

SENATE BILL NO. 232—SENATORS PORTER, RAWSON, TOWNSEND,
SCHNEIDER, WASHINGTON, JACOBSEN, AMODEI, CARE, JAMES, MCGINNESS,
RHOADS AND WIENER

FEBRUARY 22, 1999

JOINT SPONSOR: ASSEMBLYWOMAN SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing placement of children.
(BDR 11-1109)

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

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

AN ACT relating to children; requiring the division of child and family services of the department of human resources and private adoption agencies to disclose certain information to prospective adoptive parents; revising the amount of money that the division may charge for certain services it provides related to the placement of a child for adoption; providing a preference for the placement of siblings together; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 127 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *A child-placing agency shall, to the extent practicable, give preference*
4 *to the placement of a child for adoption or permanent free care together*
5 *with his siblings.*
6 **Sec. 2.** NRS 127.152 is hereby amended to read as follows:
7 127.152 1. Except as otherwise provided in subsection 2, the division
8 or a licensed child-placing agency shall provide the adopting parents of a
9 child with a report which includes:
10 (a) A copy of any medical records of the child which are in the
11 possession of the division or licensed child-placing agency; and

(b) Any information ~~regarding the medical and sociological history of the child~~ obtained by the division or licensed child-placing agency during interviews of the natural parent ~~and~~ **regarding:**

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

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies adopted by the division for the disclosure of such information.

2. The report created pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.

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

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

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

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

3. "Person" includes a hospital.

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

Sec. 4. NRS 127.275 is hereby amended to read as follows:

127.275 1. Except as otherwise provided in this section, the division shall, in accordance with NRS 232.464, charge ~~and~~ reasonable fees for the services it provides in placing, arranging the placement of or assisting in placing or arranging the placement of any child for adoption, and for conducting any investigation required by NRS 127.2805.

2. The fees charged for those services must vary based on criteria developed by the division, but must not exceed ~~\$2,500.~~ **the usual and customary fees that licensed child-placing agencies in the area where the services are provided, or in a similar geographic area, would charge for those services.** The division shall not discriminate between adoptions made through an agency and specific adoptions in setting its fees.

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

4. The division may waive or reduce any fee charged pursuant to this section if it determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

1 5. Any money collected pursuant to this section must be accounted for
2 in the appropriate account of the division and may be used only to pay for
3 the costs of any adoptive or post-adoptive services provided by the
4 division.

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

6 128.110 1. Whenever the procedure described in this chapter has
7 been followed, and upon finding grounds for *the* termination of parental
8 rights pursuant to NRS 128.105 at a hearing upon the petition, the court
9 shall make a written order, signed by the judge presiding in the court,
10 judicially depriving the parent or parents of the custody and control of, and
11 terminating the parental rights of the parent or parents with respect to the
12 child, and declaring the child to be free from such custody or control, and
13 placing *the* custody and control *of the child* in some person or agency
14 qualified by the laws of this state to provide services and care to children,
15 or to receive any children for placement.

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

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

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

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

27 432B.550 1. If the court finds that ~~{the}~~ *a* child is in need of
28 protection, it shall determine whether reasonable efforts were made by the
29 agency which provides protective services to prevent or eliminate the need
30 for his removal from his home and to facilitate his return to his home. The
31 court may, by its order, after receipt and review of the report from the
32 agency which provides protective services:

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

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

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

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

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

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

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

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

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

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

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