9.** NRS 62.085 is hereby amended to read as follows:

36 62.085 1. If a child is alleged to be delinquent or in need of
37 supervision, the child and his parents, guardian or custodian must be
38 advised by the court or its representative that the child is entitled to be
39 represented by an attorney at all stages of the proceedings, unless waived.
40 If indigent, the parent, guardian or custodian of the child may request the
41 appointment of an attorney to represent the child pursuant to the provisions
42 in NRS 171.188. If not indigent and:

43 (a) An attorney is not retained for the child; or

(b) It does not appear that an attorney will be retained,
an attorney must be appointed for the child, unless waived.

2. ~~It~~ *Except as otherwise provided in section 4 of this act, if* an
attorney is appointed to represent a child ~~the~~ :

(a) *The* parents of that child shall pay the reasonable fees and expenses
of the attorney unless they are indigent ~~it~~ ; or

(b) If *the parents of the child are* indigent, the court may require the
parent, guardian or custodian of the child to reimburse the county or state
in accordance with his ability to pay.

3. The parent, guardian or custodian may be represented by an
attorney at all stages of the proceedings. In no case may an attorney be
appointed for him unless the court makes written findings that such an
appointment is required in the interest of justice and specifying the reasons
thereof.

4. Each attorney, other than a public defender, ~~it~~ appointed under the
provisions of this section ~~it~~ 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. 10. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, 62.224 and
62.2245, if the court finds that a child is within the purview of this chapter
it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody
of a suitable person elsewhere, upon such conditions as the court may
determine. A program of supervision in the home may include electronic
surveillance of the child. The legislature declares that a program of
supervision that includes electronic surveillance is intended as an
alternative to commitment and not as an alternative to probation, informal
supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or
agency authorized to care for children, or place him in a home with a
family. In committing a child to a private institution or agency the court
shall select one that is required to be licensed by the department of human
resources to care for such children ~~it~~ or, if the institution or agency is in
another state, by the analogous department of that state. The court shall not
commit a female child to a private institution without *the* prior approval of
the superintendent of the Caliente youth center, and shall not commit a
male child to a private institution without *the* prior approval of the
superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and
treatment as the court deems to be for the best interests of the child, except
as otherwise provided in this section.

1 (d) Order the parent, guardian, custodian or any other person to refrain
2 from continuing the conduct which, in the opinion of the court, has caused
3 or tended to cause the child to come within or remain under the provisions
4 of this chapter.

5 (e) If the child is less than 18 years of age, order:

6 (1) The parent, guardian or custodian of the child; and

7 (2) Any brother, sister or other person who is living in the same
8 household as the child over whom the court has jurisdiction,
9 to attend or participate in counseling, with or without the child, including,
10 but not limited to, counseling regarding parenting skills, alcohol or
11 substance abuse, or techniques of dispute resolution.

12 (f) ~~{Order}~~ *Except as otherwise provided in section 4 of this act, order*
13 the parent or guardian of the child to participate in a program designed to
14 provide restitution to the victim of an act committed by the child or to
15 perform public service.

16 (g) ~~{Order}~~ *Except as otherwise provided in section 4 of this act, order*
17 the parent or guardian of the child to pay all or part of the cost of the
18 proceedings, including, but not limited to, reasonable attorney's fees, any
19 costs incurred by the court and any costs incurred in the investigation of an
20 act committed by the child and the taking into custody of the child.

21 (h) Order the suspension of the child's driver's license for at least 90
22 days but not more than 2 years. If the child does not possess a driver's
23 license, the court may prohibit the child from receiving a driver's license
24 for at least 90 days but not more than 2 years:

25 (1) Immediately following the date of the order, if the child is eligible
26 to receive a driver's license.

27 (2) After the date he becomes eligible to apply for a driver's license,
28 if the child is not eligible to receive a license on the date of the order.
29 If the court issues an order suspending the driver's license of a child
30 pursuant to this paragraph, the judge shall require the child to surrender to
31 the court all driver's licenses then held by the child. The court shall, within
32 5 days after issuing the order, forward to the department of motor vehicles
33 and public safety the licenses, together with a copy of the order. If,
34 pursuant to this paragraph, the court issues an order delaying the ability of
35 a child to receive a driver's license, the court shall, within 5 days after
36 issuing the order, forward to the department of motor vehicles and public
37 safety a copy of the order. The department of motor vehicles and public
38 safety shall report a suspension pursuant to this paragraph to an insurance
39 company or its agent inquiring about the child's driving record, but such a
40 suspension must not be considered for the purpose of rating or
41 underwriting. The department of motor vehicles and public safety shall not
42 require the child to submit to the tests and other requirements which are
43 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a

1 condition of reinstatement or reissuance after a suspension of his license
2 pursuant to this paragraph, unless the suspension resulted from his poor
3 performance as a driver.

4 (i) Place the child, when he is not in school, under the supervision of:

5 (1) A public organization to work on public projects;

6 (2) A public agency to work on projects to eradicate graffiti; or

7 (3) A private nonprofit organization to perform other public service.

8 The person under whose supervision the child is placed shall keep the child
9 busy and well supervised and shall make such reports to the court as it may
10 require. ~~[As]~~ ***Except as otherwise provided in section 4 of this act, as*** a
11 condition of such a placement, the court may require the child or his parent
12 or guardian to deposit with the court a reasonable sum of money to pay for
13 the cost of policies of insurance against liability for personal injury and
14 damage to property or for industrial insurance, or both, during those
15 periods in which he performs the work, unless, in the case of industrial
16 insurance, it is provided by the organization or agency for which he
17 performs the work.

18 (j) Permit the child to reside in a residence without the immediate
19 supervision of an adult, or exempt the child from mandatory attendance at
20 school so that the child may be employed full time, or both, if the child is
21 at least 16 years of age, has demonstrated the capacity to benefit from this
22 placement or exemption and is under the strict supervision of the juvenile
23 division.

24 (k) Require the child to provide restitution to the victim of the crime
25 which the child has committed.

26 (l) Impose a fine on the child. If a fine is imposed, the court shall
27 impose an administrative assessment pursuant to NRS 62.223.

28 (m) If the child has not previously been found to be within the purview
29 of this chapter and if the act for which the child is found to be within the
30 purview of this chapter did not involve the use or threatened use of force or
31 violence, order the child to participate in a publicly or privately operated
32 program of sports or physical fitness. If the court orders the child to
33 participate in such a program, the court may order any or all of the
34 following, in the following order of priority if practicable:

35 (1) ~~[The]~~ ***Except as otherwise provided in section 4 of this act, the***
36 parent or guardian of the child, to the extent of his financial ability, to pay
37 the costs associated with the participation of the child in the program,
38 including, but not limited to, a reasonable sum of money to pay for the cost
39 of policies of insurance against liability for personal injury and damage to
40 property during those periods in which the child participates in the
41 program;

1 (2) The child to work on projects or perform public service pursuant
2 to paragraph (i) for a period that reflects the costs associated with the
3 participation of the child in the program; or

4 (3) The county in which the petition alleging the child to be
5 delinquent or in need of supervision is filed to pay the costs associated
6 with the participation of the child in the program.

7 2. ~~HH~~ *Except as otherwise provided in section 4 of this act, if* the
8 court finds that a child who is less than 17 years of age has committed a
9 delinquent act ~~the~~ :

10 (a) *The* court may order the parent or guardian of the child to pay any
11 fines and penalties imposed for the delinquent act ~~the~~ ; or

12 (b) If the parent or guardian is unable to pay the fines and penalties
13 imposed because of financial hardship, the court may require the parent or
14 guardian to perform community service.

15 3. In determining the appropriate disposition of a case concerning a
16 child found to be within the purview of this chapter, the court shall
17 consider whether the act committed by the child involved the use of a
18 firearm or the use or threatened use of force or violence against the victim
19 of the act and whether the child is a serious or chronic offender. If the
20 court finds that the act committed by the child involved the use of a
21 firearm or the use or threatened use of force or violence against the victim
22 or that the child is a serious or chronic offender, the court shall include the
23 finding in its order and may, in addition to the options set forth in
24 subsections 1 and 2 of this section and NRS 62.213:

25 (a) Commit the child for confinement in a secure facility, including a
26 facility which is secured by its staff.

27 (b) Impose any other punitive measures the court determines to be in
28 the best interests of the public or the child.

29 4. Except as otherwise provided in NRS 62.455 and 62.570, at any
30 time, either on its own volition or for good cause shown, the court may
31 terminate its jurisdiction concerning the child.

32 5. Whenever the court commits a child to any institution or agency
33 pursuant to this section or NRS 62.213, it shall transmit a summary of its
34 information concerning the child and order the administrator of the school
35 that the child last attended to transmit a copy of the child's educational
36 records to the institution or agency. The institution or agency shall give to
37 the court any information concerning the child that the court may require.

38 6. In determining whether to place a child pursuant to this section in
39 the custody of a person other than his parent, guardian or custodian,
40 preference must be given to any person related within the third degree of
41 consanguinity to the child whom the court finds suitable and able to
42 provide proper care and guidance for the child.

43 **Sec. 11.** NRS 62.213 is hereby amended to read as follows:

62.213 1. If the court finds that a child who is 8 years of age or older is:

- (a) Delinquent;
 - (b) In need of placement in a correctional or institutional facility; and
 - (c) In need of residential psychiatric services or other residential services for his mental health, if the child is 12 years of age or older,
- the court may, in addition to the options set forth in subsection 1 of NRS 62.211, commit the child to the custody of the division of child and family services of the department of human resources for suitable placement by the division pursuant to NRS 62.215.

2. ~~{The}~~ *Except as otherwise provided in section 4 of this act, the* court may order, when committing a child to the custody of the division of child and family services pursuant to this section, that the expense of his support and maintenance be paid in whole or in part by his parents, guardian or other person liable for his support and maintenance. Those payments must be paid to the administrator of the division of child and family services, who shall immediately deposit the money with the state treasurer for credit to a separate account in the state general fund for expenditure by the administrator to carry out the powers and duties of the administrator and the division of child and family services.

3. The court shall order, before committing a child to the custody of the division of child and family services pursuant to this section, that the child be given a physical examination, which includes a blood test, test for tuberculosis, urinalysis and examination for venereal disease, by a physician. The physician shall, within 5 days after the examination, make a written report of the results thereof to the clerk of the court. Upon receipt of the written report, the county auditor shall allow a claim for payment to the physician for the examination. The clerk of the court shall immediately forward a copy of the written report to the administrator of the division of child and family services.

Sec. 12. NRS 62.221 is hereby amended to read as follows:

62.221 Whenever any child is found to have committed a minor traffic offense, the judge ~~H~~ or his authorized representative ~~H~~ shall forward to the department of motor vehicles and public safety, in the form required by NRS 483.450, a record of the violation, other than *a* violation of a law or ordinance governing standing or parking, and may do any or all of the following:

1. Impose a fine. If a fine is imposed, the judge or his authorized representative shall impose an administrative assessment pursuant to NRS 62.223.

2. Recommend to the department of motor vehicles and public safety the suspension of the child's driver's license.

3. Require that the child attend and complete a traffic survival course.

1 4. ~~{Order}~~ *Except as otherwise provided in section 4 of this act, order*
2 that the child or his parents pay the reasonable cost of the child's attending
3 the traffic survival course.

4 5. Order the child to be placed on a work detail to repay any fine
5 imposed.

6 6. Order the child placed on probation.

7 **Sec. 13.** NRS 62.2245 is hereby amended to read as follows:

8 62.2245 1. If a child is found to have committed an unlawful act in
9 which the child damaged or destroyed the property of another person, in
10 addition to any action ordered pursuant to the provisions of this chapter,
11 the judge ~~{}~~ or his authorized representative ~~{}~~ shall order the child to
12 provide restitution to the owner of the property.

13 2. ~~{}~~ *Except as otherwise provided in section 4 of this act, if* the
14 child is not able to provide restitution, the judge ~~{}~~ or his authorized
15 representative ~~{}~~ shall order the parent or guardian of the child to provide
16 restitution to the owner of the property, unless the judge ~~{}~~ or his
17 authorized representative ~~{}~~ determines that extenuating circumstances
18 exist.

19 3. ~~{}~~ *Except as otherwise provided in section 4 of this act, if* the
20 child and his parent or guardian are unable to provide restitution because
21 of financial hardship, the judge ~~{}~~ or his authorized representative ~~{}~~ shall
22 order the child or his parent or guardian, or both, to perform community
23 service.

24 4. The community service must be performed for and under the
25 supervising authority of a county, city, town or other political subdivision
26 or agency of the State of Nevada or a charitable organization that renders
27 service to the community or its residents.

28 5. ~~{The judge,}~~ *Except as otherwise provided in section 4 of this act,*
29 *the judge* or his authorized representative ~~{}~~ may require the child or his
30 parent or guardian, or both, to deposit with the court a reasonable sum of
31 money to pay for the cost of a policy for insurance against liability for
32 personal injury and damage to property or for industrial insurance, or both,
33 during those periods in which the work is performed, unless, in the case of
34 industrial insurance, it is provided by the authority for which the work is
35 performed.

36 6. As used in this section, "property" includes real or personal
37 property.

38 **Sec. 14.** NRS 62.2275 is hereby amended to read as follows:

39 62.2275 1. If a child within the jurisdiction of the juvenile court is
40 found by the juvenile court to have committed the unlawful act of:

41 (a) Driving under the influence of intoxicating liquor or a controlled
42 substance in violation of NRS 484.379 or 484.3795;

43 (b) Using, possessing, selling or distributing a controlled substance; or

1 (c) Purchasing, consuming or possessing an alcoholic beverage in
2 violation of NRS 202.020,
3 the judge ~~{H}~~ or his authorized representative ~~{H}~~ shall require the child to
4 undergo an evaluation to determine if the child is an abuser of alcohol or
5 other drugs.

6 2. The evaluation of a child pursuant to this section:

7 (a) Must be conducted by:

8 (1) A counselor certified to make that classification by the bureau of
9 alcohol and drug abuse;

10 (2) A physician certified to make that classification by the board of
11 medical examiners; or

12 (3) A person who is approved to make that classification by the
13 bureau of alcohol and drug abuse,
14 who shall report to the judge the results of the evaluation and make a
15 recommendation to the judge concerning the length and type of treatment
16 required by the child.

17 (b) May be conducted at an evaluation center.

18 3. The judge shall:

19 (a) Order the child to undergo a program of treatment as recommended
20 by the person who conducted the evaluation pursuant to subsection 2.

21 (b) Require the treatment facility to submit monthly reports on the
22 treatment of the child pursuant to this section.

23 (c) ~~{Order}~~ *Except as otherwise provided in section 4 of this act, order*
24 the child, if he is at least 18 years of age or an emancipated minor, or the
25 parent or legal guardian of the child, to the extent of the financial resources
26 of the child or his parent or legal guardian, to pay any charges relating to
27 the evaluation and treatment of the child pursuant to this section. If the
28 child, or his parent or legal guardian, does not have the financial resources
29 to pay all ~~{of}~~ those charges:

30 (1) The judge shall, to the extent possible, arrange for the child to
31 receive treatment from a treatment facility which receives a sufficient
32 amount of federal or state money to offset the remainder of the costs; and

33 (2) The judge may order the child to perform supervised work for the
34 benefit of the community in lieu of paying the charges relating to his
35 evaluation and treatment. The work must be performed for and under the
36 supervising authority of a county, city, town or other political subdivision
37 or agency of the State of Nevada or a charitable organization that renders
38 service to the community or its residents. ~~{The}~~ *Except as otherwise*

39 *provided in section 4 of this act, the* court may require the child or his
40 parent or legal guardian to deposit with the court a reasonable sum of
41 money to pay for the cost of policies of insurance against liability for
42 personal injury and damage to property or for industrial insurance, or both,
43 during those periods in which the child performs the work, unless, in the

1 case of industrial insurance, it is provided by the authority for which he
2 performs the work.

3 4. A treatment facility is not liable for any damages to person or
4 property caused by a child who drives while under the influence of an
5 intoxicating liquor or a controlled substance after the treatment facility has
6 certified to his successful completion of a program of treatment ordered
7 pursuant to this section.

8 5. The provisions of this section do not prohibit a judge from:

9 (a) Requiring an evaluation to be conducted by a person who is
10 employed by a private company if the company meets the standards of the
11 bureau of alcohol and drug abuse. Such an evaluation may be conducted at
12 an evaluation center pursuant to paragraph (b) of subsection 2.

13 (b) Ordering the child to attend a program of treatment which is
14 administered by a private company.

15 6. All information relating to the evaluation or treatment of a child
16 pursuant to this section is confidential and, except as otherwise authorized
17 by the provisions of this chapter or the juvenile court, must not be
18 disclosed to any person other than the juvenile court, the child and his
19 attorney, if any, his parents or guardian, the prosecuting attorney and any
20 other person for whom the communication of that information is necessary
21 to effectuate the evaluation or treatment of the child. A record of any
22 finding that a child has violated the provisions of NRS 484.379 or
23 484.3795 must be included in the driver's record of that child for 7 years
24 after the date of the offense.

25 7. As used in this section:

26 (a) "Bureau of alcohol and drug abuse" means the bureau of alcohol
27 and drug abuse in the rehabilitation division of the department of
28 employment, training and rehabilitation.

29 (b) "Evaluation center" has the meaning ascribed to it in NRS
30 484.3793.

31 (c) "Treatment facility" has the meaning ascribed to it in NRS
32 484.3793.

33 **Sec. 15.** NRS 62.231 is hereby amended to read as follows:

34 62.231 1. The court may cause any child adjudged to be within its
35 jurisdiction to be examined by a physician, psychiatrist, psychologist or
36 other qualified person.

37 2. ~~{Whenever}~~ *Except as otherwise provided in section 4 of this act,*
38 *when* a child who is within the jurisdiction of the court appears to be in
39 need of nursing, medical, surgical or other care, the court may order the
40 parent or other person responsible for the care and support of the child to
41 provide such care. If the parent or other person fails to provide such care,
42 the court may, after due notice, order that the child be provided the care.

43 The expense thereof, when approved by the court, is a charge upon the

- 1 county, ~~to~~ but the court may adjudge that the person having the duty
- 2 under the law to support the child pay part or all ~~to~~ the expenses of such
- 3 care in the manner provided in NRS 62.820.

1 **Sec. 16.** NRS 62.455 is hereby amended to read as follows:

2 62.455 1. In addition to the options set forth in NRS 62.211 and
3 62.213 and in addition to any other requirements set forth in this chapter, if
4 a child is adjudicated delinquent for an act that, if committed by an adult,
5 would be a sexual offense, the court shall:

6 (a) Place the child under the supervision of a probation officer until the
7 child is no longer attending a public school or private school within this
8 state.

9 (b) Except as otherwise provided in NRS 62.475 and 62.485, prohibit
10 the child from attending a public school or private school that a victim of
11 the sexual offense is attending.

12 (c) Order the parents or guardians of the child to inform the probation
13 officer assigned to the child each time the child expects to change the
14 public school or private school that he is attending, not later than 20 days
15 before the expected date of the change.

16 (d) ~~{Order}~~ *Except as otherwise provided in section 4 of this act,* order
17 the parents or guardians of the child, to the extent of their financial ability,
18 to reimburse all or part of the additional costs of transporting the child, if
19 such costs are incurred by a county school district pursuant to NRS
20 392.251 to 392.271, inclusive.

21 (e) Inform the parents or guardians of the child of the requirements of
22 NRS 62.405 to 62.485, inclusive, 392.251 to 392.271, inclusive, and
23 394.162 to 394.167, inclusive.

24 2. The court may authorize a superintendent or the executive head of a
25 private school who receives notification from a probation officer pursuant
26 to NRS 62.465 to inform other appropriate educational personnel that the
27 child has been adjudicated delinquent for a sexual offense.

28 3. The court may not terminate its jurisdiction concerning the child for
29 the purposes of carrying out the provisions of NRS 62.405 to 62.485,
30 inclusive, until the child is no longer attending a public school or private
31 school within this state.

32 **Sec. 17.** NRS 62.800 is hereby amended to read as follows:

33 62.800 1. ~~{When}~~ *Except as otherwise provided in section 4 of this*
34 *act, when* a child is detained other than pursuant to a court order in a

35 facility for the temporary detention of children or other commitment
36 facilities administered or financed by the county for the detention of
37 children, the board of county commissioners is entitled to collect from the
38 parent, parents or guardian of such child all sums of money expended by
39 the county for the care and support of the child during the period of his
40 detention.

41 2. If the parent, parents or guardian fails or refuses so to reimburse the
42 county, the board of county commissioners may recover from such parent,

1 parents or guardian, by appropriate legal action, all sums of money due
2 together with interest thereon at the rate of 7 percent per annum.

3 **Sec. 18.** NRS 62.810 is hereby amended to read as follows:

4 62.810 1. ~~{When}~~ *Except as otherwise provided in section 4 of this*
5 *act, when* a child who is under the jurisdiction of the juvenile division of
6 the district court pursuant to this chapter receives ancillary services
7 administered or financed by a county, including , but not limited to ,
8 transportation or psychiatric, psychological or medical services, the county
9 is entitled to be reimbursed for such services from the parent of the child.

10 2. The board of county commissioners may adopt a sliding scale for
11 determining the amounts to be reimbursed for such services based on the
12 ability of the parent to pay, but the district court shall review each case and
13 make a finding as to the reasonableness of the charge in relation to the
14 parent's ability to pay.

15 3. If the parent refuses or otherwise fails to reimburse the county for
16 such services, the board may bring a civil action to recover all money
17 owed to it, together with interest thereon at 7 percent per annum
18 commencing 30 days after an itemized statement of the charge for such
19 services is submitted to the parent.

20 **Sec. 19.** NRS 62.820 is hereby amended to read as follows:

21 62.820 1. Whenever a child is committed by the court to custody
22 other than that of ~~{its}~~ *his* parents, and no provision is otherwise made by
23 law for the support of the child, compensation for the care of the child
24 while in such custody, when approved by order of the court, is a charge
25 upon the county where the child has a legal residence. If a female child is
26 committed to a private institution within the state, any compensation for
27 the care of the child which is not paid by a parent must be paid by the state
28 from money budgeted for by and appropriated to the Caliente youth center
29 bureau of the division of child and family services of the department of
30 human resources. A commitment must not be made to such a private
31 institution until the court has ascertained from the superintendent of the
32 institution that sufficient money is available for such compensation. This
33 subsection does not prohibit the payment of compensation by the Caliente
34 youth center bureau from money appropriated for that purpose to schools
35 outside the state to which female children are committed pursuant to NRS
36 210.580 or placed pursuant to NRS 62.215.

37 2. Notwithstanding any *other* provision ~~{made-by}~~ *of* the law of this
38 state for the support of such children, *except as otherwise provided in*
39 *section 4 of this act*, after the parent has been given a reasonable
40 opportunity to be heard, the court may order and decree that the parent
41 pay, in such a manner as the court may direct and within the parent's
42 ability to pay, a sum of money to cover in whole or in part the support of

1 the child. If the parent willfully fails or refuses to pay the sum, the court
2 may proceed against him for contempt of court.

3 3. Whenever the court orders the parent or parents of a child to pay for
4 the support of a child, as provided in this section, the money must be paid
5 to the superintendent or fiscal officer of the institution to which the child is
6 committed, or the chief administrative officer of the agency to whom the
7 child is committed.

8 **Sec. 20.** NRS 62.830 is hereby amended to read as follows:

9 62.830 1. Except as otherwise provided in this subsection, if a child
10 is committed to the custody of a regional facility for children, the court
11 may order that the expense of the child's support and maintenance be paid
12 by the county of the child's residence in an amount equal to any money
13 paid for that purpose by the division. Such an order may not be entered if
14 the county maintains the facility to which the child is committed.

15 2. ~~{The}~~ *Except as otherwise provided in section 4 of this act, the*
16 court may order that the parents, guardian or other person liable for the
17 support and maintenance of the child reimburse the county in whole or in
18 part for the expense of the child's support and maintenance.

19 3. This section does not prohibit the court from providing for the
20 support and maintenance of the child in any other manner authorized by
21 law.

22 4. As used in this section:

23 (a) "Division" means the division of child and family services of the
24 department of human resources.

25 (b) "Regional facility for children" includes:

26 (1) The institution in Douglas County known as China Spring Youth
27 Camp.

28 (2) The institution in Clark County known as Spring Mountain Youth
29 Camp.

30 (3) Any other institution established and maintained for the care of
31 minors adjudged delinquent and committed thereto, except the Nevada
32 youth training center and the Caliente youth center.

33 **Sec. 21.** NRS 176.139 is hereby amended to read as follows:

34 176.139 1. If a defendant is convicted of a sexual offense, the
35 division shall arrange for a psychosexual evaluation of the defendant as
36 part of the division's presentence investigation and report to the court.

37 2. The psychosexual evaluation of the defendant must be conducted by
38 a person professionally qualified to conduct psychosexual evaluations.

39 3. The person who conducts the psychosexual evaluation of the
40 defendant must use diagnostic tools that are generally accepted as being
41 within the standard of care for the evaluation of sex offenders, and the
42 psychosexual evaluation of the defendant must include:

43 (a) A comprehensive clinical interview with the defendant;

1 (b) A review of all investigative reports relating to the defendant's
2 sexual offense and all statements made by victims of that offense;

3 (c) A review of records relating to previous criminal offenses
4 committed by the defendant; and

5 (d) A review of records relating to previous evaluations and treatment
6 of the defendant.

7 4. The psychosexual evaluation of the defendant may include:

8 (a) A review of the defendant's records from school;

9 (b) Interviews with the defendant's parents, the defendant's spouse or
10 other persons who may be significantly involved with the defendant or
11 who may have relevant information relating to the defendant's
12 background; and

13 (c) The use of psychological testing, polygraphic examinations and
14 arousal assessment.

15 5. The person who conducts the psychosexual evaluation of the
16 defendant must be given access to all records of the defendant that are
17 necessary to conduct the evaluation, and the defendant shall be deemed to
18 have waived all rights of confidentiality and all privileges relating to those
19 records for the limited purpose of the evaluation.

20 6. The person who conducts the psychosexual evaluation of the
21 defendant shall prepare a comprehensive written report of the results of the
22 evaluation and ~~shall~~ provide a copy of that report to the division.

23 7. If a psychosexual evaluation is conducted pursuant to this section,
24 the court shall:

25 (a) Order the defendant, to the extent of his financial ability, to pay for
26 the cost of the psychosexual evaluation; or

27 (b) ~~##~~ *Except as otherwise provided in section 4 of this act, if* the
28 defendant was less than 18 years of age when the sexual offense was
29 committed and the defendant was certified and convicted as an adult, order
30 the parents or guardians of the defendant, to the extent of their financial
31 ability, to pay for the cost of the psychosexual evaluation. For the purposes
32 of this paragraph, the court has jurisdiction over the parents or guardians of
33 the defendant to the extent that is necessary to carry out the provisions of
34 this paragraph.

35 **Sec. 22.** NRS 206.330 is hereby amended to read as follows:

36 206.330 1. Unless a greater criminal penalty is provided by a
37 specific statute, a person who places graffiti on or otherwise defaces the
38 public or private property, real or personal, of another, without the
39 permission of the owner is guilty of a public offense, as prescribed in NRS
40 193.155, proportionate to the value of the property damaged or destroyed
41 and in no event less than a misdemeanor.

42 2. A person who violates subsection 1 shall, in addition to any other
43 fine or penalty imposed:

1 (a) For the first offense, perform not less than 50 hours, but not more
2 than 99 hours, of community service.

3 (b) For the second offense, perform not less than 100 hours, but not
4 more than 199 hours, of community service.

5 (c) For the third and each subsequent offense, perform not less than 200
6 hours of community service.

7 The community service assigned pursuant to this subsection must, if
8 possible, be related to the abatement of graffiti.

9 3. *Except as otherwise provided in section 4 of this act:*

10 (a) The parent or legal guardian of a person under the age of 17 years
11 who violates this section is liable for all fines and penalties imposed
12 against the person.

13 (b) If the parent or legal guardian is unable to pay the fine and penalties
14 resulting from a violation of this section because of financial hardship, the
15 court may require the parent or legal guardian to perform community
16 service.

17 4. If a person who is 18 years of age or older is found guilty of
18 violating this section, the court may issue an order suspending the driver's
19 license of the person for a period not to exceed 6 months in addition to any
20 other penalty imposed. If such an order is issued, the court shall require the
21 person to surrender all driver's licenses then held by the person. If the
22 person does not possess a driver's license, the court may issue an order
23 prohibiting the person from applying for a driver's license within the 6
24 months immediately following the date of the order. The court shall, within
25 5 days after issuing the order, forward to the department of motor vehicles
26 and public safety any licenses together with a copy of the order.

27 5. The department of motor vehicles and public safety:

28 (a) Shall not treat a violation of this section in the manner statutorily
29 required for a moving traffic violation.

30 (b) Shall report the suspension of a driver's license pursuant to this
31 section to an insurance company or its agent inquiring about the person's
32 driving record. An insurance company shall not use any information
33 obtained pursuant to this paragraph for purposes related to establishing
34 premium rates or determining whether to underwrite the insurance.

35 6. A criminal penalty imposed pursuant to this section is in addition to
36 any civil penalty or other remedy available pursuant to another statute for
37 the same conduct.

38 **Sec. 23.** NRS 210.180 is hereby amended to read as follows:

39 210.180 1. A court may commit to the school, and the administrator
40 may place in the school, any person between the ages of 12 and 18 years
41 who is found to be delinquent. Before any person is conveyed to the
42 school, the superintendent shall determine whether adequate facilities are
43 available to provide the necessary care to the person. The superintendent

1 shall fix the time at which the person must be delivered to the school. The
2 superintendent shall accept the person unless:

3 (a) There are not adequate facilities available to provide the necessary
4 care;

5 (b) There is not adequate money available for the support of the school;
6 or

7 (c) In the opinion of the superintendent, the person is not suitable for
8 admission to the school.

9 2. ~~{The}~~ *Except as otherwise provided in section 4 of this act, the*
10 court may order, when committing a person to the care, custody and
11 control of the school, that the expense of his support and maintenance be
12 paid in whole or in part by his parents, guardian or other person liable for
13 his support and maintenance. Such payments must be paid to the
14 administrator, who shall immediately deposit the money with the state
15 treasurer for credit to a separate account in the state general fund for
16 expenditure by the administrator to carry out the powers and duties of the
17 administrator and the division of child and family services of the
18 department of human resources.

19 3. The court shall order, before commitment, that the person be given
20 a physical examination, which includes a blood test, test for tuberculosis,
21 urinalysis and an examination for venereal disease, by a physician. The
22 physician shall, within 5 days after the examination, make a written report
23 of the results thereof to the clerk of the juvenile court, if there is one, and
24 otherwise to the county clerk of the county wherein the commitment was
25 ordered. Upon receipt of the written report, the county auditor shall allow a
26 claim for payment to the physician for the examination. The clerk of the
27 juvenile court or the county clerk, as the case may be, shall immediately
28 forward a copy of the written report to the superintendent.

29 **Sec. 24.** NRS 210.580 is hereby amended to read as follows:

30 210.580 1. A court may commit to the school, and the administrator
31 may place in the school, any person between the ages of 12 and 18 years
32 who is found to be delinquent. Before any person is conveyed to the
33 school, the superintendent shall determine whether adequate facilities are
34 available to provide the necessary care to the person. The superintendent
35 shall fix the time at which the person must be delivered to the school. The
36 superintendent shall accept the person unless:

37 (a) There are not adequate facilities available to provide the necessary
38 care;

39 (b) There is not adequate money available for the support of the school;
40 or

41 (c) In the opinion of the superintendent, the person is not suitable for
42 admission to the school.

1 Upon the written request of the superintendent, at any time either before or
2 after commitment to the school, the court may order commitment to a
3 school outside of the State of Nevada which is approved by the board, or to
4 a private institution within the State of Nevada.

5 2. ~~{The}~~ *Except as otherwise provided in section 4 of this act, the*
6 court may order, when committing a person to the care, custody and
7 control of the school, that the expense of his support and maintenance be
8 paid in whole or in part by his parents, guardian or other person liable for
9 his support and maintenance. Such payments must be paid to the
10 administrator, who shall immediately deposit the money with the state
11 treasurer for credit to a separate account in the state general fund for
12 expenditure by the administrator to carry out the powers and duties of the
13 administrator and the division of child and family services of the
14 department of human resources.

15 3. The court shall order, before commitment, that the person be given
16 a physical examination, which includes a blood test, test for tuberculosis,
17 urinalysis, and an examination for venereal disease by a physician. The
18 physician shall, within 5 days after the examination, make a written report
19 of the results thereof to the clerk of the juvenile court, if there is one, and
20 otherwise to the county clerk of the county wherein the commitment was
21 ordered. Upon receipt of the written report, the county auditor shall allow a
22 claim for payment to the physician for the examination. The clerk of the
23 juvenile court or the county clerk, as the case may be, shall immediately
24 forward a copy of the written report to the superintendent.

25 **Sec. 25.** NRS 379.160 is hereby amended to read as follows:

26 379.160 1. Any person who willfully detains any book, newspaper,
27 magazine, pamphlet, manuscript, filmstrip or other property of any public
28 library or reading room for more than 30 days after receipt of written
29 notice demanding the return of any such article or property shall be
30 punished by a fine of not more than \$500.

31 2. Any person who willfully cuts, tears, defaces, breaks or injures any
32 book, map, chart, picture, engraving, statue, coin, model, apparatus or
33 other work of literature, art, mechanics or object of curiosity deposited in
34 any public library or reading room shall be punished by a fine of not more
35 than \$500.

36 3. ~~{The}~~ *Except as otherwise provided in section 4 of this act, the*
37 parent or guardian of a minor who willfully and maliciously commits any
38 acts within the scope of subsection 1 or 2 is liable for all damages so
39 caused by the minor.

40 **Sec. 26.** NRS 392.210 is hereby amended to read as follows:

41 392.210 ~~{Any}~~

42 1. *Except as otherwise provided in subsection 2, a* parent, guardian or
43 other person who has control or charge of any child and to whom notice

1 has been given of the child's truancy as provided in NRS 392.130 and
2 392.140, and who fails to prevent the child's subsequent truancy within
3 that school year, is guilty of a misdemeanor.

4 ***2. A person who is licensed by the division of child and family
5 services of the department of human resources pursuant to NRS 424.030
6 to conduct a family foster home or group foster home is liable pursuant
7 to subsection 1 for a child in his foster care only if the person has
8 received notice of the truancy of the child as provided in NRS 392.130
9 and 392.140, and negligently fails to prevent the subsequent truancy of
10 the child within that school year.***

11 **Sec. 27.** NRS 393.170 is hereby amended to read as follows:

12 393.170 1. The board of trustees of a school district shall purchase
13 all new library books and supplies, all new textbooks and supplementary
14 schoolbooks which are necessary and have been approved by the state
15 board, ~~{of education,}~~ and school supplies necessary to carry out the
16 mandates of the school curriculum to be used by the pupils of the school
17 district. The cost of the books and supplies is a legal charge against the
18 school district fund.

19 2. All books purchased by the board of trustees must be held as
20 property of the school district, and must be loaned to the pupils of the
21 school in the school district while pursuing a course of study therein.

22 3. ~~{The}~~ ***Except as otherwise provided in section 4 of this act, the***
23 parents and guardians of pupils are responsible for all books and any and
24 all other material or equipment loaned to the children in their charge, and
25 shall pay to the clerk of the board of trustees, or to any other person
26 authorized by the board to receive the same, the full purchase price of all
27 such books, material or equipment destroyed, lost or so damaged as to
28 make them unfit for use by other pupils succeeding to their classes. The
29 board of trustees shall establish reasonable rules and regulations governing
30 the care and custody of such school property, and for the payment of fines
31 for damage thereto.

32 4. Equipment and materials for use in manual training, industrial
33 training and teaching domestic science may be supplied to the pupils in the
34 same manner, out of the same fund, and on the same terms and conditions
35 as books. No private ownership may be acquired in such equipment or
36 material, unless sold in the manner prescribed by law when such
37 equipment or material are no longer used or required for the schools of the
38 school district.

39 5. Authorized supplementary books and desk books for the use of
40 teachers must be purchased under NRS 393.160 to 393.210, inclusive, and
41 remain the property of the school district for which they were purchased,
42 unless sold in accordance with the provisions of this chapter.

6. The clerk of the board of trustees shall turn over to the county treasurer, within 30 days after receiving it, all money ~~to~~ collected under the provisions of this section, and the money must be credited to the school district fund.

7. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 28. NRS 433.404 is hereby amended to read as follows:

433.404 1. The division shall establish a fee schedule for services rendered through any program supported by the state pursuant to the provisions of ~~[chapters 433 to 436, inclusive.]~~ *chapter 433, 433A, 435 or 436* of NRS. The schedule must be submitted to the commission and the director of the department for joint approval before enforcement. The fees collected by facilities operated by the division pursuant to this schedule must be deposited in the state treasury to the credit of the state general fund, except as otherwise provided in NRS 433.354 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to mentally retarded clients.

2. For a facility providing services for the treatment of the mentally ill or mentally retarded, the fee established must approximate the cost of providing the service, but *, except as otherwise provided in NRS 433A.610 and 436.310 and section 33 of this act,* if a client is unable to pay in full the fee established pursuant to this section, the division may collect any amount the client is able to pay.

Sec. 29. NRS 433A.610 is hereby amended to read as follows:

433A.610 1. ~~[When]~~ *Except as otherwise provided in subsection 2, when* a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a mentally ill person who is a minor or the husband or wife of a mentally ill person, if of sufficient ability, and the estate of the mentally ill person, if the estate is sufficient for the purpose, shall pay the cost of the *maintenance of the* mentally ill ~~[person's maintenance,]~~ *person*, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. *Except as otherwise provided in NRS 432B.560 or pursuant to an agreement with a person who is licensed by the division of child and family services of the department pursuant to NRS 424.030 to conduct a family foster home or group foster home, such a person is not liable for the cost of any services provided pursuant to this chapter or chapter 433B of NRS to a child in his foster care. The provisions of this subsection do not require the provision of any services to a foster child.*

1 **3.** If a person or an estate liable for the care, maintenance and support
2 of a committed person neglects or refuses to pay the administrative officer
3 or the hospital rendering the service, the state is entitled to recover, by
4 appropriate legal action, all money owed to a division facility or which the
5 state has paid to a hospital for the care of a committed person, plus interest
6 at the rate established pursuant to NRS 99.040.

7 **Sec. 30.** NRS 433A.660 is hereby amended to read as follows:

8 433A.660 1. ~~He~~ *Except as otherwise provided in NRS 433A.610, if*
9 the client, his responsible relative pursuant to NRS 433A.610, *or his*
10 guardian or ~~the~~ estate neglects or refuses to pay the cost of treatment to
11 the division facility rendering service pursuant to the fee schedule
12 established under NRS 433.404 or 433B.250, as appropriate, the state is
13 entitled to recover by appropriate legal action all sums due, plus interest.

14 2. Before initiating such legal action, the division facility shall
15 demonstrate efforts at collection, which may include contractual
16 arrangements for collection through a private collection agency.

17 **Sec. 31.** NRS 433A.680 is hereby amended to read as follows:

18 433A.680 ~~The~~ *Except as otherwise provided in NRS 433A.610, the*
19 expense of diagnostic, medical and surgical services furnished to a client
20 admitted to a division facility by a person not on the staff of the facility,
21 whether rendered while the client is in a general hospital, an outpatient of a
22 general hospital or treated outside any hospital, must be paid by the client,
23 the guardian or relatives responsible pursuant to NRS 433A.610 for his
24 care. In the case of an indigent client or a client whose estate is inadequate
25 to pay the expenses, the expenses must be charged to the county from
26 which the admission to the division facility was made, if the client had,
27 before admission, been a resident of that county. The expense of such
28 diagnostic, medical and surgical services must not in any case be a charge
29 against or paid by the State of Nevada, except when in the opinion of the
30 administrative officer of the division mental health facility to which the
31 client is admitted payment should be made for nonresident indigent clients
32 and money is authorized pursuant to NRS 433.374 or 433B.230 and the
33 money is authorized in approved budgets.

34 **Sec. 32.** NRS 433B.250 is hereby amended to read as follows:

35 433B.250 1. The division shall establish a fee schedule for services
36 rendered through any program supported by the state pursuant to the
37 provisions of this chapter. The schedule must be submitted to the
38 commission and the director of the department for joint approval before
39 enforcement. The fees collected by facilities operated by the division
40 pursuant to this schedule must be deposited in the state treasury to the
41 credit of the state general fund, except as otherwise provided in NRS
42 433B.220 for fees collected pursuant to contract or agreement.

2. For a facility providing services for the treatment of mentally ill children, the fee established must approximate the cost of providing the service, but , *except as otherwise provided in NRS 433A.610*, if a client, or the parent or legal guardian of the client, is unable to pay in full the fee established pursuant to this section, the division may collect any amount the client, parent or legal guardian is able to pay.

Sec. 33. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 432B.560 and 435.040 or pursuant to an agreement with a person who is licensed by the division of child and family services of the department pursuant to NRS 424.030 to conduct a family foster home or group foster home, such a person is not liable for the cost of any services provided pursuant to this chapter to a child in his foster care.

2. The provisions of subsection 1 do not require the provision of any services to a foster child.

Sec. 34. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a mentally retarded person to a general hospital for necessary diagnostic, medical or surgical services not available within the division. ~~{All}~~ *Except as otherwise provided in section 33 of this act, all* expenses incurred under this section ~~{shall}~~ *must* be paid as follows:

1. In the case of a judicially committed mentally retarded person, such expenses ~~{shall}~~ *must* be paid by his parents or guardian to the extent of their reasonable financial ability as determined by the administrator, and the remainder, if any, ~~{shall be a charge upon}~~ *must be paid by* the county of the mentally retarded person's last known residence;

2. In the case of a mentally retarded person admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, such expenses ~~{shall be a charge upon}~~ *must be paid by* the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a mentally retarded person admitted to a division facility upon voluntary application as provided in NRS 435.081, such expenses ~~{shall}~~ *must* be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the administrator, and for the remainder, if any, the administrator shall explore all reasonable alternative sources of payment.

Sec. 35. NRS 435.090 is hereby amended to read as follows:

435.090 *Except as otherwise provided in section 33 of this act:*

1. When any mentally retarded child is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of ~~{such}~~ *the* child regarding the ability of ~~{such}~~ *the* parent, parents or guardian or the estate of the child to contribute to the

1 care, support and maintenance of ~~{such}~~ *the* child while residing in ~~{such}~~
2 *the* facility.

3 2. If the court determines that the parent, parents or guardian of the
4 child is able to contribute, it shall enter an order prescribing the amount to
5 be contributed.

6 3. If the court determines that the estate of the child is able to
7 contribute, it shall enter an order requiring that a guardian of the estate of
8 the child be appointed, if there is none, and that the guardian of the estate
9 contribute the amount prescribed by the court from ~~{such}~~ *the* estate.

10 4. If the parent, parents or guardian fail or refuse to comply with the
11 order of the court, the division is entitled to recover from the parent,
12 parents or guardian, by appropriate legal action, all sums due together with
13 interest.

14 **Sec. 36.** NRS 435.100 is hereby amended to read as follows:

15 435.100 1. When any mentally retarded person is transferred from
16 one care facility operated by the division to another care facility operated
17 by the division, the parent, parents or guardian shall continue to contribute
18 such amount for the care, support and maintenance of such person as may
19 have previously been ordered by the court of competent jurisdiction
20 committing such person.

21 2. ~~{H}~~ *Except as otherwise provided in section 33 of this act, if* no
22 such order was entered by the committing court, the division may petition
23 ~~{such}~~ *the* court for an order requiring the parent, parents or guardian to
24 contribute.

25 3. Any order for contribution entered under the provisions of
26 subsection 2 ~~{shall}~~ *must* be entered in the same manner and ~~{have}~~ *has* the
27 same effect as an order for contribution entered under the provisions of
28 NRS 435.090.

29 **Sec. 37.** NRS 436.310 is hereby amended to read as follows:

30 436.310 ~~{Fees}~~

31 1. *Except as otherwise provided in subsection 2, fees* for mental
32 health services, including services to the mentally retarded, rendered
33 pursuant to an approved county plan ~~{shall}~~ *must* be charged in accordance
34 with ability to pay, but not in excess of actual cost.

35 2. *Except as otherwise provided pursuant to an agreement with a*
36 *person who is licensed by the division of child and family services of the*
37 *department pursuant to NRS 424.030 to conduct a family foster home or*
38 *group foster home, such a person is not liable for the cost of any services*
39 *provided pursuant to this chapter to a child in his foster care. The*
40 *provisions of this subsection do not require the provision of any services*
41 *to a foster child.*

- 1 **Sec. 38.** NRS 597.870 is hereby amended to read as follows:
2 597.870 1. ~~[The]~~ *Except as otherwise provided in section 4 of this*
3 *act, the* parent or legal guardian, as the case may be, of a minor who steals
4 merchandise from, or damages property on, a merchant's premises is
5 civilly liable for:
6 (a) The retail value of the merchandise; and
7 (b) The fair market value of the damaged property,
8 plus damages of not less than \$100 nor more than \$250, costs of suit and
9 reasonable attorney's fees. An action may be brought even if there has
10 been no criminal conviction for the theft or damage. ~~[Recovery]~~ *Except as*
11 *otherwise provided in section 4 of this act, recovery* under this section
12 may be had in addition to, and is not limited by, any other provision of law
13 which limits the liability of a parent or legal guardian for the tortious
14 conduct of a minor.
15 2. An action under this section may be brought as a small claim in a
16 justice's court if the total amount sought does not exceed the statutory limit
17 for such a claim.
18 **Sec. 39.** The amendatory provisions of this act do not affect any
19 liability of a person incurred:
20 1. Before October 1, 1999; or
21 2. As a result of any act committed by a child before October 1, 1999.