

ASSEMBLY BILL NO. 141—ASSEMBLYMAN WILLIAMS

FEBRUARY 14, 2001

Referred to Committee on Judiciary

SUMMARY—Imposes liability on state for certain damages caused by foster children.
(BDR 38-239)

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

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

AN ACT relating to foster children; imposing liability on the state for certain damages caused by foster children; 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 424 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 1. *The division is jointly and severally liable with a foster child and*
4 *any other persons against whom liability is imposed by law, for any*
5 *actual damages sustained:*
6 (a) *Except as otherwise provided in paragraph (b), to the private*
7 *property of another person or to public property caused by the willful*
8 *misconduct of the foster child.*
9 (b) *By another person, to the property of another person or to public*
10 *property caused by the negligence or willful misconduct of the foster*
11 *child when driving a motor vehicle.*
12 2. *The joint and several liability of the division established pursuant*
13 *to this section must not exceed \$10,000 for any act of a foster child.*
14 3. *The liability imposed pursuant to this section is in addition to any*
15 *other liability imposed by law.*
16 4. *The division may insure:*
17 (a) *Itself against any liability arising under this section.*
18 (b) *Against the expense of defending a claim against itself whether or*
19 *not liability exists on such a claim.*
20 5. *As used in this section, "foster child" means a child in the foster*
21 *care of a person who is licensed by the division pursuant to NRS 424.030*
22 *to conduct a family foster home or group foster home.*



* A B 1 4 1 *

- 1 **Sec. 2.** The liability imposed pursuant to section 1 of this act does not
2 apply to any act committed by a foster child before July 1, 2001.
3 **Sec. 3.** This act becomes effective on July 1, 2001.

